



**A Report to the
Austin City Council**

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**Office of the
City Auditor**

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Austin Police Department Evidence Section Follow-Up Audit

August 2015



REPORT SUMMARY

We tested six recommendations from two prior audits of the Austin Police Department (APD) Evidence Section and found that the four recommendations from our 2011 confidential security audit were not implemented. However, APD management recently indicated that they have initiated a corrective action plan to address those recommendations. We also found that APD has made significant progress towards addressing the two recommendations from our 2014 audit on evidence disposition, though there are a few outstanding items that need to be addressed to ensure that identified risks are addressed.

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GOVERNMENT AUDITING STANDARDS COMPLIANCE

We conducted this performance audit 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.

AUDIT TEAM

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Audit Report Highlights

Why We Did This Audit

This audit was conducted as part of the Office of the City Auditor's (OCA) FY 2015 Strategic Audit Plan.

What We Recommend

No additional recommendations were made.



AUSTIN POLICE DEPARTMENT EVIDENCE SECTION FOLLOW-UP AUDIT

BACKGROUND

The Austin Police Department (APD) Evidence Section is responsible for the safe storage and legal disposition of all evidence coming into the possession of the department.

The Office of the City Auditor issued two audit reports on the performance of the Evidence Section: Confidential APD Evidence Section Security Operations Audit, issued in June 2011, and Evidence Disposition Audit, issued in April 2014.

OBJECTIVE AND SCOPE

The objective of the audit was to follow up on two prior audits involving the Austin Police Department Evidence Section.

The audit scope included the status of current operations related to the audit objectives including any changes made as a result of the original audit recommendations.

WHAT WE FOUND

We found that the four recommendations from our 2011 audit were not implemented at the time of our follow up. However, APD management recently indicated that they have initiated a corrective action plan to address each recommendation. Pursuant to Local Government Code §551.076 *Security Audits*, the details of the findings and the results of our follow up are confidential.

We also found that APD has made improvements to address the findings and recommendations from our 2014 audit on evidence disposition; though there are a few outstanding items that need to be addressed to ensure full alignment of policies with applicable regulations. As a result, we concluded that one recommendation was implemented and one was partially implemented, as shown in the table below.

Original Recommendation	Status Verified by OCA
1. The Austin Police Department should ensure that policies and procedures related to drug disposition incorporate all the applicable requirements outlined by the Texas Administrative Code and are clear, fully documented, and monitored as suggested in industry guidance.	Partially Implemented
2. The Austin Police Department should ensure that policies and procedures related to firearm destruction and conversion are clear, fully documented, and monitored to ensure that firearms are disposed of as intended.	Implemented

BACKGROUND

The Austin Police Department (APD) Evidence Section is responsible for the safe storage and legal disposition of all evidence, found or abandoned property, and all seized property coming into the possession of the department. In 2013, an internal APD report stated that there were more than 600,000 items in the storage inventory, including items such as: firearms, valuables (including jewelry and money), drugs, DNA evidence, and items found or confiscated. After appropriate authorization has been received, the APD Evidence Control Section manages the legal disposition of all prior evidence items coming into the possession of APD.

The Office of the City Auditor previously issued two audit reports on the performance of the Austin Police Department's Evidence Section:

- Confidential APD Evidence Section Security Operations Audit (issued June 2011) and
- Evidence Disposition Audit (issued April 2014).

OBJECTIVE, SCOPE, AND METHODOLOGY

The APD Evidence Section Follow-Up Audit was included in the Office of the City Auditor's Fiscal Year 2015 Strategic Audit Plan due to Council interest.

Objective

The objective of the audit was to follow up on two prior audits involving the Austin Police Department Evidence Section.

Scope

The audit scope included the status of current operations related to the audit objectives including any changes made as a result of the original audit recommendations.

Methodology

To accomplish our audit objectives, we performed the following steps:

- interviewed APD employees associated with the storage and legal disposition of evidence;
- analyzed policies and procedures for the storage and legal disposition of evidence;
- reviewed the requirements of Texas Statutes and Administrative Code related to the storage and legal disposition of drugs and weapons evidence;
- observed and evaluated processes related to the legal disposition of drugs and weapons;
- selected a judgmental sample of weapons converted for departmental use, and evaluated whether they are properly accounted for;
- evaluated internal controls relevant to the recommendations tested;
- evaluated risk of fraud, waste, and abuse relevant to the audit objective; and
- assessed the reliability of information systems determined to be significant to the audit objective.

WHAT WE FOUND

We tested the implementation status of recommendations made in the two previous audits and found that the department fully implemented one recommendation, partially implemented one recommendation, and has not implemented the remaining four recommendations.

Finding 1: Although at the time of our follow-up work APD had not implemented the recommendations from our 2011 evidence section audit, APD indicated that they have since initiated a corrective action plan.

In 2011, our office conducted an audit of the APD evidence section, which resulted in four recommendations centered on strengthening controls over the safeguarding and storing of evidence, and ensuring alignment with industry standards. Pursuant to Government Code §551.076 *Security Audits*, the details of the findings, recommendations, and the results of our follow up work are confidential.

Although the recommendations were not implemented at the time of our follow-up, APD management recently indicated that they have initiated a corrective action plan to address each recommendation.

While responsibility for the timely resolution of audit recommendations resides with management, our office acknowledges its responsibility to provide the detailed recommendations to the City Controller's Office. The Controller has the responsibility of tracking the implementation of audit recommendations, including obtaining management's assertion as to the status of their action plan. However, in the case of the 2011 security audit discussed above, our office did not share the resulting recommendations with parties outside of APD due to the confidential nature of the audit. We are currently implementing process improvements to ensure that in the future all relevant parties receive the information needed to monitor the timely resolution of audit recommendations.

Finding 2: APD has made improvements to address the findings and recommendations from our 2014 audit on evidence disposition; though there are a few outstanding items that need to be addressed to ensure full alignment of policies with applicable regulations.

In 2014, we conducted an audit that identified some gaps in APD's processes for disposing of drug and firearm evidence. The audit resulted in the two recommendations shown in Exhibit 1 below.

EXHIBIT 1

Status of April 2014 Evidence Disposition Audit Recommendations

Original Recommendation ¹	Status Verified by OCA
1. The Austin Police Department should ensure that policies and procedures related to drug disposition incorporate all the applicable requirements outlined by the Texas Administrative Code and are clear, fully documented, and monitored as suggested in industry guidance.	Partially Implemented

¹ The audit included a third recommendation addressed to the City's Purchasing Office which was not included in the scope of this follow-up.

Original Recommendation ¹	Status Verified by OCA
2. The Austin Police Department should ensure that policies and procedures related to firearm destruction and conversion are clear, fully documented, and monitored to ensure that firearms are disposed of as intended.	Implemented

SOURCE: OCA analysis of original audit recommendations, June 2015

Our follow-up work determined that APD has partially implemented our first recommendation. APD has drafted Standard Operating Procedures (SOPs) for drug disposition that are clearer and more detailed. Based on our observation of the drug disposal process, more stringent controls are in place for the storage, inventory, and destruction of drugs. However, the draft SOPs do not detail each step of the process and do not fully satisfy the conditions put forth in Texas Administrative Code (TAC). For example:

- Drafted SOPs do not address the difference between controlled substances scheduled for destruction that have had laboratory analysis and those that have not. Such differentiation is needed to determine the information that needs to be included in the destruction inventory to ensure that the evidence has not been tampered with (required by TAC 13.160).
- Drafted SOPs do not detail specific steps that will occur immediately before the destruction, such as having at least two witnesses inspect the integrity of each item (required by TAC 13.161).

Based on our follow-up work, we verified that APD has fully implemented our second recommendation.

MANAGEMENT RESPONSE



Austin Police Department

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MEMORANDUM

To: Corrie Stokes, City Auditor

From: Art Acevedo, Police Chief

Date: August 19, 2015

Subject: Management Response to 2015 Evidence Section Follow Up Audit

Austin Police Department has reviewed the 2015 Evidence Section Follow Up Audit findings, and concurs with the recommendations provided by the City auditors. Appropriate steps are being taken to address the recommendations immediately through the modification of Standard Operating Policies & Procedures, the purchase of more durable goods and modifications to the facility as it relates to security.



Keeping you, your family and our community safe.