



Police Internal Audit Report

Firearm Evidence Process Review



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Auditor's Conclusion

February 15, 2023

Internal Audit has completed the Firearm Evidence Process Review. We conducted this engagement at the request of the Unified Forensic Lab (UFL) Board.

The audit objective was to determine the efficiency and effectiveness of the firearm evidence (NIBIN) process from when each agency collects evidence to its transfer to the UFL for analysis to the agency's receipt of the analysis from UFL.

To this end, Internal Audit:

- Interviewed agencies employees,
- Reviewed agencies policies,
- Created process maps for each agency and the UFL, and
- Evaluated the efficiency and effectiveness of processes.

Based on the results of our engagement procedures, we conclude that there are opportunities at each agency and the UFL to improve their processes and increase the efficiency and effectiveness of the NIBIN process. We have detailed our issues and recommendations in the Issue Details section of this report.

We want to acknowledge the cooperation of the leadership and members of the Arapahoe County Sheriff's Department, Douglas County Sheriff's Department, and the Aurora Police Department.

Michelle Crawford

Michelle Crawford, M.Acct., CIA, CFE, CRMA
City Auditor

Audit Profile

Audit Team

Wayne Sommer, CPA, CGMA – Retired -Internal Audit Manager

Michelle Crawford, M.Acct, CIA, CFE, CRMA – Police Auditor

Scope

January 1, 2022, through September 30, 2022, and processes in place during the review period (September through December 2022.)

Background

The Unified Forensic Lab (UFL) serves the City of Aurora, Arapahoe County, and Douglas County.

According to the Bureau of Alcohol, Tobacco, and Firearms (ATF), crimes are solved by law enforcement following up on intelligence information from ballistic imaging technology. Since the 1990s, the ATF has worked with law enforcement partners to place the capabilities of the NIBIN Network where it can help incarcerate armed violent offenders plaguing communities. Today the ATF can share ballistics intelligence across the United States making law enforcement resources more effective.

NIBIN stands for National Integrated Ballistic Information Network. The NIBIN Program automates ballistics evaluations and provides actionable investigative leads in a timely manner. NIBIN is the only interstate automated ballistic imaging network in operation in the United States and is available to most major population centers in the United States.

The turnaround from when an incident occurs to processing evidence for NIBIN is essential to investigators and solving crime. The Unified Forensic Lab (UFL) handles the NIBIN process for the agencies. On August 22, 2022, the UFL joined an ATF correlation center, which conducts ballistics image correlations and returns investigative leads. Previously, the UFL provided all correlations.

The UFL system captures NIBIN data for turnaround times. The data below was provided by UFL for the monthly NIBIN report turnaround times through November 30, 2022. Please note, we did not audit this data, it is for informational purposes only.

NIBIN		
2022	Evidence Transfer	Request Turnaround
January	10.1	59.1
February	25.1	55.9
March	9.9	38.4
April	6.2	51.6
May	6.4	36.9
June	8.3	25.2
July	6.3	32.2
August	7.7	35.7
September	7.1	28.2
October	3.6	13.6
November	1.7	7.4

Data can be extracted from the system in different ways and the data reported varies based on the parameters selected. Information provided to the Board of Directors is based on the NIBIN request date in the given month (or other date range.) This data set may change based on when the report is run, the numbers above may differ from the numbers within the Board reports.

City Manager Response

The Firearm Evidence Process Review performed by Aurora's Police Auditor provides a beneficial assessment of the firearm evidence process at the Unified Forensic Lab. This Audit is important as it provides insight into a process that assists with identifying ballistics used in the commission of crimes and can link those ballistics to various crimes and ultimately criminals. Evidence from these images can help in solving crimes and the prosecution of criminals. The timeliness of producing this information is critical to the speedy investigation of crimes where firearms have been used and could be used in additional crimes.

The Audit identifies several issues, such as the processing of corrections, the timing of transports of evidence to the lab, guidance for consistent decision-making when additional testing of firearm evidence is necessary, and the need for the use of performance measures in the processing of evidence. The recommendations for improvements are clear and concise and should provide good direction for the Lab employees and the Police Department.

James Twombly
Aurora City Manager

UFL Board Response

The Firearm Evidence Process Review presented by Aurora's Police Auditor provides valuable feedback that will improve the quality and efficiency of services rendered by the Unified Forensic Lab. The Lab is committed to implementing these improvements to enhance the ballistics and firearm evidence testing used to solve crimes and contribute to justice and public safety. The Lab appreciates the work of the Aurora Police Auditor, the Lab staff, and the agency representatives who participated in this process to assess the effectiveness of procedures for testing firearms evidence and to make recommendations to improve turnaround times for testing and reporting.

Issue Details

Aurora Police Department

ISS.1 - APD - Evidence corrections

The Aurora Police Department (APD) evidence correction process causes delays in the processing of firearm evidence.

When property technicians process evidence intake, they may identify necessary corrections to be made by an officer, such as a missing signature. While technicians may complete some corrections, there needs to be a policy or standard documenting which types of corrections a technician can and should make. Standardizing the corrections process ensures consistency and a better understanding for all individuals involved.

The corrections process begins with identifying an evidence correction, then property and evidence employees email a notice of correction to the officer and their supervisor. After ten days, they email a second notice, and after another five days, they email the third notice. Correction emails do not highlight if the evidence is firearm related. Adding a note to the email that the correction involves firearm evidence and training supervisors and officers to look for it may improve the turnaround time for these high-priority corrections.

Additionally, for most corrections, an officer must physically correct the error. As a result, most officers go to the property and evidence unit at the Headquarters building to make the correction, placing the officer out of service for the time necessary to make the corrections. While the Property and Evidence unit informed us that they could place evidence at the districts in corrections lockers, this appears to be something other than common knowledge and still requires an officer to go out of service or make corrections after shift.

Therefore, when firearm evidence requires a correction, it can significantly delay the process.

Recommendation

We recommend that APD Property and Evidence standardizes and documents its procedures for handling officer corrections, clearly defining which corrections property technicians can and should make. We also recommend that Property and Evidence add a notation to correction emails involving firearm evidence. The Department should provide training on reviewing that notation to ensure the timely completion of the correction.

Management Response

The Aurora Police Department agrees with this recommendation and will modify procedures specific to firearms-related officer corrections. This will include identifying corrections that can be made by a property technician and which ones require action by an officer.

Anytime corrections involve firearms-related evidence; these notices will be designated and clearly identified as “Urgent.” Officers will be made aware that immediate action is required. Supervisors will also be made aware, which will place responsibility on them to rectify the situation without delay. The exact parameters of this guidance will be developed and captured in policies and procedures.

Estimated Implementation Date: August 31, 2023

Issue Owner: Property and Evidence Lieutenant

Issue Final Approver: Investigations Division Chief

ISS.2 - APD - Evidence transport

Officers can store their evidence at each district instead of transporting it to the Property and Evidence Unit. Property and Evidence employees transport evidence from each district once per day, Monday through Friday. Any evidence dropped off after the pick-up remains at the district until the next business day, resulting in further delays in processing firearm evidence.

There are several options the department could consider.

- Officers transport firearm-related evidence directly to Property and Evidence after the pick-up time and before Property closes. The department should take into consideration that this may take an officer out of service (unable to respond to calls for service.)
- Add a second daily transport of evidence from the districts or add a second transport for the districts with the highest volumes of firearm-related evidence.
- Optimize the timing of the transports to when most firearm evidence is received at the districts.

The department should weigh the additional cost of resources versus the benefit of processing firearm evidence faster.

Recommendation

We recommend the department evaluates options to increase transports from districts to Property and Evidence while monitoring changes to ensure the changes result in a reduction in the time it takes to process firearm evidence.

Management Response

The Aurora Police Department agrees with this recommendation and will evaluate the most effective way to get firearms-related evidence to the Property and Evidence Section without unnecessary delays. This may include increasing the number of evidence transports or altering the evidence collection and submittal procedures by officers to ensure firearms evidence is immediately accessible to Property and Evidence personnel.

Estimated Implementation Date: August 31, 2023

Issue Owner: Property & Evidence Lieutenant

Issue Final Approver: Investigations Division Chief

ISS.3 - APD - Update policy and procedures

Policies and procedures for handling firearms evidence and the NIBIN process do not reflect current practices. For example, the Standard Operating Procedures (SOPs) for the crime scene unit are from 2012 and do not reflect current practice. At the time of our review, the NIBIN directive was in the process of being updated.

The Property and Evidence Unit SOP for handling NIBIN is from 2020 and does not reflect current practices. In addition, the Property and Evidence Unit needs to memorialize the process and expectations for handling evidence on Wednesdays (when the unit has limited hours) between the NIBIN detail and the Property and Evidence Unit. Ensuring both parties are aware of expectations and procedures.

Practices not documented in policy and procedure can result in inconsistent handling, incomplete processes, and duplication of effort.

Recommendation

We recommend that Aurora Police update its policies and procedures related to firearms evidence and the NIBIN process to reflect current practices.

Management Response

The Aurora Police Department agrees with this recommendation and will codify or update NIBIN Process Policies and Procedures that reflect current best practices. This will include directives related to evidence collection and NIBIN Processing, CSI SOP's, and Property and Evidence SOP's.

Estimated Implementation Date: August 31, 2023

Issue Owner: Major Crimes Section 2 Lieutenant

Issue Final Approver: Investigations Division Chief

ISS.4 - APD - Additional firearm testing decision-making

The Department should issue additional guidance for members determining when firearm evidence needs further tests outside of NIBIN testing. For example, procedures should document considerations for officers and investigators when evidence may need additional testing, such as latent prints.

Developing guidance for everyday situations when members or investigators should request DNA or latent print testing helps standardize the process. Guidance creates the right level of testing with the information known at the time, compared to an all-or-nothing approach.

Recommendation

We recommend that APD develops procedures for officers and investigators to outline the most common situations in which additional testing is necessary for firearm evidence.

Management Response

The Aurora Police Department will develop guidance for members related to the handling, collection, and evidence processing requests of firearms evidence. This guidance will delineate the proper handling and collection of firearms evidence. It will also set parameters for when CSI should be contacted for collection and when DNA and/or fingerprint processing and analysis are applicable/relevant. This guide will be the reference in policy with a link in the APD Links section, which every officer will have access to while on duty. It is understood that these will be guidelines, and exceptions can occur depending on circumstances.

Estimated Implementation Date: August 31, 2023

Issue Owner: Major Crimes Section 2 Lieutenant

Issue Final Approver: Investigation Division Chief

ISS.5 - APD - Staffing levels and schedules

Staffing levels and schedules for the Property and Evidence Unit and the NIBIN detail leave two to three days without staffing. Without changes to the current schedules and consideration for staffing resources, the turnaround time for firearm evidence will always experience at least a two-to-three-day delay when operations are not staffed.

Recommendation

Evaluate the workload, schedules, and staffing resources for the Property and Evidence Unit and the NIBIN detail to determine if changes are needed and feasible. The evaluation should follow a risk-based approach weighing the cost and workload against a reduction in evidence turnaround times.

Management Response

The Aurora Police Department agrees with this recommendation and will conduct a comprehensive evaluation of workload, schedules, and staffing resource needs. This will include a final report assessment that balances cost vs. benefits analysis with recommendations that will be presented to the auditor and Chief of Police for consideration.

Estimated Implementation Date: October 31, 2023

Issue Owner: Property and Evidence Lieutenant and RAVEN Lieutenant

Issue Final Approver: Chief of Police

All agencies

ISS.6 - Performance measures

Agencies and the UFL need to establish performance measures for the area of the process they control. Performance measures are an essential tool in monitoring and measuring operational effectiveness and efficiency. When determining program measures, qualitative and quantitative data on operations and goals should be considered. Identifying the performance measures for critical steps in the processes allows performance to be adequately monitored and addressed.

Each agency should develop performance measures for the steps for which they are responsible and monitor those measures consistently. This should include how it will be measured and the context for the measure itself (such as a desired performance target.) For example, agency performance measures could include the average days between the submission of a lab request to the receipt of the item by the Lab and the average days between the incident date and the item's receipt by the Lab.

The UFL should determine its performance measures for NIBIN entry and request turnaround times.

Recommendation

We recommend that each agency and the UFL develop and set specific performance measures for the portions of the process they control. Then, the agencies and UFL should assign responsibility and procedures for monitoring those measures and reviewing them when they are not met.

Management Response

APD Response: The Aurora Police Department will develop and set performance measures for property and evidence processes, NIBIN detail processes, and CSI collection processes. Within the Investigations Bureau, the Investigations Commander will be responsible for monitoring these measures and auditing performance.

Estimated Implementation Date: August 31, 2023

Issue Owner: Property and Evidence Lieutenant and Major Crimes Section 2 Lieutenant

Issue Final Approver: Investigations Division Chief

UFL Board response: Concur with recommendations. The UFL will develop and set performance measures for NIBIN entry and request turnaround times.

Estimated Implementation Date: April 1, 2023

Issue Owner: UFL Firearms Unit Supervisor

Issue Final Approver: UFL Laboratory Director

ISS.7 - Reporting data

The agencies and the UFL need to better utilize and monitor data to identify delays in the process to address them in a timely manner.

The UFL provides the Board with quarterly PDF reports, including average days for evidence transfer, entry turnaround, and request turnaround for NIBIN. The PDF does not break out information by each agency and does not include the time between an agency request being submitted and the evidence transferred to the Lab.

Depending on how an investigation progresses, there may be significant time gaps between an incident date and a request submission to have evidence tested. Providing additional data allows each agency to monitor the portions of the process they control to ensure they are transferring evidence to the Lab in a timely manner.

Recommendation

We recommend that UFL evaluates the system's ability to expand its reporting to include each agency and the time between a request's submission and receipt of evidence by the Lab. If the system cannot report on the data, we recommend sharing the data available with each agency in a usable format, such as Excel.

We also recommend that UFL provides data to agencies monthly and that the agencies use that information to evaluate any delays in their processes.

Management Response

APD Response: The Aurora Police Department will develop a reporting system in conjunction with UFL that provides relevant performance information to APD. The information will be assessed on a monthly basis to ensure the highest performance standards are met. Within the Investigations Bureau, the Investigations Commander will be responsible for monitoring these measures and auditing performance.

Estimated Implementation Date: August 31, 2023

Issue Owner: Investigations Commander

Issue Final Approver: Investigations Division Chief

UFL Board Response: Concur with recommendations. The UFL will expand its reporting to include each agency and the time between a request's submission and receipt of the evidence by the lab. The UFL will provide data to the agencies monthly.

Per Estimated Implementation Date: April 1, 2023

Issue Owner: UFL Systems Administrator

Issue Final Approver: UFL Laboratory Director

Unified Forensic Lab

ISS.8 - LIMS portal updates

The UFL uses the LIMS (JusticeTrax) system. Agencies submit requests using the LIMS portal. The LIMS portal form includes additional fields that do not apply to agency requests. Simplifying the form may decrease errors and increase the efficiency of the process.

Recommendation

We recommend that the three agencies work with the UFL to identify the required information and format necessary to successfully submit a request to the Lab, eliminating redundant and irrelevant information.

Management Response

UFL Board Response: Concur with recommendations. The UFL will work with the three agencies to identify the required information and format necessary to successfully submit a request to the lab, eliminating redundant and irrelevant information. The UFL and Aurora IT will work with JusticeTrax to implement the changes to their software necessary for the revised format.

Estimated Implementation Date: April 1, 2023

Issue Owner: UFL Systems Administrator

Issue Final Approver: UFL Laboratory Director

ISS.9 - UFL Policy and procedure updates

The UFL has recently changed several processes to increase its efficiency and improve NIBIN turnaround times. The Lab should document these changes within procedures and policies. Documenting current practices within policies and procedures ensures consistency and standardization.

Additionally, we are aware that the Lab provided the agencies guidance via email that they will not be performing NIBIN processing for incidents prior to 2019. While employees can provide guidance via email in some instances, the UFL should memorialize the guidance in policies or procedures to ensure it remains available as personnel changes occur.

Recommendation

We recommend that the UFL update its policies to reflect current practices, including not accepting items for NIBIN before 2019 and changes to its firearm examination process.

Management Response

UFL Board Response: Concur with recommendations. The UFL will update its policies and procedures to reflect current practices.

Estimated Implementation Date: April 1, 2023
Issue Owner: UFL Quality Manager
Issue Final Approver: UFL Laboratory Director

ISS.10 - UFL Turnaround times

The NIBIN turnaround process can be delayed when evidence requires additional testing, such as latent prints. Therefore, the UFL should continually review the processes that significantly impact the agency's ability to investigate and prosecute crimes, identifying efficiencies and improvements.

The evaluation should consider people (staffing), processes (is this required/needed), and technology. Evidence that requires testing across multiple fields can impact testing in other fields, resulting in delays in providing investigators results.

Recommendation

We recommend that UFL continually evaluates its processes for efficiencies and improvements.

Management Response

UFL Board Response: Concur with recommendations. The UFL will continually review its processes for efficiencies and improvements.

Estimated Implementation Date: April 1, 2023
Issue Owner: UFL Technical Leaders and Management
Issue Final Approver: UFL Laboratory Director

Arapahoe County Sheriff's Office and Douglas County Sheriff's Office

ISS.11 - Agency - Additional firearm testing decision-making

The agencies should issue additional guidance for members determining when firearm evidence needs further tests outside of NIBIN testing. For example, procedures should document considerations for members and investigators when evidence may need additional testing, such as latent prints.

Developing guidance for everyday situations when members or investigators should request DNA or latent print testing helps standardize the process. Guidance creates the right level of testing with the information known at the time, compared to an all-or-nothing approach.

Recommendation

We recommend that the agencies develop procedures for members and investigators to outline the most common situations where additional testing is necessary for firearm evidence.

Agency Responses

Arapahoe County Response: Although we haven't yet codified the procedures, our supervisors have gone through the list of firearms that are pending processing to determine what is a priority and what is not to relieve our backlog of agency firearms. With those complete, Investigations Supervisors are able to determine what firearms should be tested when doing case assignments based on the circumstances of the incident.

Douglas County Responses: The Douglas County Sheriff's Office updated its Policy and Procedures with a new NIBIN Policy. This policy addresses procedurally how to request additional processing such as latent prints and DNA.

ISS.12 - Agency - Corrections process

The evidence corrections process may result in delays in the turnaround time for firearm evidence to be processed.

When property employees process evidence intake, they may identify necessary corrections. While property employees may complete some corrections, there needs to be a policy or standard documenting which types of corrections the property employee can and should make. Standardizing the corrections process ensures consistency and a better understanding for all individuals involved.

Additionally, when a correction is identified, the member must go to the Unit to make the corrections. Depending on schedules and responsiveness, the time to address the correction could range from days to over a week.

An option to consider is to include in the correction notice that it is related to firearm evidence and requires a quicker response.

Procedures prioritizing and escalating firearm evidence correction notices may decrease the time evidence is pending for corrections.

Recommendation

We recommend that the agencies evaluate their corrections processes and identify ways to increase/escalate notifications for firearm evidence to ensure members prioritize those corrections.

Agency Responses

Arapahoe County Response: Based on feedback from the lab, there does not appear to be a problem with corrections with ACSO, with one exception, that being when an investigator leaves the agency. We have worked with our IT to ensure that an email ping is received by the lab notifying them that the email address is no longer active. When that notification is received, or they aren't receiving a response from an investigator, they can escalate the request to the Investigation Supervisor email group to determine to whom the case was reassigned and get the correction made.

Douglas County Response: The Douglas County Sheriff's Office updated its Policy and Procedure INV -K-402. This policy addresses documentation and sets timelines for the correction locker at the evidence facility.

ISS.13 - Agency - Property transport

Increasing the frequency of property transports to the UFL may reduce the turnaround time for NIBIN processing.

Arapahoe County Sheriff's Office currently transports evidence to UFL once a week. They should evaluate increasing their property transport to twice a week. A second option would be to develop procedures to transport firearm evidence within a set number of business days.

Douglas County Sheriff's Office currently transports evidence to UFL as needed. They should evaluate procedures to transport firearm evidence within a set number of business days.

Increasing the frequency of transports ensures that firearm evidence is processed more rapidly. The timeliness of firearm evidence NIBIN processing increases the ability of investigators to act on leads more quickly. The agencies should weigh the resources and time to transport with the need to process the evidence timely.

Recommendation

We recommend that Arapahoe County evaluates adding a second day for transporting property. If this is not feasible, we recommend determining how many business days are acceptable between receiving a request for the firearm evidence and its transport to the UFL.

We recommend that Douglas County develops procedures to transport firearm evidence within a certain number of business days of a request from the UFL.

Agency Responses

Arapahoe County Response: CSO has reviewed our current system regarding firearms transports and has revised our schedule. We will now take firearms to the regional lab on Tuesdays, and if there is a need, we will also take firearms over on Thursdays so that there is no evidence pending for an additional week (we previously just took them over on Wednesdays).

Douglas County Response: The Douglas County Sheriff's Office updated its Policy and Procedures with a new NIBIN Policy. This policy identified a specific day of the week (Tuesday) on which firearms and NIBIN evidence will be transported each week.

ISS.14 - Agency - Policy and procedures

Policy and procedures should include critical practices and requirements and be updated regularly. Our review identified some areas where policy and procedures may need to be updated or added.

Our process review identified that for the Arapahoe County Sheriff's Office and the Douglas County Sheriff's Office, an investigator determines whether to submit evidence for the NIBIN process. Each agency should evaluate whether this requirement increases the turnaround time for processing firearm evidence and if there are ever any instances where evidence should go directly to processing. Additionally, the Douglas County policies do not address the officer correction process for evidence.

Ensuring that critical processes and expectations are in policies provides consistent and standard guidelines and practices.

Recommendation

We recommend that each agency reviews its policies and procedures to ensure that critical areas, including correction notice processes and the expectation for what evidence goes through NIBIN testing are outlined in the policy.

Agency Responses

Arapahoe County Response: Our agency reviews our policies on an annual basis and those procedures can be added during the next review later in the year.

Douglas County Response: The Douglas County Sheriff's Office updated its Policy and Procedures with a new NIBIN Policy. This policy identifies the need for the detective to determine and complete the NIBIN's request for quick turnaround purposes. The new policy is attached.

ISS.15 - Agency - Staffing

Staffing levels and schedules for the Property and Evidence Units at each agency leaves two days without staffing. Without changes to the current schedules and consideration for staffing resources, the turnaround time for firearm evidence will always experience at least a two-day delay when operations are not staffed.

Recommendation

We recommend each agency evaluate the workload, schedules, and staffing resources for its Property and Evidence Units to determine if changes are needed and feasible. The evaluation should follow a risk-based approach weighing the cost and workload against reductions in evidence turnaround times.

Agency Responses

Arapahoe County Response: No written response provided for this recommendation; however, the Sheriff's office was agreeable to consider the recommendation.

Douglas County Response: The Douglas County Sheriff's Office evaluated and does not see a need at this time for additional staffing.