CITY OF SAN ANTONIO

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May 16, 2024

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Councilman, District 10

SUBJECT: Audit Report of San Antonio Police Department – Property & Evidence Room

Mayor and Council Members:

We are pleased to send you the final report of the Audit of San Antonio Police Department – Property & Evidence Room. This audit began in May 2023 and concluded with an exit meeting with department management in February 2024. Management's verbatim response is included in Appendix B of the report. The San Antonio Police Department management and staff should be commended for their cooperation and assistance during this audit.

The Office of the City Auditor is available to discuss this report with you individually at your convenience.

Respectfully Submitted,

Kevin W. Barthold, CPA, CIA, CISA
City Auditor
City of San Antonio

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CITY OF SAN ANTONIO
OFFICE OF THE CITY AUDITOR

SAN ANTONIO POLICE DEPARTMENT
AUDIT OF PROPERTY & EVIDENCE ROOM
PROJECT NO. AU23- 029
MAY 16, 2024

KEVIN W. BARTHOLD, CPA, CIA, CISA
CITY AUDITOR

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Executive Summary

As part of our annual Audit Plan approved by City Council, we conducted an audit of the San Antonio Police Department (SAPD) Property and Evidence Room (Property Room). The audit objective, conclusions, and recommendations follow:

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

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

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

We provided recommendations to management to strengthen controls and resolve identified issues. SAPD management agreed with the audit findings and has developed positive action plans to address them. Management's verbatim response is in Appendix B on page 12.

Background

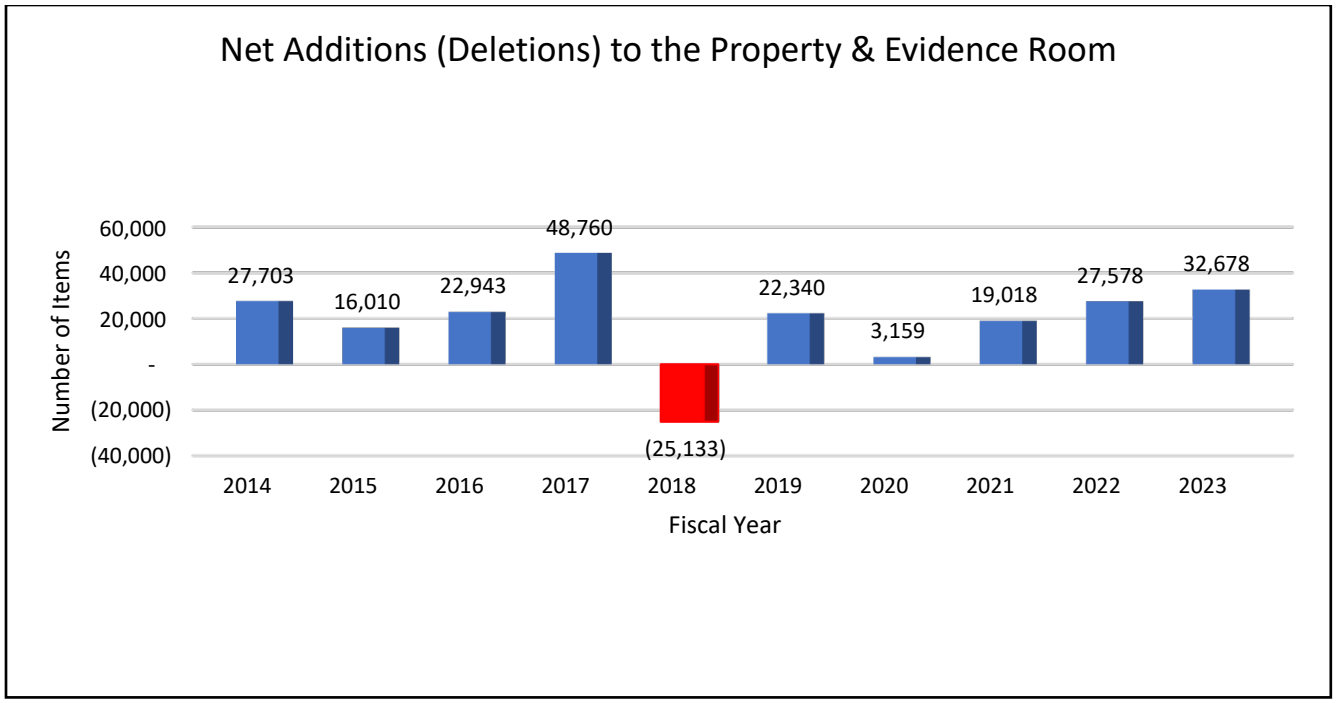
The Property Room has custodial responsibility for all property and evidence impounded by the San Antonio Police Department (SAPD), San Antonio Airport Police, San Antonio Park Police, and Texas Department of Public Safety (DPS) Troopers in special cases. Impounded property is classified into one of the following categories: evidence, found property, or personal property. Personal property means the owner is known, but the property is not evidence. Found items are also not evidence, but the owner information is not known. Evidentiary items are items that may be used for court proceedings in criminal cases. The Property Room uses software called FileOnQ to track the location of all items coming into and leaving their possession in order to maintain a chain of custody.

The types of items stored in the Property Room include, but are not limited to:

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

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

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



Source: FileOnQ (date ranges 10/01/2013 through 09/18/2023)

Audit Scope and Methodology

The audit scope was the SAPD Property & Evidence Room (Property Room) and associated facilities. It included:

- All activities and processes of Property Room employees
- Found, personal, and evidence items stored in the Property Room, except for the Asset Seizure and Arson cages (included for certain analyses, but not for inventory tests)
- Contracts associated with the Property Room

We specifically excluded activities conducted by the Homicide Unit, Narcotics Unit, and the Firearms/Ballistic Unit co-housed in the Property Room.

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

To gain an understanding of department operations, we interviewed personnel at all levels, toured the facility, and reviewed Standard Operating Procedures (SOPs) and the SAPD General Manual. The primary criteria for this audit included the General Manual, SOPs, Texas statutes, City Administrative Directives, and standards of the International Association of Property and Evidence, Inc.

We assessed internal controls relevant to the audit objective. This included user access controls; badge access controls; inventory controls; physical security controls; controls over narcotics, cash and jewelry, and guns; environmental controls; and physical safety. In addition, as part of our testing procedures we examined the following areas: trending of intake vs outflow, chain of custody, badge access, FileOnQ user access, SAPD compliance with statutory testing requirements for sexual assault nurse examiner (SANE) kits, SAPD reviews/audits of inventory and pre-destruction inventories, wiping of memory for various media types prior to disposal/sale/donation, and quantification of inventory with lithium-ion batteries.

We relied on computer-processed data in the FileOnQ system to validate inventory records and perform analysis. Our reliance was based on performing direct tests on the data and performing user access testing rather than evaluating the system's general and application controls. We also relied on information contained in the City's accounting system (SAP) to validate deposits of cash and identify personnel still employed by the City. This system is controlled by the Information Technology Services Department and is outside the scope of this engagement. We do not believe that the absence of testing general and application controls had an effect on the results of our audit.

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 Results and Recommendations

Chain of custody and evidence preservation controls are adequate and working as intended for the San Antonio Police Department (SAPD) Property & Evidence Room (Property Room).

The Property Room is clean and well-organized, with different sections of the warehouse designated for different types of evidence. All firearms, cash and jewelry, and narcotics are stored within separate rooms or cages in the warehouse with enhanced security features and limited access. Items containing DNA or biological samples are stored in a separate temperature and humidity-controlled room or in a refrigerator or freezer, as required to preserve the evidence. All evidence items stored in the property room that are not bulky items or firearms are sealed in boxes, cans, clear plastic or brown bags, or envelopes. They are also barcoded with information from FileOnQ.

The Property Room uses software called FileOnQ to track the movement (chain of custody) of all items that come into or out of its possession. There are manual processes and paper forms in case the software becomes temporarily non-functional. We selected several random samples from FileOnQ (Narcotics, Firearms, Jewelry, Cash, Sexual Assault Nurse Examination (SANE) kits, Intake, and general property) and were able to locate those items, found their barcodes and descriptions matched FileOnQ, and all were still sealed (indicating they had not been subject to tampering). We also selected samples from each of those locations in the warehouse and were able to successfully trace them back to FileOnQ. This indicates that FileOnQ is both accurate and complete.

The Property Room has adequate physical security. It is structured so that there are rooms within rooms within the warehouse, with varying levels of physical access controls, in accordance with the risk of the items contained within. Public access is restricted to a single waiting room, with a reception desk located behind bullet-proof glass. There is a separate SAPD entrance that is badge-controlled and leads to a waiting room on the other side of the reception desk. It contains spare computers and evidence viewing rooms. All visitors (anyone that does not have badge access to the main area of the Property Room) must sign a bound, paper log before being escorted into the main warehouse by Property Room staff. There are also surveillance cameras that monitor all parts of the warehouse and are viewed in real time by the Supervisor. Footage is stored in the event an incident needs to be investigated.

Property Room management also ensures that regular inventory tests are performed, cash not needed for court cases is deposited in a timely manner, and that the SAPD Integrity Unit (a separate unit) performs both annual inventory and pre-destruction audits of firearms and narcotics.

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

A. Lithium-ion Batteries

The Property Room is storing a large number of lithium-ion batteries, which poses a fire hazard.

These batteries have been known to catch fire or explode when they get too hot (the most common reason), are damaged, improperly charged, are old, or have a manufacturing defect. This type of battery self-discharges, even when not in active use. The amount of self-discharge varies based on design and temperature. The mechanism by which these batteries catch fire or explode is called a thermal runaway – a chain reaction that causes the battery to generate even more heat until a fire or explosion results. The higher the amount of charge the battery holds, the more energy released in the event of a failure.

Although this is not a common occurrence for any individual battery, the close storage of numerous such devices represents an increased risk. Fires that involve lithium-ion batteries will often show multiple points of ignition because the batteries can be ejected from the pack during a fire and travel more than 100 feet. Larger batteries, such as those used on electric scooters and bicycles can catch fire after firefighters have passed them, cutting off their egress. Underwriters Laboratories' (UL) Fire Safety Research Institute (FSRI) conducted an experiment in which it intentionally overcharged an e-scooter in a closed bedroom. Within 18 seconds of failure the bedroom window had been blown out. They found that if it had been in a garage, the explosion could turn a garage door into a projectile due to approximately 50,000 pounds of force. When these batteries fail, they can also result in low-hanging hazardous vapor clouds.

Examples of such fires are not uncommon. In 2018, a property and evidence room in Kansas City had an evidence-destroying fire which arson investigators tied to one of several lithium-ion batteries.

The Property Room is currently storing more than 14,000 lithium-ion batteries and devices containing them. This is a very conservative estimate and is expected to increase as more and more devices using them come into widespread use. They are common components of portable computing devices, cell phones, vape pens, scooters, cameras, small rechargeable appliances, tools, and more. They include both found/personal items and evidentiary items, so the flow of them into and out of the Property Room is constant.

The lithium-ion batteries and associated devices that come into the Property Room are often already damaged and are not checked for their current level of charge prior to being bagged. They may remain in storage for many years without ever being charged, as Property Room staff are not authorized to break evidence seals. They may be placed into large bins with other packages on top of them, resulting in uneven pressures on the device. Furthermore, the majority of the Property Room is not air-conditioned nor is it humidity controlled.

The National Institute of Standards and Technology (NIST) recommends that lithium-ion batteries be stored in temperature- and humidity-controlled environments (41°F to 68°F), with a charge level between 30% to 50%, in a metal container and/or anti-static bags, and in a manner intended to prevent crushing damage, excessive heat, water, or sparking. It also recommends periodically checking the batteries for damage and recharging them to keep them at the

approved charge level. It advises removal of such batteries from the devices containing them, when possible, for long-term storage.

Recommendation

The Chief of Police should assess the risks associated with these batteries and work with the Fire Chief to develop a fire safety / hazardous materials plan for the Property Room.

B. Continuity of Operations Plan

SAPD's Continuity of Operations Plan (COOP) does not directly address how a disaster at the Property Room should be handled, other than the initial incident response.

Important situations that are not addressed include: 1) how to handle an extended electricity outage that affects the temperature and humidity control of the DNA room, the refrigerators, and the freezers; 2) how to recover evidence (if possible) that has been damaged by fire, smoke, or water while maintaining the chain of evidence; 3) alternative storage if a large portion of the warehouse becomes uninhabitable for an extended period; 4) where and how to store daily evidence collections during a short-term (less than a month) disruption.

The Property Room has a backup generator in place that can temporarily run the temperature-controlled spaces and refrigerators/freezers. However, this may not be a viable longer-term solution and there is always the possibility that the generator could be damaged along with the Property Room.

Additionally, if the main Property Room warehouse becomes unavailable for a longer period of time, the small temporary Property Room where officers drop off their evidence will easily run out of space in matter of days. During fiscal years 2022 and 2023, the Property Room took in an average of more than 259 items per day.

Recommendation

The Chief of Police should ensure that a high-level COOP is developed for the Property Room that addresses:

- How to maintain the chain of evidence and integrity of evidence needing temperature- and humidity-control in the event of a longer-term outage of electricity.
- Storage solutions in the event the main Property Room is not usable for an extended period and how to maintain the security and chain of evidence in those situations.
- In what situations evidence affected by smoke, fire, or water can be recovered and still be usable in a court of law, the available methods and vendors for remediation, and maintaining the chain of custody / evidentiary value in those situations.

C. Sexual Assault Nurse Examiner (SANE) Kits

SAPD detectives are not consistently submitting SANE kits for testing within the statutorily required 30 days.

Section 420.042(a) of the Texas Government Code requires: "A law enforcement agency that receives evidence of a sexual assault or other sex offense that is collected under this chapter or other law shall submit that evidence to a public accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence was received."

In the period October 1, 2021 through September 18, 2023, there were 1,347 SANE kits placed into the Property Room. Of those, 98 were for crimes in a different jurisdiction or had not yet reached the 30-day testing threshold, and thus were out of scope. Of the remaining 1,249 SANE kits, 117 (9.37%) were not tested within 30 days and did not have a valid reason recorded in FileOnQ for not being tested.

Table 2. Non-Compliant SANE Kits[1]

Days between Receipt by SAPD and (09/18/2023 or Date to Lab)	Number of Kits
31-60	91
61-90	10
91-120	7
121 or More	9
Total Non-Compliant Kits	**117**

Source: FileOnQ

The Property Room emails lists of kits not tested to the assigned police follow-up units every other week. We observed that some kits were on more than one list, indicating that the follow-up units were not addressing all kits on the list each time.

Recommendations

The Chief of Police should:

- Ensure that follow-up units submit SANE kits for testing to the assigned Property Control Agent in time for the Property Control Agent to send them to the lab for testing within 30 days of receipt by SAPD.
- Ensure follow-up units place a note in FileOnQ for any SANE kit not tested indicating why it does not need to be tested.
- Establish an escalation procedure to notify increasing levels of management of kits that have not been sent for testing.

[1] For the period October 1, 2021 through September 18, 2023

D. FileOnQ User Access

We identified 30 users that should not have access to FileOnQ, one withdrawn employee, and three employees with unnecessary administrator privileges. Additionally, we identified one temporary employee of the Department of Human Services with privileges to access FileOnQ - these privileges should be terminated. Another temporary employee's need for access should be determined, as property room personnel were not aware of this employee's status.

Administrative Directive 7.8d states "Access authorization should be formal, well-defined, documented and an auditable process. Access to COSA assets is based on an individual's membership in a group, job function and/or role in their assigned City department. Access permissions will use the principle of least privilege…Local, physical and/or remote access controls will be periodically reviewed for validity by ITSD, COSA department(s) and or application owners."

FileOnQ access is granted via Microsoft Windows Active Directory, which is controlled by ITSD personnel assigned to SAPD. Standard practice is for Human Resources to notify ITSD personnel when anyone ceases their employment with the City. SAPD supervisors are required to notify ITSD of any changes to the access requirements of an individual based on their job duties.

Recommendation

The Chief of Police should ensure periodic reviews of FileOnQ user access and assigned roles are performed in accordance with AD 7.8d.

Appendix A – Staff Acknowledgement

Mark Bigler, CPA-Utah, CISA, CFE, Audit Manager
Susan Van Hoozer, CIA, CISA, Auditor in Charge
Javier Castillo, IT Auditor

Appendix B – Management Response

CITY OF SAN ANTONIO
SAN ANTONIO TEXAS 78283-3966

April 23, 2024

Kevin W. Barthold, CPA, CIA, CISA
City Auditor
San Antonio, Texas

RE: Management's Corrective Action Plan for Audit of the San Antonio Police Department Property & Evidence Room

The San Antonio Police Department (SAPD) has reviewed the audit report and has developed the Corrective Action Plan(s) below corresponding to the report recommendation(s).

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
A	**Lithium-ion Batteries** The Chief of Police should assess the risks associated with these batteries and work with the Fire Chief to develop a fire safety / hazardous materials plan for the Property Room.	8	A	Richard Riley, Assistant Police Director	September 30, 2024
	Action plan: The Department surveyed other major city law enforcement agencies regarding the policies and procedures for the storage of lithium-ion batteries. The responses received did not identify a specific policy for the storage of lithium-ion batteries. As a result, the Department will work with the Fire Chief to evaluate the storage risk of lithium batteries and develop a fire safety/hazardous materials plan for the Property Room				

Appendix B – Management Response (cont.)

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
B	**Continuity of Operations Plan** The Chief of Police should ensure that a high-level COOP is developed for the Property Room that addresses: • How to maintain the chain of evidence and integrity of evidence needing temperature and humidity-control in the event of a longer-term outage of electricity. • Storage solutions in the event the main Property Room is not usable for an extended period and how to maintain the security and chain of evidence in those situations. • In what situations evidence affected by smoke, fire, or water can be recovered and still be usable in a court of law, the available methods and vendors for remediation, and maintaining the chain of custody / evidentiary value in those situations.	8	A	Richard Riley, Assistant Police Director	September 30, 2024
	Action plan: The Department will develop a Continuity of Operations Plan for the Property Room to ensure the chain of custody and integrity of evidence is maintained in the event the Property Room is damaged by smoke, fire, or water. Additionally, the Department is contacting vendors to establish a Memorandum of Understanding for refrigerated storage in the event of an electrical outage. Lastly, the Department will engage the Real Estate Office to identify potential alternate locations to store evidence during a short-term operational disruption.				

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Appendix B – Management Response (cont.)

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
C	**Sexual Assault Nurse Examiner (SANE) Kits** The Chief of Police should: • Ensure that follow-up units submit SANE kits for testing to the assigned Property Control Agent in time for the Property Control Agent to send them to the lab for testing within 30 days of receipt by SAPD. • Ensure follow-up units place a note in FileOnQ for any SANE kit not tested indicating why it does not need to be tested. • Establish an escalation procedure to notify increasing levels of management of kits that have not been sent for testing.	9	A	Hector Salas, Deputy Chief	July 1, 2024
	Action plan: In October 2023, Property Room increased the frequency of sending reports of untested SANE kits to the Special Victim Unit (SVU) from bi-weekly to weekly. Additionally, SVU identified and trained a second courier to ensure SANE kits are taken to the lab in a timely manner. The second courier increases the frequency of lab deliveries from two days a week to four days a week. Further, SVU will ensure holiday and emergency absences have coverage to ensure lab runs are accomplished. The Standard Operation language will also be updated to require detectives to send SANE kits to the Bexar County Criminal Investigation Unit within seven days of case receipt. Lastly, the SVU commander will include a SANE kit inventory and status report on the monthly audit to the Division Commander.				
D	**FileOnQ User Access** The Chief of Police should ensure periodic reviews of FileOnQ user access and assigned roles are performed in accordance with AD 7.8d.	10	A	Richard Riley, Assistant Police Director	June 30, 2024
	Action plan: The Department will develop policies and procedures to periodically review FileOnQ user access and roles. Property Room staff is working with the Chief's Technology Team and ITSD to create a more efficient procedure to ensure notification is provided to ITSD to remove FileOnQ access when an individual is reassigned or no longer needs access to FileonQ.				

We are committed to addressing the recommendation in the audit report and the plan of action presented above.

Sincerely,

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Appendix B – Management Response (cont.)

William P. McManus
Chief of Police
San Antonio Police Department

4/23/24
Date

María Villagómez
Deputy City Manager
City Manager's Office

4/23/2024
Date

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