



## FHP Evidence and Property Audit

Audit Report 201314-36

October 15, 2014

### Executive Summary

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The Florida Highway Patrol is granted authority under the provisions of Chapter 321, Florida Statutes, to seize contraband and stolen property, and to make arrests for violations of federal, state, and county laws, or municipal ordinances. Along with this authority comes the responsibility to protect and safeguard any property taken as evidence.

The purpose of this audit was to review and evaluate whether the Florida Highway Patrol Evidence and Property function is operating in compliance with Florida Highway Patrol policy and procedure and to identify potential risks within the operation of the Evidence and Property function.

Our audit identified several risks that indicate the need for further improvement to existing processes and controls. We discussed the risks with Florida Highway Patrol management and they have already begun corrective action. Identified risks included the following:

- Evidence and Property Personnel are not disposing evidence and property according to Florida Highway Patrol policy and procedure;
- Physical security within some Florida Highway Patrol Evidence and Property Rooms is insufficient;
- Supervision and oversight of the Evidence and Property function is insufficient;
- Evidence packaging, labeling, and documentation of narcotics and currency are not conducted in accordance with policy and procedure;
- Evidence is not maintained and stored consistently within the various Evidence and Property Rooms and in accordance with the Florida Highway Patrol Evidence and Property Procedures Manual;
- The Florida Highway Patrol does not provide sufficient training to staff to conduct quarterly inspections, annual audits, and special inventory audits of the Evidence and Property function; and
- The current evidence system is not meeting Department needs.

We would like to acknowledge the full and complete cooperation and support of applicable Florida Highway Patrol staff during this audit.

## Background and Introduction

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The Florida Highway Patrol is granted authority under the provisions of Chapter 321, Florida Statutes, to seize contraband and stolen property, and to make arrests for violations of federal, state, and county laws, or municipal ordinances. Along with this authority comes the responsibility to protect and safeguard any property taken as evidence.

The Evidence and Property function is responsible for the receipt, storage, safekeeping, release, and disposal of all property and evidence found or seized by the Florida Highway Patrol. Pursuant to the Florida Highway Patrol Evidence and Property Procedures Manual, that responsibility involves maintaining security and accurate records for, and control over, all evidence and property items from the time of receipt until the time of release or disposal.

Law enforcement officers take custody of property subject to forfeiture, lost and stolen property, contraband, and physical evidence that can directly or indirectly solve a crime. The integrity of these items depends upon the proper handling of the items from the moment law enforcement takes possession of them until they are legally returned to their owners, sold, disposed of, or awarded to the Department.

Inherently, the Evidence and Property function is a high risk operation. Many items, such as narcotics, currency, jewelry, and firearms, are vulnerable; therefore, the Evidence and Property Rooms and Personnel must provide for the security and storage of these valuable and sensitive items. Evidence and Property Personnel must also provide safe handling and storage of biological evidence while preserving the integrity of the evidence for further analysis.

Mishandling evidence can lead to criminal charges against officers; financial liability for the Department; the loss or theft of property; or the damage, contamination, or destruction of evidence. It is essential to establish and implement appropriate controls to manage the associated risks of loss, theft, misuse, and physical decay or degradation.

The Florida Highway Patrol maintains 23 Evidence and Property Rooms throughout the State of Florida. Each troop has non-sworn personnel serving as the Evidence and Property Custodian as well as a Lieutenant assigned by the Troop Commander to assist the Evidence and Property Custodian with managing, facilitating, and coordinating the proper maintenance of their designated Evidence and Property function.

## Findings and Recommendations

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Overall, the Florida Highway Patrol has established and implemented adequate processes and controls which should provide assurance that property and evidence items were properly received, processed, stored, safeguarded, accounted for, and disposed. However, we identified several risks that indicate the need for further improvements to existing processes and controls. We discussed the risks with Florida Highway Patrol management and they have already begun corrective action.

### *Evidence and Property Disposition*

The Commission on Accreditation for Law Enforcement Agencies (CALEA) standard 84.1.7 states, “Final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied. Prompt, authorized property removal (final disposition/destruction) prevents an overload on the property management system and reduces the requirement for additional storage space.”

Florida Highway Patrol Policy 12.01, *Collection and Preservation of Evidence*, states evidentiary property shall be retained until the case is concluded. The Comprehensive Case Information System (CCIS) should be referred to for final disposition information. When there is no reference to the case in the CCIS, an inquiry into the destruction of the evidence shall be referred by the Evidence and Property Custodian to the appropriate State Attorney’s Office or the Troop’s Legal Advisor. The policy also states, at least quarterly, the Evidence and Property Custodian will review the Evidence and Property inventory listing for the Troop and prepare a list of items eligible for disposal. Procedures for final disposal will be carried out on a regular basis during the calendar year.

The Florida Highway Patrol Evidence and Property Procedures Manual provides specific requirements for the disposition of narcotics as follows:

- A court order shall be obtained prior to the disposition of narcotics;
- Any questions on the issue of court orders and the destruction of evidence shall be referred to the appropriate State Attorney’s Office or the Troop’s Legal Advisor by the Evidence and Property Custodian. Responses shall be in writing and maintained in the Evidence and Property Room files;
- A Notice of Return with an attached copy of the court order and exhibits list shall be submitted by the Evidence and Property Custodian to the judge or magistrate that signed the court order;

- The Notice of Return shall be returned to the court within five days following the date the court order was carried out, unless a more restrictive deadline is specified by the issuing authority. Court orders should be carried out within fourteen (14) days from the date of issuance, unless a more restrictive deadline is specified by the issuing authority;
- The Evidence and Property Custodian who destroyed the evidence, along with the appropriate number of witnesses to the destruction, shall sign the Notice of Return. In addition, the date, location, and manner of destruction shall be included on the notice; and
- All drug evidence authorized for destruction shall be destroyed at an incineration facility.

The Florida Highway Patrol Evidence and Property Procedures Manual requires a witness to observe the movement of narcotic evidence from its storage location in the Evidence and Property Room, placement into a container used to transport the evidence, and follow the evidence to the point of actual destruction. This witness is required to personally verify that the items placed in the container by the Evidence and Property Custodian match all corresponding items and control numbers listed on the destruction order. The container(s) used to transport narcotics evidence shall be sealed with evidence tape that is signed and dated by the Evidence and Property Custodian and the witness prior to the container's removal from the confines of the Evidence and Property Room. The Evidence and Property Custodian and two witnesses (one of which will be the witness described above) will inspect the integrity of the evidence seal again as the container is placed into the incinerator.

Audits of the Florida Highway Patrol Evidence and Property Rooms and interviews with Evidence and Property Personnel determined items are not always being disposed of in accordance with Florida Highway Patrol policy and procedure. We noted the following:

- In one troop, we found two narcotic evidence items which the evidence system indicated had been disposed;
- In one troop, we found one narcotic evidence item which the evidence system indicated had been disposed;
- In one troop, we found firearms being maintained in evidence longer than 60 days permitted by policy and procedure;
- In one troop, an Evidence and Property Custodian indicated they have disposed of narcotics without the presence of additional Evidence and Property Personnel present;
- In multiple troops, the Evidence and Property Custodian did not complete the Notice of Return and forward to the circuit court within the appropriate timeframe or was unaware of this requirement; and
- In multiple troops, the disposition of narcotics did not occur within the appropriate timeframe.

Also, based on observations of Evidence and Property Rooms and records, large amounts of narcotics evidence may be eligible for disposition. We were informed the receipt and maintenance of property items is time consuming and items are disposed of as time and resources allow. We were also informed that difficulties have been encountered in some judicial circuits when seeking authorization to dispose of evidence.

While Florida Highway Patrol has established policies and forms to dispose of eligible evidence, Evidence and Property Custodians were either unfamiliar with these procedures or did not have available time to process dispositions in accordance with policy and procedure.

## **Finding 1**

Evidence and Property Personnel are not disposing evidence and property according to Florida Highway Patrol policy and procedure.

## **Recommendations**

We recommend the Florida Highway Patrol provide specific directives to each troop to determine evidence eligible for disposal and allocate appropriate resources to execute future disposals.

We recommend the Florida Highway Patrol actively work with appropriate troop legal advisors to provide legal guidance in executing disposal orders in troops where the Evidence and Property Custodian has encountered difficulties from a judicial circuit when seeking authorization to dispose of eligible evidence.

We recommend the Florida Highway Patrol provide annual training to all Evidence and Property Personnel with evidence oversight responsibilities. The training should include protocols for all aspects of evidence and property handling, specific legal requirements, and policies and procedures related to the acquisition, maintenance, and disposal of evidence.

## **Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 1. Florida Highway Patrol Policy 12.01 and the Evidence and Property Procedures Manual are being revised to include implementation of best-practice protocols in the disposal process and destruct order coordination with troop legal advisers. Additionally, new training curricula in these specific areas are being developed for all Evidence Property Personnel and other members.

### *Evidence and Property Room Security*

One of the most important aspects of any law enforcement agency's Evidence and Property function is security. Security is established through the use of locks, keys, alarms, video cameras and logs, along with inspections and audits. The goal of an Evidence and Property Room is to secure items for evidentiary purposes or for safekeeping from loss, damage, or contamination. Many items, such as narcotics, currency, jewelry, and firearms are vulnerable; therefore, the Evidence and Property Rooms and Personnel must provide for the security and storage of these valuable and sensitive items.

The International Association for Property and Evidence, Inc. Professional Standards provides guidance for Evidence and Property Room security. They recommend video surveillance cameras should be used whenever enhanced security is desired with the following justification:

- All doors into a secure area should be equipped with video surveillance cameras in addition to those areas where firearms, currency, and narcotics are stored;
- Any drug storage area or enclosure should have a separate alarm and video camera to monitor access and activity inside; and
- New digital technologies now allow for data to be stored on a hard drive when there is movement in front of the camera, thus limiting the amount of data needed to be stored. The recording is initiated based upon the movement. Once the person creating the motion leaves, the recording stops. The digital data should be stored for a period of years, e.g. at least three or four years, so that it is available to investigators should it be discovered that evidence is missing.

Additionally, the International Association for Property and Evidence, Inc. Professional Standards states, "a well-designed property room will provide office space for the property officer located outside the actual evidence storage area. Having the office adjacent to the storage area provides a work station that is not within the confines of the secure storage area."

Although physical controls and security were generally adequate in the majority of Florida Highway Patrol Property and Evidence Rooms, we identified the following risks where controls should be enhanced:

- Lack of video surveillance equipment in multiple facilities;
- Inadequate placement of existing video surveillance equipment;
- Inadequate timeframes for maintaining recordings;
- Lack of card reader access in multiple facilities which would allow for audit or review of activity;
- Insufficient space or layout to adequately safeguard evidence; and

- In multiple troops, Evidence and Property Personnel office space is located within the Evidence and Property Rooms.

Without proper physical security of Evidence and Property Rooms, the Florida Highway Patrol cannot ensure only necessary members access Evidence and Property Rooms and cannot periodically review access of members.

## **Finding 2**

Physical security within some Florida Highway Patrol Evidence and Property Rooms is insufficient.

## **Recommendation**

We recommend the Florida Highway Patrol formally evaluate the current security controls within each Evidence and Property facility and make necessary improvements.

## **Management Response**

The Florida Highway Patrol concurs with the recommendation in Finding 2. Additional security measures such as video camera surveillance, key-card readers, and alarm systems for all troop Evidence and Property facilities are currently being implemented, including the installation of new equipment and updates of current equipment.

## ***Supervision and Oversight of the Evidence and Property Function***

Supervision and oversight of the Evidence and Property function involves the review and approval of the Evidence and Property Custodian's work. Specifically, management should provide adequate oversight and involvement in activities related to Evidence and Property operations. For instance, management should review records showing whom and what times individuals are accessing Evidence and Property facilities, review and approve the release and disposition of items, and review the results of periodic physical inventory counts and related reconciliations. Management should also provide staff with the necessary guidance and training to help ensure that management directives are achieved.

Key duties and responsibilities in authorizing, processing, recording, and reviewing transactions and events should be segregated among different individuals to reduce the risk of error or inappropriate actions. The Florida Highway Patrol Evidence and Property Procedures Manual provides specific duties and responsibilities for the Troop Commander, the District Commander, the Evidence and Property Supervisor, the

Evidence and Property Custodian, the Evidence and Property Assistants, and the members submitting evidence and property.

The Evidence and Property Custodian is a designated full-time non-sworn position which primarily focuses on the receipt, maintenance, and disposition of evidence and property. The day-to-day supervision of this position is the responsibility of staff (troop commander and designated lieutenant) that have other duties and responsibilities which do not allow detailed oversight.

### **Finding 3**

Supervision and oversight of the Evidence and Property function is insufficient.

### **Recommendations**

We recommend the Florida Highway Patrol formally evaluate the current staffing and supervision of the Evidence and Property function.

We recommend the Florida Highway Patrol designate an Evidence and Property statewide coordinator with authority to standardize, train, and provide oversight of the Evidence and Property function.

### **Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 3. The Florida Highway Patrol is currently discussing the creation of a Statewide Evidence and Property Committee operating under the direction of the Office of Strategic Services to evaluate, coordinate, manage, and oversee the Evidence and Property function including current staffing and supervision.

### ***Evidence and Property Packaging, Labeling, and Documentation***

Evidence and property should be protected from loss, damage, or contamination to maintain the property's evidentiary value and to minimize safety hazards, while permitting efficient storage, inventory, and retrieval.

The Florida Highway Patrol Evidence and Property Procedures Manual provides specific guidelines for evidence and property handling, packaging, and labeling:

- All evidence and property will be handled, packaged, labeled, stored, and shipped with the utmost care according to Florida Department of Law Enforcement Crime Laboratory Evidence Submission Manual;

- Evidence such as narcotics and currency should not be packaged together and should have their own separate packages that include no other items;
- For easy identification of contents, narcotics should be stored in clear, transparent evidence bags with zip-lock type seals. Paraphernalia will be packaged separately from the narcotics;
- The weight of narcotics will be recorded on the Evidence and Property receipt by the seizing member. In addition, pills, capsules, and tablets (other than those sold over the counter) will also be weighed, counted, and identified by type;
- Narcotics should be weighed in their original container (e.g., plastic bag, bottle, etc.) if that is how the narcotic was impounded. Discretion may be used depending on how heavy the packaging is and if the narcotic can be weighed separately without spillage or contamination. If the total weight is determined with the packaging, this must be indicated on the Evidence and Property receipt (e.g., one gram of crack cocaine, including package); and
- All packaged evidence and property will be properly sealed and marked with evidence tape. The date and initials of the member packaging the item will be placed on the evidence tape. Large, bulky items will not require packaging due to unusual size; however, they will display a bar code inventory sticker.

The International Association for Property and Evidence, Inc. Professional Standards states all narcotic evidence should be documented in a manner that provides a thorough and accurate description and chain of custody including, chronological documentation, and/or paper trail, a record of the seizure, custody, control, transfer, analysis, and disposition of the evidence, either paper-based or digital.

Narcotics are considered a high profile item and require extra internal controls that provide a clearly documented chain of custody. Documenting the person who authorized the transfer, the person who released the item, and the person who received the item along with dates and times is the preferred practice.

A review of Florida Highway Patrol Evidence and Property Rooms determined evidence is not being maintained and stored consistently and in accordance with the Florida Highway Patrol Evidence and Property Procedures Manual, including:

- Narcotics were not always packaged separately (e.g. marijuana packaged with smoking pipe and pills packaged inside pill bottles);
- Packaging did not always include the use of evidence tape with the submitting trooper's initials and date;
- Currency was not always packaged separately (e.g. packaged inside wallet);
- Clear, transparent evidence bags were not always used; and
- Labeling did not always include pill count and weight, description of pill markings, and whether evidence was weighed with or without packaging.

Consistent use of evidence packaging material will provide the Florida Highway Patrol with reasonable assurance that someone has not changed or altered evidence packaging material.

## **Finding 4**

Evidence packaging, labeling, and documentation of narcotics and currency are not conducted in accordance with policy and procedure.

## **Recommendations**

We recommend the Florida Highway Patrol provide annual training on the proper packaging, labeling, and documentation of evidence and property items.

We recommend the Florida Highway Patrol include a review of recent evidence and property packaging, labeling, and documentation within their Staff Inspection Program to determine troop compliance with policy and procedure.

## **Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 4. Additional training programs addressing evidence and property packaging, labeling, and related documentation for Evidence and Property Personnel are being developed, with a roll-out target date of June 30, 2015, for all training programs.

The Staff Inspection Program, as well as the Annual and Quarterly Inventories, will include an examination of evidence and property packaging, labeling, and related documentation for compliance with established policy and procedure.

## ***Evidence and Property Maintenance and Storage***

According to the International Association for Property and Evidence, Inc. Professional Standards, being able to specifically identify and document each storage location used is a critical step in efficient storage and retrieval. An orderly system for numbering and storing evidence and property being retained within the Evidence and Property Room should be established. By developing a packaging standard around the shelving and bin configuration, or vice-versa, a law enforcement agency can maximize efficiency and space and minimize the effort it takes to store and retrieve evidence and property.

The Florida Highway Patrol Evidence and Property Procedures Manual requires general evidence items and narcotics items to be stored separately.

In multiple troops, narcotics evidence was not stored separately from general evidence items. We recognized during the audit that the Evidence and Property Room configuration and amount of items stored provides challenges to staff with responsibilities for storing evidence. Standardization of evidence storage among the Florida Highway Patrol troops would improve the quality and oversight of this function.

## **Finding 5**

Evidence is not maintained and stored consistently within the various Evidence and Property Rooms and in accordance with the Florida Highway Patrol Evidence and Property Procedures Manual.

## **Recommendations**

We recommend the Florida Highway Patrol make necessary changes to ensure facilities allow for the separation of narcotics evidence from general evidence.

We recommend the Florida Highway Patrol implement a uniform system of numbering and labeling for evidence storage.

## **Management Response**

The Florida Highway Patrol is evaluating the feasibility of separating drug evidence from general evidence given the constraints of our facilities.

The Florida Highway Patrol concurs with the second recommendation in Finding 5. A standard state-wide process for numbering, labeling, and storing evidence and property items is being developed.

## ***Audit and Inspection Process***

In accordance with the Florida Highway Patrol Evidence and Property Procedures Manual, troops are required to conduct a quarterly Evidence and Property inspection. Quarterly inspections consist of a physical inspection (sight verification) and bar code scan of evidence and property items and related records generated during the preceding quarter and every facet of the Evidence and Property control function.

Additionally, an annual Evidence and Property inventory is required which includes a detailed, itemized list, report, or record of 100 percent of the items located in each Florida Highway Patrol Evidence and Property Room. According to the Evidence and Property Procedures Manual, the Annual Audit and Inventory Report will contain an analysis of any noted discrepancies, the status of items a. through r. (below), and

recommendations to correct any deficiencies. In addition, positive observations of the operation will be noted in the report. The audit will consist of a physical inspection (sight verification) and bar code scan, of ALL evidence and property items and every facet of the Evidence and Property control function that includes:

- a) Security of Evidence and Property storage facilities and records;
- b) Maintenance and supplies;
- c) Evidence and Property facility entrance log for Evidence and Property Room and Vehicle Impound Facility;
- d) Consistency of information contained in key control log books and the key log maintained in the Evidence and Property computer program;
- e) iEvidence system Annual Audit;
- f) Inventory records kept on evidence and property items held by outside agencies;
- g) Chain-of-custody throughout the Evidence and Property record system;
- h) Evidence and Property case files, master files and general administrative files;
- i) Handling, packaging, labeling, storage, and shipping;
- j) Storage of sensitive/valuable/dangerous/biohazard items;
- k) Abandoned/lost/unclaimed property management;
- l) Vehicle Impound Facility and seized vehicles;
- m) Disposal efficiency and related records;
- n) Internal controls and accountability;
- o) Health and safety;
- p) Consistency in administration and operations;
- q) Training; and
- r) Management oversight; includes timely corrections to deficiencies discovered in previous inspection/audit reports.

Through Florida Highway Patrol staff interviews and observations, we determined the audit and inspection process used by the Florida Highway Patrol is only focused on ensuring that each piece of evidence and property as reflected in the evidence system is accounted for in the Evidence and Property Room and does not include a review of all aspects listed in the manual.

Each property item is scanned with a bar-code scanner and reconciled back to the evidence system to ensure all items that should be in the Evidence and Property Rooms are present. In one instance, multiple Evidence and Property labels were overlapping to only display the barcodes for inventory purposes. The description and weight of the evidence items could only be verified by reviewing the file or evidence system.

During the audit, we noted multiple instances in which evidence that was reflected in the evidence system as being disposed still remained within the Evidence and Property Room. Further research determined the audit and inspection process is only comparing scanned evidence to “active” cases and is not comparing scanned evidence to “closed

or disposed” cases; therefore, items in a “closed or disposed” status would not appear on the exception report. These items were subject to the audit and inspection process but were not identified due to not being in an “active” status.

Additionally, it appears that all staff involved with the audit and inspection process are not receiving formal training. While the Florida Highway Patrol has established policy and procedure for the audit and inspection process, additional standardization and detailed expectations would provide more assurance that the audit and inspection process is functioning as intended.

## **Finding 6**

The Florida Highway Patrol does not provide sufficient training to staff to conduct quarterly inspections, annual audits, and special inventory audits of the Evidence and Property function.

## **Recommendations**

We recommend the Florida Highway Patrol formally evaluate their current audit and inspection processes to determine if they are adequate.

We recommend the Florida Highway Patrol provide formal training to all staff involved in the audit and inspection process to include standardization and detailed expectations of existing policy and procedure.

## **Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 6. Florida Highway Patrol Policy 12.01 and the Evidence and Property Procedures Manual are currently being revised to address training, audit, inspection, and the inventory process. Additional training programs are being developed and will be implemented by June 30, 2015.

## ***Evidence and Property System***

According to the International Association for Property and Evidence, Inc. Professional Standards, the most efficient method of conducting an inventory is with the use of barcodes, a barcode scanner, and appropriate inventory software. Once all items in a location have been scanned, the software should compare what is physically present with the computer record. Properly designed software should provide an exception report that lists items that are missing and items that are present that don't belong in that location.

Effective evidence and property management requires procedures that deal with physical check-in into property rooms, bar code scanning, labeling schema for retrieval, storage and space management, physical security, audit trail, chain of custody requirements, and long-term archive storage or disposition.

Through audit and observations of the Florida Highway Patrol's current evidence system, we identified the following deficiencies:

- Inventory audit exception reports do not account for all exceptions (e.g. scanned items which are in a disposed status);
- Inability to pull reports of updates/changes to evidence records;
- Inability to provide accurate counts of disposed items for a requested timeframe;
- Inability to input proper descriptions for evidence;
- Troopers not assigned appropriate access rights;
- Troopers not assigned to appropriate location; and
- Separated members with access.

## Finding 7

The current evidence system is not meeting Department needs.

## Recommendation

We recommend the Florida Highway Patrol ensure the evidence system used sufficiently documents and tracks system access, and the acquisition, storage, and disposition of evidence.

## Management Response

The Florida Highway Patrol concurs with the recommendation in Finding 7. Alternatives to the current system such as the CTS/SmartCop Evidence and Property management system are currently being examined. The Department's Information Systems will be consulted to consider technical issues such as specifications, procedures, database management, reporting requirements, and timeline for migration of current Evidence and Property data, as well as transitional protocols for the implementation of a new Evidence and Property data inventory management system following the Department's governance process.

## **Purpose, Scope, and Methodology**

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The purpose of this audit was to review and evaluate whether Florida Highway Patrol Evidence and Property Rooms are operating in compliance with Department policy and procedure and industry standards and to identify potential risks within the operation of the Evidence and Property Rooms.

The scope of this audit included any evidence within a Florida Highway Patrol Evidence and Property Room and the processes used to secure and dispose of evidence.

The methodology included:

- Observing sample audits of evidence;
- Observing the packaging, labeling, and documentation of evidence;
- Reviewing system capabilities of the Florida Highway Patrol's evidence system;
- Reviewing access rights to the evidence system and physical facilities;
- Observing the physical security of Evidence and Property Rooms;
- Reviewing industry standards;
- Reviewing applicable laws, policies, and regulations; and
- Interviewing appropriate Department staff.



## Distribution, Statement of Accordance, and Project Team

### Distribution

Terry L. Rhodes, Executive Director  
Diana Vaughn, Deputy Executive Director  
Leslie Palmer, Chief of Staff  
Colonel David Brierton, Director of the Florida Highway Patrol  
Steve Hurm, General Counsel  
Lt. Colonel Kelly Hildreth, Deputy Director of Patrol Operations  
Lt. Colonel Ernesto Duarte, Deputy Director of Special Services  
Lt. Colonel Troy Thompson, Deputy Director of Commercial Vehicle Enforcement  
Rick Creamer, Florida Highway Patrol Chief Administrative Officer  
Chief Cyrus Brown, Patrol Operations Northern Regional Commander  
Chief Miguel Guzman, Patrol Operations Southern Regional Commander

Melinda M. Miguel, Chief Inspector General  
David W. Martin, Auditor General

### Statement of Accordance

Section 20.055, Florida Statutes, requires the Florida Department of Highway Safety and Motor Vehicles' Inspector General to review, evaluate, and report on policies, plans, procedures, accounting, financial, and other operations of the Department and to recommend improvements. This audit engagement was conducted in accordance with applicable *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors and *Principles and Standards for Offices of Inspector General* published by the Association of Inspectors General.

### Project Team

Engagement conducted by:  
Doane Rohr, Auditor  
Virginia Gaskins, Auditor

Under the supervision of:  
David Ulewicz, Audit Director

Approved by:

  
Julie M. Leftheris, Inspector General

## ATTACHMENT - Management Response



Terry L. Rhodes  
Executive Director

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### MEMORANDUM

DATE: October 10, 2014

TO: David Ulewicz, Audit Director

FROM: Lieutenant Colonel Kelly Hildreth   
Acting Director of the Florida Highway Patrol

SUBJECT: Management Response to the Florida Highway Patrol Evidence and Property Audit (201314-36)

The following is our response to the findings and recommendations presented in the report.

#### Finding 1 - Evidence and Property Disposition

Evidence and Property Personnel are not disposing evidence and property according to Florida Highway Patrol policy and procedure.

#### Recommendations

We recommend the Florida Highway Patrol provide specific directives to each troop to determine evidence eligible for disposal and allocate appropriate resources to execute future disposals.

We recommend the Florida Highway Patrol actively work with appropriate troop legal advisors to provide legal guidance in executing disposal orders in troops where the Evidence and Property Custodian has encountered difficulties from a judicial circuit when seeking authorization to dispose of eligible evidence.

We recommend the Florida Highway Patrol provide annual training to all Evidence and Property Personnel with evidence oversight responsibilities. The training should include protocols for all aspects of evidence and property handling, specific legal requirements, and policies and procedures related to the acquisition, maintenance, and disposal of evidence.

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**Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 1. FHP Policy 12.01 and the Evidence/Property (E/P) Procedures Manual are being revised to include implementation of best-practice protocols in the disposal process and destruct order coordination with troop legal advisers. Additionally, new training curricula in these specific areas are being developed for all Evidence Property Personnel (EPP) and other members.

**Finding 2 - Evidence and Property Room Security**

Physical security within some Florida Highway Patrol Evidence and Property Rooms is insufficient.

**Recommendation**

We recommend the Florida Highway Patrol formally evaluate the current security controls within each Evidence and Property facility and make necessary improvements.

**Management Response**

The Florida Highway Patrol concurs with the recommendation in Finding 2. Additional security measures such as video camera surveillance, key-card readers, and alarm systems for all troop E/P facilities are currently being implemented, including the installation of new equipment and updates of current equipment.

**Finding 3 - Supervision and Oversight of the Evidence and Property Function**

Supervision and oversight of the Evidence and Property function is insufficient.

**Recommendations**

We recommend the Florida Highway Patrol formally evaluate the current staffing and supervision of the Evidence and Property function.

We recommend the Florida Highway Patrol designate an Evidence and Property statewide coordinator with authority to standardize, train, and provide oversight of the Evidence and Property function.

**Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 3. The Florida Highway Patrol is currently discussing the creation of a Statewide E/P Committee operating under the direction of the Office of Strategic Services to evaluate,

coordinate, manage, and oversee the E/P function including current staffing and supervision.

**Finding 4 - Evidence and Property Packaging, Labeling, and Documentation**

Evidence packaging, labeling, and documentation of narcotics and currency are not conducted in accordance with policy and procedure.

**Recommendations**

We recommend the Florida Highway Patrol provide annual training on the proper packaging, labeling, and documentation of evidence and property items.

We recommend the Florida Highway Patrol include a review of recent evidence and property packaging, labeling, and documentation within their Staff Inspection Program to determine troop compliance with policy and procedure.

**Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 4. Additional training programs addressing E/P packaging, labeling, and related documentation for EPP are being developed, with a roll-out target date of June 30, 2015, for all training programs.

The Staff Inspection Program, as well as the Annual and Quarterly Inventories, will include an examination of evidence and property packaging, labeling, and related documentation for compliance with established policy and procedure.

**Finding 5 - Evidence and Property Maintenance and Storage**

Evidence is not maintained and stored consistently within the various Evidence and Property Rooms and in accordance with the Florida Highway Patrol Evidence and Property Procedures Manual.

**Recommendations**

We recommend the Florida Highway Patrol make necessary changes to ensure facilities allow for the separation of narcotics evidence from general evidence.

We recommend the Florida Highway Patrol implement a uniformed system of numbering and labeling for evidence storage.

**Management Response**

The Florida Highway Patrol concurs with the second recommendation in Finding 5. A standardized state-wide process for the numbering, labeling and storage of E/P items is being developed .

The Florida Highway Patrol is evaluating the feasibility of separating drug evidence from general evidence given the constraints of our facilities.

**Finding 6 - *Audit and Inspection Process***

The Florida Highway Patrol does not provide sufficient training to staff to conduct quarterly inspections, annual audits, and special inventory audits of the evidence and property function.

**Recommendations**

We recommend the Florida Highway Patrol formally evaluate their current audit and inspection processes to determine if they are adequate.

We recommend the Florida Highway Patrol provide formal training to all staff involved in the audit and inspection process to include standardization and detailed expectations of existing policy and procedure.

**Management Response**

The Florida Highway Patrol concurs with the recommendations in Finding 6. FHP Policy 12.01 and the E/P Procedures Manual are currently being revised to address training, audit, inspection, and the inventory process. Additional training programs are being developed and will be implemented by June 30, 2015.

**Finding 7 - *Evidence and Property System***

The current evidence system is not meeting Department needs.

**Recommendation**

We recommend the Florida Highway Patrol ensure the evidence system used sufficiently documents and tracks system access, and the acquisition, storage, and disposition of evidence.



**Management Response**

The Florida Highway Patrol concurs with the recommendation in Finding 7. Alternatives to the IEvidence system such as the CTS/SmartCop E/P management system are currently being examined. The Department's Information Systems will be consulted to consider technical issues such as specifications, procedures, database management, reporting requirements, and timeline for migration of current E/P data, as well as transitional protocols for the implementation of a new E/P data/inventory management system following the Department's governance process.

cc: Julie M. Leftheris, Inspector General