TO: Ken Burke
Clerk of the Circuit Court
Ex Officio County Auditor  

FROM: Hector Collazo, Jr., Director
Audit Services, Division of Inspector General  

SUBJECT: Audit of Clerk of the Circuit Court Court’s Evidence Custodians

DATE: April 20, 2011

I am enclosing a copy of the report dated April 20, 2011 on the above-referenced audit.

cc: Myriam Irizarry, Chief Deputy Director, Clerk of the Circuit Court
    David Bateman, Director, Court and Operational Services
    Teresa Del Rio, Manager, Court Assistance
    Jim Bennett, County Attorney
    Claretha N. Harris, Chief Deputy Director, Finance Division
    Ernst & Young
AUDIT OF THE
CLERK OF THE CIRCUIT COURT
COURT’S EVIDENCE CUSTODIANS
April 20, 2011

The Honorable Ken Burke  
Clerk of the Circuit Court

We have conducted an audit of the Clerk of the Circuit Court (Clerk’s) Court’s evidence custodians’ operations and internal controls over Criminal, Traffic, Civil, and Family Courts’ evidence.

We concluded that the Clerk’s Court Assistance Department for the Criminal and Traffic Courts, and the Court Assistance Department for the Civil and Family Courts are:

- Providing secure and well-organized oversight over evidence submitted.
- Safekeeping evidence in a tightly controlled system.
- When appropriate, is carefully monitoring the destruction or return of evidence.

Our audit did not identify any policies, procedures, or practices that could be improved. Accordingly, there are no Opportunities for Improvement presented in this report.

We appreciate the cooperation shown by the Court Assistance Departments’ management and the evidence custodians during the course of this review.

Respectfully Submitted,

Hector Collazo, Jr., Director  
Audit Services, Division of Inspector General


INTRODUCTION

Synopsis

The Clerk's Court Assistance Department for the Criminal and Traffic Courts, and the Court Assistance Department for the Civil and Family Courts are:

- Providing secure and well-organized oversight over evidence submitted.
- Safekeeping evidence in a tightly controlled system.
- When appropriate, is carefully monitoring the destruction or return of evidence by the Departments, the State Attorney's Office, and the Court.

Our audit did not identify any policies, procedures, or practices that could be improved. Accordingly, there are no Opportunities for Improvement presented in this report.

Scope and Methodology

We conducted an audit of the Criminal and Traffic Courts, and Civil and Family Courts' evidence custodians of the Clerk of the Circuit Court. Our scope covered the review of the processes used by the evidence custodians to secure and maintain the "Chain-of-Custody" of exhibits submitted as evidence to the Court. Our audit included the evaluation of:

- Internal controls.
- The verification of compliance with applicable Statutes and judicial administration requirements.
- The physical examination of evidence.

The objectives of our audit were to:

- Verify that the internal controls over Criminal, Traffic, Civil, and Family Courts’ evidence are working effectively.
- Determine that evidence is being held in compliance with judicial processes and Statutes.
- Verify that evidence inventory records are in agreement with the physical evidence.
- Determine that the destruction or disposal of evidence is properly authorized.
- Determine if the "Chain-of-Custody" records are accurate and complete.
- Determine the adequacy of the vetting of persons employed as evidence custodians.
In order to meet the objectives of our audit, we:

- Interviewed Criminal and Traffic Courts, and Civil and family Courts' management and evidence custodians.
- Reviewed supporting documentation to obtain a clear understanding of the processes and procedures used to maintain the "Chain-of-Custody."
- Physically examined selected evidence to verify existence, the security, and control over evidence.
- Tested, on a sample basis, the procedures used for tracking and destroying evidence.
- Evaluated and tested the adequacy of internal controls.

We performed such other audit procedures as we considered necessary in the circumstances.

Our audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing and the Principles and Standards for Offices of Inspector General and, accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances. The audit period was from October 1, 2009 to June 23, 2010. However, transactions and processes reviewed were not limited by the audit period.

**Overall Conclusion**

The Court Assistance Department for the Criminal and Traffic Courts, and the Court Assistance Department for the Civil and Family Courts are responsible for all evidence submitted at trial. The safekeeping of this evidence is tightly controlled with an effective system of internal controls. The Departments are providing secure and well-organized oversight over evidence in compliance with judicial processes and statutes.

The physical evidence is in agreement with the accompanying label, which is in agreement with the evidence recordkeeping system. Before evidence is destroyed/returned, each item is carefully reviewed by the Court Assistance Departments, the State Attorney’s Office, and the Court. Destruction/return of evidence is in conformity to the Florida Rules of Judicial Administration.

The sequence of custody noted on the "Chain-of-Custody" documents that accompany all evidence items were properly prepared and accounted for each exchange of evidence.

The vetting of evidence custodians is subject to the same background verification as all County employees.

Our audit did not identify any policies, procedures, or practices that could be improved. Accordingly, there are no Opportunities for Improvement presented in this report and this report may not be all-inclusive of areas where improvement may be needed.
Background

By Florida’s Rules of Judicial Administration, the Clerk is required to maintain control over all evidence submitted at trial in Criminal, Traffic, Civil and Family Courts. Evidence must be held in secured areas until released by the Court in accordance with the Florida Rules of Judicial Administration. An electronic system is used by the Court Assistance Departments to record each evidence item, creating a unique "Item Number" that also identifies the evidence item's location for ease of retrieval. Two evidence custodians service the Criminal and Traffic Courts’ evidence security, and one evidence custodian services the Civil and Family Courts’ evidence security. These evidence custodians are responsible for preparing the evidence for storage and securing it in a vault. Bar code labels and other unique identifiers are affixed to all items for inventory and tracking purposes. At the designated time, these clerks also prepare evidence for destruction or disposal in accordance with Florida Statutes.

We examined 308 evidence items that were recorded in the County’s Evidence Archival and Retrieval System ("EARS"), compared each item to the system-generated label, and then compared each item to the system’s record. If the evidence was destroyed or returned, we examined documents verifying such actions. The types evidence examined were as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs</td>
<td>50</td>
</tr>
<tr>
<td>Jewelry &amp; Watches</td>
<td>25</td>
</tr>
<tr>
<td>Large Bulk Exhibits</td>
<td>25</td>
</tr>
<tr>
<td>Other Money Items</td>
<td>33</td>
</tr>
<tr>
<td>Other Tangibles (small)</td>
<td>50</td>
</tr>
<tr>
<td>Paper</td>
<td>23</td>
</tr>
<tr>
<td>Photos</td>
<td>2</td>
</tr>
<tr>
<td>Tools &amp; Sports Equipment</td>
<td>10</td>
</tr>
<tr>
<td>U.S. Money</td>
<td>40</td>
</tr>
<tr>
<td>Weapons</td>
<td>50</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>308</strong></td>
</tr>
</tbody>
</table>
Our statistical sample (Confidence Coefficient 98%, Precision 2%, Expected error rate 2%) was selected from a universe of 84,921 evidence items present on the EARS database.

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audio/Video Tapes &amp; C/D's</td>
<td>5,115</td>
</tr>
<tr>
<td>Clothing</td>
<td>1,754</td>
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<tr>
<td>Drugs</td>
<td>1,768</td>
</tr>
<tr>
<td>Glass Items</td>
<td>110</td>
</tr>
<tr>
<td>Jewelry &amp; Watches</td>
<td>208</td>
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<tr>
<td>Large Bulk Exhibits</td>
<td>781</td>
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<tr>
<td>Other Money Items</td>
<td>65</td>
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<tr>
<td>Other Tangibles (Small)</td>
<td>3,809</td>
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<tr>
<td>Paper</td>
<td>34,875</td>
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<td>Photos</td>
<td>33,999</td>
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<td>Tools &amp; Sports Equipment</td>
<td>203</td>
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<tr>
<td>U.S. Money</td>
<td>148</td>
</tr>
<tr>
<td>Weapons</td>
<td>2,086</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84,921</strong></td>
</tr>
</tbody>
</table>
DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
PINELLAS COUNTY, FLORIDA

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