



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Follow-up Analysis on United States Capitol Police Controls over Evidence

Report Number OIG-2018-18

September 2018

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*UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003*



OFFICE OF 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. Our work was based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

We developed our recommendations based on the best knowledge available to OIG and discussed the draft findings 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.

Michael A. Bolton
Acting Inspector General

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Abbreviations and Acronyms

Crime Scene Search Officer	CSSO
Crime Scene Search Unit	CSS
Drug Enforcement Administration	DEA
Metropolitan Police Department of the District of Columbia	MPDC
Office of Inspector General	OIG
Office of Professional Responsibility	OPR
Operational Services Bureau	OSB
Patrol Mobile Response Division	PMRD
Property and Asset Management Division	PAMD
Standard Operating Procedures	SOP
United States Capitol Police	USCP or the Department

EXECUTIVE SUMMARY

In a previous audit—the *Performance Audit of USCP Controls Over Evidence*, Report Number OIG-2015-03, dated March 2015—the Office of Inspector General (OIG) found that the United States Capitol Police (USCP or the Department) should improve internal controls for ensuring the integrity of physical evidence collected, secured, and processed. To establish more efficient and effective controls over accountability of evidence, we made seven recommendations, which the Department agreed to implement. As of January 19, 2017, OIG had closed all seven of the recommendations based on comments and documentation the Department provided.

As part of its general oversight responsibility for USCP, OIG conducted a follow-up analysis of the Department’s implementation of recommendations contained in Report Number OIG-2015-03. Our objective was to confirm the Department took the corrective actions in implementing the recommendations. Our scope included existing controls over evidence related to the implementation of recommendations as outlined in our previous report.

We conducted interviews, site visits, and reviewed relevant documentation to gain an understanding of the Department’s implementation of recommendations. Based on our follow-up, a condition identified in the previous report reemerged. The Department’s Crime Scene Search Unit (CSS) could not provide documentation to support that it conducted routine internal inspections or audits of its evidence. The requirements included in Draft policies CSS provided to OIG would, however, clarify the frequency and substance of CSS internal inspections and audits. As a result, OIG issued a new recommendation that the Department implement the inspection and audit requirements from the Draft policies.

During follow-up work, a matter related to the CSS Evidence Room came to our attention. During a site visit, OIG observed the CSS Evidence Room did not appear to have sufficient storage space for the evidence. Failure to maintain sufficient space for evidence storage could have increased the risk of the Department improperly storing or securing evidence. OIG, therefore, issued a recommendation that the Department consider providing CSS with additional space for storing evidence.

On September 4, 2018, we provided a draft report to the Department for comment and attached their response in its entirety in Appendix B.

BACKGROUND

The United States Capitol Police (USCP or the Department) maintains a Crime Scene Search Unit (CSS), 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. CSS is a unit within the Patrol Mobile Response Division (PMRD) of the Operational Services Bureau (OSB). Crime Scene Search Officers (CSSOs) are sworn employees of the Department trained and certified in the techniques of investigating and processing crime scenes.

In a previous audit—the *Performance Audit of USCP Controls Over Evidence*, Report Number OIG-2015-03, dated March 2015—the Office of Inspector General (OIG) found that USCP should improve internal controls for ensuring the integrity of physical evidence collected, secured, and processed. Specifically, USCP should have a composite listing of evidence. In addition, the Department should also provide inventory guidance related to periodic counts and reconciliations of evidence and other items secured in its Evidence Lab and Evidence Room. Further, the Department did not have guidance describing how to report ammunition CSS transferred to the USCP Firearms Range for destruction.

USCP did not always comply with or have the required documentation that would verify it complied with guidance in its Standard Operating Procedures (SOPs). For example, USCP did not maintain appropriate documentation for the chain of custody over physical evidence obtained from crime scenes. The Department also did not comply with some SOPs because it did not update the SOPs to reflect changes in practices or technology.

Opportunities existed for the Department to use its resources in a more efficient and effective manner. USCP maintained most of its records in manual logbooks, which can be subject to clerical errors. In addition, the Department did not monitor the suitability of CSSOs to perform their duties or have a mechanism for removing CSSOs no longer appropriately performing their duties.

To establish more efficient and effective controls over accountability of evidence, we made seven recommendations, which the Department agreed to implement. As of January 19, 2017, OIG had closed all seven of the recommendations based on comments and documentation provided by the Department.

OBJECTIVE, SCOPE, AND METHODOLOGY

As part of its general oversight responsibility for USCP, OIG conducted a follow-up on the Department's implementation of recommendations contained in Report Number OIG-2015-03. Our objective was to confirm the Department took appropriate corrective actions in implementing the recommendations. Our scope included existing controls over evidence related to implementation of recommendations as outlined in the previous report.

To accomplish our objective, we interviewed officials in PMRD. We conducted a site visit to the CSS Evidence Lab, Evidence Room, and Office. We reviewed Report Number OIG-2015-03 as well as correspondence between OIG and USCP related to the closure of the recommendations included in the report. Additionally, we reviewed:

- Relevant policies and procedures related to accountability of evidence
- Evidence inventory data
- CSS Case Jackets
- Office of Professional Responsibility (OPR) Investigations, Inspections, and Audits related to CSS

OIG conducted this analysis in Washington, D.C., from July through August 2018. We did not conduct an audit, the objective of which would be the expression of an opinion on Department programs. Accordingly, we do not express such an opinion. Had we performed additional procedures, other issues might have come to our attention that we would have reported. This report is intended solely for the information and use of the Department, the USCP Board, and USCP Oversight Committees and should not be used by anyone other than the specified parties.

RESULTS

Our follow-up analysis identified reemergence of a condition identified in the previous report. Additionally, OIG identified a matter related to evidence that warranted the Department's attention.

Status of Previous Recommendations

In a previous audit (Report Number OIG-2015-03), OIG found that USCP needed to improve internal controls for ensuring the integrity of physical evidence collected, secured, and processed. To establish more efficient and effective controls over accountability of evidence, OIG made seven recommendations, which the Department agreed to implement. Prior to the start of our work, the Department provided OIG with the status of corrective actions for all seven of its recommendations, and OIG subsequently closed them. Based on our follow-up, a condition identified in the previous report reemerged. See the prior recommendations along with their status below:

Previous 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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP did not purchase a comprehensive electronic log system because of budget restraints. Department responses note that CSS maintains an Excel spreadsheet to record evidence received. Information on the spreadsheet is duplicated in the manual log books, which contains the signature of a CSSO. Department responses also note that CSS added a column identified as “Items” to the spreadsheet that would allow CSSOs to record evidence items they receive for a particular case.

We reviewed a copy of the Excel spreadsheet and verified the spreadsheet included a column for “Items.” During a site visit to the CSS Evidence Lab, we judgmentally selected and traced 10 entries from the spreadsheet to the manual log books. We confirmed each entry was in the log books with an item description and CSSO signature. During our follow-up work, the Department brought to our attention that it was in the process of obtaining the EvidenceOnQ system—an electronic inventory system the Metropolitan Police Department of the District of Columbia (MPDC) uses for managing physical evidence.

Previous 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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP implemented SOP [REDACTED], on August 18, 2016. The SOP states that supervisors in CSS conduct routine inspections of evidence procedures, records, log entries, and reports to ensure the accuracy of the evidence safe inventory. The responses note the Department considered weighing drugs as part of its inspection process but decided that CSS would continue handing drugs and drug paraphernalia to the Drug Enforcement Administration (DEA). The responses also state that the Department revised and implemented SOP [REDACTED], on November 10, 2016. The SOP includes requirements for the frequency of the inspections/audits of evidence, supporting documentation, proper signatures, and reporting due dates.

We reviewed SOPs [REDACTED] and requested documentation verifying that CSS conducted routine internal inspections or audits of its evidence. CSS could not, however, provide the requested documentation because officials did not know if inspections or audits took place. A CSS official stated they believed the requirement of “routine” audits was vague and

provided draft SOPs recently submitted up the chain of command. Draft SOPs [REDACTED] [REDACTED] [REDACTED] each include language requiring that CSS use EvidenceOnQ to audit evidence transactions and transfers on the first business day of each month for the preceding month. The Draft SOPs also include language requiring that the results of audits must be included on a comprehensive monthly Crime Scene Search Evidence/Contraband for Destruction Inventory Audit submitted to the OSB Commander. Specific language in the Draft SOPs would help clarify the frequency and substance of CSS internal inspections/audits as well as strengthen the Department's internal controls over accountability of evidence. See new recommendation below.

We obtained and reviewed the most recent OPR inspections/audits of CSS. We confirmed that OPR complied with [REDACTED] when it inspected and/or audited CSS.

Previous 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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP implemented SOP [REDACTED], on August 18, 2016. The SOP includes CSS procedures for ammunition transfers and requires that a Property Control Officer complete a [REDACTED],¹ for documenting the type of ammunition, quantity, and containing the signature of the Property and Asset Management Division (PAMD)² personnel accepting the ammunition. The responses state that the Department implemented SOP [REDACTED] dated July 15, 2015, and outline the procedures for documenting ammunition disposal on a [REDACTED].

We reviewed SOPs [REDACTED]. We also reviewed copies of [REDACTED] documenting ammunition transfers from CSS to PAMD and confirmed that the [REDACTED] contained, as SOP [REDACTED] requires, a description of the ammunition, quantity, and the signature of a PAMD employee accepting the ammunition. According to a PAMD official, PAMD had not yet disposed of any ammunition received from CSS since the Department implemented SOP [REDACTED]. The official stated PAMD will complete the [REDACTED] for the ammunition after final disposal.

¹ According to SOP [REDACTED] is a form used for recording the description, custody, and release of items of property and evidence under USCP control. The Department uses the [REDACTED] to report initial police custody of property, classify property, and to record and receive all transfers of property.

² PAMD is responsible for disposal of ammunition at the Rayburn House Office Building range.

Previous 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 [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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP implemented Directive [REDACTED] on September 14, 2016. The Directive states CSSOs have access to the USCP Command Center's computer-based report folder, which receives updates at the conclusion of each shift and includes reports each Division generates.

We reviewed Directive [REDACTED]. During a site visit to the CSS Office, we confirmed that CSSOs have access to the USCP Command Center's computer-based report folder, and a CSS official stated the arrangement works well. Also during this site visit, the CSS Supervisor demonstrated the case jacket review process and how the review is documented on a [REDACTED].

Previous 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]).

According to Department responses to recommendations in Report Number OIG-2015-03, USCP implemented SOP [REDACTED], on January 17, 2017, which addresses DEA procedures and procedures for digital photography.

We reviewed [REDACTED]. We confirmed it reflected changes in DEA procedures for providing lab numbers, did not contain any references to Polaroid film, and included procedures for digital photography.

Previous 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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP implemented a memorandum titled [REDACTED] on June 29, 2015, which outlined command discipline and unit retention for CSSOs.

We reviewed the memorandum, which states initiation of any OPR case for a CSSO related to their duties with CSS would result in the suspension of all CSS privileges and a sustained violation will result in removal from CSS. We obtained and reviewed the discipline history for CSS employees since the beginning of Fiscal Year 2016 through July 26, 2018. No instances of non-compliance with the memorandum existed.

Previous 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.

According to Department responses to recommendations in Report Number OIG-2015-03, USCP did not purchase a comprehensive electronic log system because of budget restraints.

The Department is in the process of obtaining the same EvidenceOnQ³ system that MPDC uses for managing its inventory of physical evidence. Multiple CSS officials stated EvidenceOnQ would increase the efficiency of CSS. Report Number OIG-2015-03 states the reduced workload from implementing the system would have a minimum monetary impact of about \$6,000 per year in reduced labor costs.

Conclusion

Based on our follow-up, a condition identified in the previous report reemerged. CSS could not provide documentation supporting that it conducted routine internal inspections or audits of evidence. The requirements in the Draft SOPs CSS provided would clarify the frequency and substance of CSS internal inspections and audits. Therefore, OIG makes the following recommendation.

Recommendation 1: We recommend that the United States Capitol Police implement the inspection and audit requirements from Draft Standard Operating Procedures [REDACTED]

³ EvidenceOnQ is a FileOnQ product.

Other Matters

During our follow-up work, a matter related to the CSS Evidence Room came to our attention. During a site visit, OIG observed the CSS Evidence Room did not appear to have sufficient storage space for the evidence on hand. According to a CSS official, although it generally stores USCP evidence for cases prosecuted in the District of Columbia, MPDC does not store USCP evidence for cases prosecuted outside the District of Columbia and sometimes does not accept items because of size. Failure to maintain sufficient space for evidence storage could have increased the risk of the Department improperly storing or securing evidence.

Conclusion

OIG observed the CSS Evidence Room did not appear to have sufficient storage space for the evidence CSS had on hand. Failure to maintain sufficient space for evidence storage could have increased the risk of the Department improperly storing or securing evidence. Therefore, OIG makes the following recommendation.

Recommendation 2: We recommend that the United States Capitol Police consider providing the Crime Scene Search Unit with additional space for storing evidence.

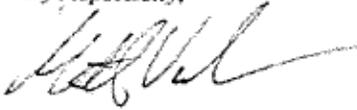
APPENDICES

List of Recommendations

Recommendation 1: We recommend that the United States Capitol Police implement the inspection and audit requirements from Draft Standard Operating Procedures [REDACTED]

Recommendation 2: We recommend that the United States Capitol Police consider providing the Crime Scene Search Unit with additional space for storing evidence.

DEPARTMENT COMMENTS

	<p>UNITED STATES CAPITOL POLICE WASHINGTON, DC 20510-7210</p>	<p>FD-1005 (02-2014-515)</p>
<p>September 14, 2018</p>		
		<p>COP 180999</p>
<p>MEMORANDUM</p>		
<p>TO:</p>	<p>Mr. Michael A. Bolton Acting Inspector General</p>	
<p>FROM:</p>	<p>Matthew R. Verderosa Chief of Police</p>	
<p>SUBJECT:</p>	<p>Response to Office of Inspector General draft report <i>Follow-up Analysis on United States Capitol Police Controls over Evidence</i> (Report No. OIG-2018-18)</p>	
<p>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) draft report <i>Follow-up Analysis United States Capitol Police Office Controls over Evidence</i> (Report No. OIG-2018-18)</p>		
<p>The Department generally agrees with all of the recommendations and appreciates the opportunity to work with the OIG to further improve upon current policies and procedures process within the Department. The Department will assign Action Plans to appropriate personnel regarding each recommendation in effect to achieve long term resolution of these matters.</p>		
<p>Thank you for the opportunity to respond to the OIG's draft report. Your continued support of the women and men of the United States Capitol Police is appreciated.</p>		
<p>Very respectfully,  Matthew R. Verderosa Chief of Police</p>		
<p>cc:</p>	<p>Steven A. Sund, Assistant Chief of Police Richard L. Braddock, Chief Administrative Officer [REDACTED] USCP Audit Liaison</p>	
<p><small>Nationally Accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc.</small></p>		

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