
CLERK OF CIRCUIT COURT

**COURT SERVICES DEPARTMENT
CRIMINAL EVIDENCE INVENTORY
REVIEW**

NOVEMBER 21, 2003

HERNANDO COUNTY CLERK OF CIRCUIT COURT

AUDIT SERVICES DEPARTMENT

MEMORANDUM

TO: Jana Murphy, Court Services Director

VIA: Karen Nicolai, CPA, Clerk of Circuit Court

FROM: Peggy Prentice, CIA, CISA, Audit Services Manager

DATE: November 21, 2003

SUBJECT: Criminal Evidence Inventory Review

The Clerk of Circuit Court requested the Audit Services Department (ASD) to review the criminal evidence inventory prior to transferring control from the Criminal Supervisor to the Court Clerk Supervisor around the first week of November 2003. The ASD was asked, based upon testing, to provide some assurance that the sampled inventory materially agrees with the Court Services' current Evidence Tracking - Detail Inventory Report.

The ASD neither addressed whether the current Evidence Tracking - Detail Inventory Report is all inclusive (lists the entire population) nor tracked individual inventory items from the appropriate case file through their life cycle and/or to the current Evidence Tracking - Detail Inventory Report. In addition, the ASD only compared the Department's written policies to current practices where they directly related to physical security.

Based on testing, the ASD has produced the attached report for your review. The Report contains audit comments and recommendations.

A copy of the Report has been forwarded via Richard Radacky to the Board of County Commissioners as an agenda "correspondence to note" item.

I would like to take this opportunity to extend my appreciation to Court Services staff for the courteous treatment extended to ASD during this review.

If you have any questions, concerns, or need additional information in regard to the above or the attached report, please do not hesitate to contact me at (352) 540-6235, or just stop by my office.

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ATTACHMENT

copy: BOARD OF COUNTY COMMISSION:

Commissioner Mary Aiken
Commissioner Hannah "Nancy" M. Robinson
Commissioner Diane Rowden
Commissioner Robert C. Schenck
Commissioner Mary Whitehouse
Richard "Dick" Radacky, County Administrator
George Roussos, P.E., Deputy County Administrator
George Zoettlein, Office of Management and Budget Director

OTHER:

Chip Jones, KPMG
Hernando Today
St. Petersburg Times - Hernando Edition
WWJB Radio Station
Hernando County Public Library

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ACKNOWLEDGMENT

ACKNOWLEDGMENT

Other minor findings, not included in this report, have been communicated to management and/or corrected during fieldwork. I thank the management and staff for their cooperation.

Fieldwork was performed by:

Peggy Prentice, CIA, CISA, Audit Services Manager
Barbara Fichter, Internal Auditor

This report was reviewed and authorized by Karen Nicolai, CPA, Clerk of Circuit Court, on November 21, 2003.

PURPOSE AND SCOPE

Criminal Evidence Inventory Review

PURPOSE AND SCOPE

PURPOSE:

Criminal evidence inventory control will be transferred from the Criminal Division to the Court Clerk Division in November 2003. The ASD was asked to perform a limited review of this inventory and, based upon test results, provide some assurance that the inventory sampled materially agrees with the Court Services' current Evidence Tracking - Detail Inventory Report. To accomplish this goal, ASD addressed whether security and record keeping practices appear to adequately safeguard the criminal evidence inventory. ASD also addressed the accuracy and completeness of the criminal evidence inventory on hand in comparison to the current Evidence Tracking - Detail Inventory Report.

SCOPE:

The ASD interviewed key personnel, observed practices, and addressed the security and record keeping processes and the standard operating procedures that safeguard criminal evidence inventory. ASD performed a sample physical count of criminal evidence inventory and compared these test results to the Department's current Evidence Tracking - Detail Inventory Report. ASD tracked a sample of non-inventoried items to the corresponding release or sign-out document. The ASD reported whether the test sample materially agrees with the Inventory Report at the time of the count.

SCOPE LIMITATIONS:

This was a limited review in regards to security issues. The ASD compared only those current practices to written policies that directly relate to physical security. In addition, the ASD neither addressed whether the Department's current Evidence Tracking - Detail Inventory Report is all inclusive (lists the entire population) nor tracked individual inventory items from the appropriate case file through their life cycle and/or to the Inventory Report. Testing was based upon the Detail Inventory Report.

BACKGROUND

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BACKGROUND

The Clerk of Circuit Court's Court Services Department is responsible for securing and/or maintaining a record of inventoried evidence throughout the life cycle. Evidence is the physical exhibits submitted in a trial. Deputy Clerks are responsible for attending all court sessions relating to criminal cases, receiving and maintaining evidence, and processing all court related paperwork.

Deputy Clerks prepare and maintain an Exhibit Evidence List for each party presenting exhibits or evidence during the progression of the trial or hearing. The Deputy Clerk pre-marks the item(s) for identification purposes. When an exhibit previously marked for identification is submitted in court, the court may or may not allow it to become evidence. If it is allowed to become evidence, it is said to have been "admitted into evidence."

When the trial concludes, the Deputy Clerk is responsible for preparing the admitted evidence for storage in the appropriate evidence locker located in the Record Storage Facility. Once prepared, two Deputy Clerks must sign-out the evidence locker keys. Each evidence locker is secured by a dual key-locked door. The Court Services Coordinator is the key custodian for all evidence locker keys. Access is controlled by checking-out the keys via an Evidence Access Log. The two Deputy Clerks transport the evidence to a locker. They place the evidence into its storage location and indicate the location on the Exhibit Evidence List. They return the evidence locker keys to the Court Services Coordinator and indicate the return on the Evidence Access Log.

The Deputy Clerk forwards the original Exhibit Evidence List to the Criminal or Traffic Divisions for docketing and filing. The Deputy Clerk forwards a copy of the Criminal Evidence List to the Court Clerk Supervisor for input into the Evidence Tracking System (ETS). When all new evidence has been entered for a case, the Court Clerk Supervisor prints a Detail Report by Case Report and prepares a Print Request Form for bar codes. This form is given to the MIS Department. Once processed by MIS, this form is returned to the Court Clerk Supervisor.

Two Deputy Clerks check-out the evidence locker keys utilizing the Evidence Access Log. They take the Detail Report by Case and the bar codes to the locker then match the bar codes to each item of evidence using the Detailed Inventory Report by Case as guidance. They put each item into a container (i.e., an envelope, box, plastic bag, etc.). The evidence locker keys are returned to the Court Services Coordinator and the key return is noted on the Evidence Access Log. The Deputy Clerk Supervisor arranges with MIS to download the items into the ETS so as to input the location into the automated tracking system.

Inventory items can be removed from the evidence lockers for trial, disposition, release, or review, but in all cases, the evidence must be tracked by location and by who possesses the item. Currently, the ETS is used to create and maintain a history of the activity involving each item of evidence. Management anticipates transferring responsibility of the criminal evidence to another department and supervisor, as well as replacing the ETS software in the near future.

**COMMENTS
AND
RECOMMENDATIONS**

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EVIDENCE POLICIES AND PROCEDURES

SCOPE OF WORK

ASD addressed whether policies and procedures appear to adequately safeguard the criminal evidence inventory. This was a limited review in regards to security issues. Only those written policies that directly relate to physical security were compared to current practices.

COMMENTS AND RECOMMENDATIONS

Overall, the Evidence Policies and Procedures appear to adequately address inventory record keeping and security practices. However, three control weaknesses were identified as follows:

1. The Evidence Locker key custodian, the Court Services Coordinator, is not referenced consistently throughout the manual. In some procedures the custodian is inaccurately referenced as the Criminal Supervisor or the Deputy Supervisor. Whereas in others, the custodian is accurately referenced as the Court Services Coordinator.

Recommendation - Consideration should be given to editing the manual so that the correct evidence locker key custodian(s) is consistent.

Management's Response - Management concurs. The Policy and Procedure is in the process of being revised to reference the Court Services Coordinator and the Court Clerk Supervisor as keepers of the evidence locker keys.

Management's Target Date - The target date for this revision is December 15, 2003.

2. The policies do not consistently require joint access into the evidence locker.

Recommendation - Consideration should be given to updating the policies and procedures to ensure that joint access to the evidence locker(s) by two (2) Deputy Clerks is a departmental requirement and there are two key custodians who hold different keys.

Management's Response - Management concurs. The Policy and Procedure is being revised to consistently require joint access into the evidence locker(s) by two (2) Deputy Clerks.

Management's Target Date - The target date for this revision is December 15, 2003.

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3. Procedure 500.20 states that an inventory of the physical evidence is conducted annually by the ASD, assisted by the Criminal Supervisor and a Deputy Clerk. The Department is not in compliance with the policy.

Recommendation - It appears that a full physical evidence inventory count has not been performed since 1996. ASD recommends that a full physical count be performed immediately after the new software is implemented to ensure that the inventory records are complete and accurate. Consideration should also be given to performing annual physical inventory counts, and the ASD should be notified immediately after these counts. ASD will perform sample testing of the inventory to provide some assurance that inventory record keeping is accurate. The policy should be updated to address this process.

Management's Response - Management concurs. ASD should perform a full count audit within 30 days after the conversion and implementation of the new tracking software for evidence inventory records. The policy will be updated to address this process.

Management's Target Date - The target date for this revision is June 30, 2004, after implementation of the new tracking software.

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PHYSICAL INVENTORY CONTROLS

SCOPE OF WORK

The ASD reviewed a sample of Evidence Access Logs, interviewed key personnel, and identified control strengths and weaknesses, as applicable.

COMMENTS AND RECOMMENDATIONS

Although the Department has taken measures to ensure that there is a historical record of who, when, and for what purpose the evidence lockers were accessed, there appears to be physical security control weaknesses.

1. The Evidence Access Log, used to sign-in/out locker keys, does not specifically identify if the keys were used to access the civil or the criminal evidence locker. A sample test of Evidence Access Logs revealed that these logs are not completed fully and/or legibly by the users.

Recommendations - Keeping in mind the objective of keeping a historical record of the conveyance of the keys from the key custodian to the user and of who, when, and why the evidence lockers were accessed, consideration should be given to requiring the Deputy Clerks to provide adequate and complete documentation as follows:

- a. Evidence Access Logs should be completed in their entirety (i.e., the date and the time the keys are checked-out, the time the keys are returned, the case number and name, an adequate explanation of why access was authorized, and the signatures as opposed to the initials of the Deputy Clerks). “Various” for the case number, case name, and/or explanation for access should not be used, as this provides little or no historical value. If, however, management determines that any of the columns of information on the Evidence Access Log provides no historical benefit, then these columns should be omitted from the log.
- b. A column should be added to the log for the Deputy Clerk to print his/her name by his/her signature. This will ensure that the identity of the signer can be made.
- c. The key custodians should ensure that their Evidence Access Log is prepared and completed accurately by the Deputy Clerk prior to authorizing usage of their key.

Management’s Response - Management concurs. The Evidence Access Log will be revised to eliminate any columns that do not provide historical benefit. A column will be added to

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ensure that the identity of the signer can be made. The key custodian will ensure that the Evidence Access Log is completed in its entirety.

Management's Target Date - The target date for this revision is December 15, 2003.

2. Physical security of the evidence locker keys is inadequate. All keys (two for each evidence locker) are maintained on a single key ring in the Court Services Coordinator's office. The keys are not secured in a locked area.

Recommendations - Since door locks are only as secure as the control over the keys, consideration should be given to the following internal control enhancements:

- a. Segregating the keys and corresponding Evidence Access Logs. For example, there should be two (2) key custodians. Each custodian is responsible for safeguarding one key to each of the evidence lockers. Each custodian maintains an Evidence Access Log. To gain authorized access to a locker, the two Deputy Clerks must obtain one key each from each of the two key custodians. Each Deputy Clerk records his/her access, on the appropriate Evidence Access Log.
- b. Securing access to the evidence locker keys in a controlled environment such as a locked cabinet or drawer is advisable. The key custodian (and/or his/her designated backup) should be the sole key-holder of the cabinet/drawer key.

Management's Response - Management concurs. The keys will be segregated by placing the key that controls both the Civil and Criminal Evidence Locker dead bolts in a locked box within the Court Services Coordinator's office. The keys for this box will be maintained by the Court Services Coordinator and the Court Services Director. The keys for the Civil and Criminal door knobs will be maintained by the Court Clerk Supervisor and her designated back-up. This will require the two (2) Deputy Clerks to sign out the keys in two (2) Access logs.

Management's Target Date - The target date for this revision is December 15, 2003.

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PHYSICAL INVENTORY COUNT

SCOPE OF WORK

The ASD neither addressed whether the 10/20/2003 Evidence Tracking - Detail Inventory Report is all inclusive (lists the entire population) nor tracked individual inventory items from the appropriate case file through their life cycle and/or to the report. Testing was based upon this report. The ASD selected a random sample of inventory items for testing. The ASD physically counted the sample and compared the test results to inventory records. The ASD also tested a sample of non-inventoried items by tracing these items to the corresponding authorization for sign-out or release document, as appropriate.

COMMENTS AND RECOMMENDATIONS

Based upon testing, the ASD provides assurance that on the physical inventory count date, the sampled items listed in the Evidence Tracking - Detail Inventory Report, run date 10/20/2003, were located in the evidence locker. However, some items listed on this report and on the automated non-inventory report have incorrect status codes such as signed-out or released when the items are located in the evidence locker. It appears that these coding errors are primarily due to either data being damaged during conversion or data input errors that cannot be corrected due to software limitations. Management was aware of at least some, if not all, of these errors prior to ASD bringing it to their attention. Per management, they identified coding errors when they performed a full physical inventory count. The documentation presented to ASD by management denotes explanations and/or corrective action. ASD tested a sample of these items from management's documentation. Based upon testing, it appears that management took the appropriate steps to ensure that, although the automated records contained some coding errors, corrective action.

Recommendations -

1. After each data batch conversion, the automated records should be spot checked for accuracy and completeness. This will provide some assurance that the data input was converted completely and accurately.

Management's Response - Management concurs.

Management's Target Date - N/A

2. Since the Department anticipates converting to a more powerful inventory software program in FY 03/04, no corrective action is required to address the ETS software weaknesses. However, once the new software is implemented and the data is converted (including status coding error corrections), a comparison of the ETS records to the new system's records and

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a complete physical inventory count should be performed to ensure that the conversion is complete and accurate. Once the Department is comfortable with the reliability of the new system's records, ASD should be requested to spot check the physical inventory and corresponding record keeping as to provide assurance that the conversion and/or count was performed as desired.

Management's Response - Management concurs.

Management's Target Date - The target date for the implementation of the Total Recall software is June 30, 2004.