



**OHIO DEPARTMENT OF PUBLIC SAFETY
FOOD STAMP TRAFFICKING UNIT EVIDENCE ROOM**

**FRANKLIN COUNTY
SPECIAL AUDIT**

**FOR THE PERIOD
JULY 1, 1995 THROUGH DECEMBER 31, 1999**



JIM PETRO
AUDITOR OF STATE

STATE OF OHIO

TABLE OF CONTENTS

Title	Page
Relevant Individuals	1
Report of Independent Accountants	3
Supplement to the Special Audit Report	
Background Information	7
Glossary of Terms, Forms, and Documents	8
Issue No. 1 Policies and Procedures for Obtaining, Recording, Maintaining, and Disposing of Evidence	10
Issue No. 2 Comparison of Physical Inventory with Information in Related Case Files	19
Issue No. 3 Cash Deposited into the Investigative Unit Holding Account	36

This Page Left Blank Intentionally

**OHIO DEPARTMENT OF PUBLIC SAFETY
FRANKLIN COUNTY**

AS OF DECEMBER 31, 1999

RELEVANT INDIVIDUALS

<u>Name</u>	<u>Title</u>
Edward Duvall	Deputy Director, Investigative Unit
Scott Pohlman	Assistant Deputy Director of Operations for the Investigative Unit
Paul Rapp	Chief of the Food Stamp Trafficking Unit (1995 - 6/99) Administrative Assistant, Investigative Unit (7/99 - Present)
Ken Shomody	Evidence Officer, Food Stamp Trafficking Unit (7/95 - 9/96)
Agent Colin Baxter	Assistant Evidence Officer, Food Stamp Trafficking Unit (1/97 - 12/99) Evidence Officer, Food Stamp Trafficking Unit Evidence Room (1/99 - Present) Columbus District Evidence Officer, Investigative Unit (05/00 - Present)
Agent Cynthia Korach	Cleveland District Office Assistant Evidence Officer Liquor Enforcement Unit (1994 - 11/98) Cleveland District Office Evidence Officer Investigative Unit (11/98 - Present)
Agent Jan Hartman¹	Evidence Officer, Food Stamp Trafficking Unit (9/96 - 12/98)

¹ Although no longer an Evidence Officer, Mr. Hartman was an ODPS Investigative Unit officer until he resigned on December 2, 1999.

This Page Left Intentionally Blank



STATE OF OHIO
OFFICE OF THE AUDITOR
JIM PETRO, AUDITOR OF STATE

88 East Broad Street
P.O. Box 1140
Columbus, Ohio 43216-1140
Telephone 614-466-4514
800-282-0370
Facsimile 614-466-4490
www.auditor.state.oh.us

Report of Independent Accountants

Mr. Edward Duvall, Deputy Director
Mr. Scott Pohlman, Assistant Deputy Director
Ohio Department of Public Safety
Investigative Unit, Room 429
1970 W. Broad Street
Columbus, Ohio 43218

Pursuant to your request, we have conducted a "Special Audit" and performed the procedures summarized below and detailed in our "Supplement to the Special Audit Report," which were agreed to by you for the period July 1, 1995 through December 31, 1999 ("the Period"). These procedures were performed solely to determine whether the Ohio Department of Public Safety (ODPS) Food Stamp Trafficking Unit/Investigations Unit complied with its policies and procedures for recording, maintaining, and disposing evidence for the Period. This engagement to apply agreed-upon procedures was performed in accordance with standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the users of the report. Consequently, we make no representation regarding the sufficiency of the procedures discussed below for the purpose for which this report has been requested or for any other purpose. The procedures we performed are summarized as follows:

1. We gained an understanding of the Food Stamp Trafficking Unit/Investigations Unit's policies and procedures for obtaining, recording, maintaining, and disposing evidence for the Period by reviewing contractual agreements, ODPS written policies and procedures, conducting interviews, and performing a walk-through.

Significant Results: We noted the Food Stamp Trafficking Unit/Investigations Unit did not always follow policies and procedures related to obtaining, recording, maintaining and disposing evidence. Policies and procedures were either selectively followed or no applicable policy was established which addressed the circumstance. Supervisors did not monitor agents to ensure the policies and procedures were followed. We made numerous noncompliance citations and management comments regarding these matters in Issue No. 2.

2. We performed a physical inventory of the Food Stamp Trafficking Unit Evidence Room, compared the results of the physical inventory with the information recorded in related case files and identified any discrepancies.

Significant Results: An initial comparison of the physical inventory of the Food Stamp Trafficking Unit evidence room to the ODPS's spreadsheet listing of case file documentation noted that only 97 of 1,278 records of evidence² agreed. Upon performing additional procedures to resolve the numerous discrepancies, we were still unable to determine the final disposition of 167 records of evidence. We could not determine the disposition of food stamps totaling \$2,580 and pieces of evidence consisting of drugs, cigarettes, alcoholic beverages, audio tapes, food items, lottery tickets, photographs, drug paraphernalia, an automobile, and miscellaneous paper documents.

² A record of evidence consisted of a unit of physical evidence related to a case file.

We issued a Finding for Recovery against a former Food Stamp Agent and Evidence Officer for \$1,328. We issued 18 noncompliance citations for failure to follow ODPS established policies and procedures and the State Law Enforcement Bureau Agreement. We made 6 recommendations concerning the case file management, case file documentation, records retention, the computerized evidence log, evidence handling policy and procedures, and joint investigations with other law enforcement agencies.

The Communications Room where the security/access was located and monitored by the Ohio State Highway Patrol was unable to provide us complete prior years' security access records indicating which agents had access to the evidence room during the Period. The records we were provided were conflicting as to the access levels for the agents and the access levels they actually had. As a result of our inquiries during the Special Audit, they made changes to their back-up-system and have begun saving all data on their system for a period of 2 years.

3. We obtained the Food Stamp Trafficking Unit/Investigations Unit's "Cash and Check Confiscation Transaction Report" for the Period and selected cash transactions from this report and certain case files to determine whether cash seized as evidence was recorded in ODPS's records and deposited in the Investigative Unit's authorized holding account.

Significant Results: A Food Stamp Agent and Evidence Officer received cash as evidence totaling \$566; however, deposit records for the Ohio Department of Public Safety's Investigative Unit's Holding Account show no record of this amount being deposited. We issued a Finding for Recovery against the former agent.

4. On March 15, 2002, we held an exit conference with the following officials of the Ohio Department of Public Safety's Investigative Unit:

Edward Duvall, Deputy Director
Scott Pohlman, Assistant Deputy Director of Operations for the Investigative Unit

The attendees were given an opportunity to respond to this Special Audit. A written response was received on April 1, 2002, and was evaluated and changes were made to this report where we deemed appropriate.

Our detailed procedures and the results of applying these procedures are contained in the attached "Supplement to the Special Audit Report." Because these procedures do not constitute an examination conducted in accordance with auditing standards accepted in the United States of America, we do not express an opinion or limited assurance on any of the accounts or items referred to above. Also, we express no opinion on the Investigative Unit's internal control system over financial reporting or any part thereof. ODPS is a department of the State of Ohio and is included as part of the State of Ohio financial audit. Had we performed additional procedures, or had we conducted an examination of the financial statements in accordance with auditing standards accepted in the United States of America, other matters might have come to our attention that would have been reported to you. This report is limited to transactions reviewed in relation to the procedures listed above, and does not extend to any financial statements of the State of Ohio taken as whole.

This report is intended for the use of the specified users listed above and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes. Reports by the Auditor of State are a matter of public record and use by other components of state government or local government officials is not limited.

Jim Petro
Auditor of State

December 18, 2001

This Page Left Intentionally Blank

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

BACKGROUND INFORMATION

In 1986, the Food Stamp Trafficking Unit was created as a division of the Ohio Department of Agriculture. In 1992, the Food Stamp Trafficking Unit was transferred to the Ohio Department of Human Services. In October of 1995, the Food Stamp Trafficking Unit was transferred to its current headquarters, the Ohio Department of Public Safety ("the ODPS") as a component of the Investigations Unit.

The Food Stamp Trafficking Unit investigated allegations of the illegal use of Food Stamps and/or Women, Infant and Children Benefits, as defined in Ohio Revised Code § 2913.46 (A), (B), and (C). The federal government provided food stamps to the Food Stamp Trafficking Unit to conduct these investigations under a State Law Enforcement Bureau agreement ("the SLEB"). This agreement grants authority to the ODPS to acquire/use Food Stamp Program coupons (food stamps) and/or Electronic Benefits Transfer (EBT) cards from the State of Ohio issuance office(s), Ohio Department of Human Services³, for law enforcement and investigative activities.

In July of 1999, the Investigative Unit of ODPS merged the Food Stamp Trafficking Unit with the Liquor Enforcement Unit. As a result, officials of the Investigative Unit planned to combine the Liquor Enforcement Unit and Food Stamp Trafficking Unit evidence rooms. However, Scott Pohlman, Assistant Deputy Director of Operations for the Investigative Unit, had concerns that evidence could be missing from the Food Stamp Trafficking Unit evidence room.

During an internal investigation, the Chief of the Food Stamp Trafficking Unit had requested several times that former Food Stamp Agent Jan Hartman, turn over cash evidence released to him by the Cincinnati Police Department in 1996. The moneys were not turned over to the Department of Public Safety until May of 1999, and the denominations of the money did not match the denominations of the original transactions nor was the cash received in evidence bags. At the same time, cash evidence from another investigation involving Agent Hartman was discovered missing. Before merging the two unit's evidence rooms, the ODPS requested an audit of the Food Stamp Trafficking Unit's evidence room to determine its contents.

On November 4, 1999, a letter from Scott Pohlman, Assistant Deputy Director of Operations for the Investigative Unit of the ODPS, was received requesting a special audit be conducted of the Food Stamp Trafficking Unit's Evidence Room for the period of July 1, 1995 through December 31, 1999. Based on the request, on November 29, 1999, the Auditor of State's Special Audit Committee voted to initiate a special audit of the Food Stamp Trafficking Unit's Evidence Room.

³ Effective July 1, 2000, a merger of several State agencies including the Ohio Department of Human Services became the Ohio Department of Job & Family Services.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

GLOSSARY OF TERMS, FORMS AND DOCUMENTS

ODPS Forms/Documents

Case Summary	Summary of all the events and transactions which took place during the course of the investigation.
Daily	A detailed report that lists the dates, times, and location of activities conducted by an agent on a daily basis.
Evidence/Property Custody Document (ECD)	A form which is to be completed by the case agent, listing the evidence confiscated and its status. This same document accompanies the evidence and is updated when the evidence transfers custody or is disposed. The form is used to document the chain of custody for all evidence logged in and out of an evidence room. The form lists the case number, suspect/or store name, transaction date, agent, and description of evidence which was received.
Evidence Room Sign-In Sheet	A form signed by people upon entering or exiting an evidence room.
Final Disposition Form	A form to be completed by an agent or evidence officer when food items and/or evidence was donated, destroyed or food stamp coupons were sent to the Food and Consumer Services Division of the United States Department of Agriculture for destruction.
Food Stamp Issuance Form	A form that is completed by either a supervisor or an evidence officer issuing food stamps or EBT cards for use in an investigation. This form lists the denomination and serial numbers of food stamp coupons or EBT cards which are issued to each agent to be used during an investigation.
Food Stamp Transaction Report (TR)	A form that is completed by an agent which lists, by serial number, food stamp coupons used to conduct a transaction during an investigation. The form also lists the items purchased with food stamp coupons.
Needs Assessment Form	A form completed by agents stating the need for the issuance of petty cash.
Statement of Facts	A written summary of events which occurred during an attempt and/or the completion of a food stamp transaction.
SLEB	State Law Enforcement Bureau

Other Relative Terms

Record of Evidence	A record of evidence consisted of a unit of physical evidence related to a case file.
Food Stamp/ Investigative Unit Spreadsheet	A spreadsheet prepared by Investigative Unit agents which listed all the case numbers and records of evidence for each case based on the documentation included in the case files, for the Period.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Complaint Only Cases	Cases listed in the Food Stamp/Investigative Unit Spreadsheet that did not result in physical evidence. These case numbers and related records of evidence were removed from the Food Stamp/Investigative Unit Spreadsheet.
District Offices	The Investigative Unit has District Offices located in Athens, Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo. Each of the District Offices maintains an evidence room, and has an assigned evidence officer.
Evidence Officer	Officers who are responsible for securing and maintaining custody of all evidence released to them by the agents. This term is synonymous with "evidence custodian."
Food Stamp Coupons	Coupon books issued by the Ohio Department of Human Services ⁴ to underprivileged recipients as a form of financial assistance from the Federal Government for use in purchasing eligible food items. These books include food stamp coupons with serial numbers and are issued in various denominations.
Food Stamp Inventory	Once a month, an inventory of food stamps was required to be performed for each agent by his supervisor. The food stamp inventory included a reconciliation of the physical count of food stamps the agents had on hand, the amount of food stamps the agent had been issued since the previous inventory, and the transactions that had taken place since the previous inventory.
Electronic Benefit Transfer Cards (EBT)	Electronic media cards with assigned PIN numbers issued in lieu of food stamp coupons by the Ohio Department of Human Services. ³
Familiarization Buy	A purchase of eligible food items by an agent with food stamps or an EBT card from a store authorized by the United States Department of Agriculture, Food and Consumer Service to accept food stamp coupons or EBT cards.
USDA FCS	United States Department of Agriculture Food and Consumer Services

⁴ See footnote No.3

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Issue No. 1 - Policies and procedures for obtaining, recording, maintaining, and disposing of evidence

We gained an understanding of the Food Stamp Trafficking Unit/Investigations Unit's policies and procedures for obtaining, recording, maintaining, and disposing evidence for the Period, by reviewing contractual agreements, ODPS written policies and procedures, conducting interviews, and performing a walk-through.

Procedures

1. We reviewed Food Stamp Trafficking Unit/Investigations Unit written internal policies in place during the Period related to obtaining, recording, maintaining, and disposing evidence.
2. We interviewed certain personnel and performed a walk-through to document the Food Stamp Trafficking/ Investigations Unit's case file management process beginning with the initial complaint to the close of a case file.
3. We reviewed pertinent requirements of the State Law Enforcement Bureau (SLEB) Agreement entered into on November 1, 1995 between the United States Department of Agriculture (USDA) Food and Consumer Service, and the ODPS. This is an ongoing agreement and revocation of this agreement can be made upon 10 days written notice from the USDA.

Results

1. A written policy applicable only to Food Stamp Agents, titled "Evidence Room Procedures" was in effect from July 1995 through October 1997. In November of 1997, Policy No. 200.09, "Procedure for the Handling and Disposition of Evidence" went into effect and applied to both Food Stamp Agents and Liquor Agents. The following procedures were in place during the Period.

Evidence Room Procedures (effective 7/95 through 10/97)⁴

These procedures served as guidelines for the receipt of evidence, lost, stolen, and recovered property, and for the storage, safekeeping, and preservation of such property, and for the transmittal, transfer to court or crime laboratory for examination, and for the disposition, return, and destruction of such property. Former Chief of the Food Stamp Trafficking Unit, Paul Rapp, was to appoint a supervisor as an Evidence Room Custodian and an Alternate Evidence Custodian. The Alternate Evidence Custodian was to receive evidence in the absence of the Evidence Custodian. According to the policy, the evidence room procedures were as follows:

Evidence Storage

The Evidence Custodian and the Alternate Evidence Custodian were responsible for all items and property held by the Unit. The evidence and property was to be held in a secured area with only the Chief, Evidence Custodian, and the Alternate Evidence Custodian having access. When an agent confiscated property, they were accountable for the evidence or property in their possession until they released it to the Evidence Custodian or the Alternate Evidence Custodian. The Chief of the Food Stamp Trafficking Unit/Investigations Unit was responsible for inventorying the evidence room on a quarterly basis. When a new Evidence Custodian was appointed, an inventory of the property in the evidence room was to be conducted by the Food Stamp Trafficking Unit.

⁴ These procedures were only applicable to Food Stamp Agents during this period.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Evidence Logging

Evidence and property stored in the Food Stamp Trafficking Unit evidence room were logged into an Evidence Property Room Database. The database logged information pertaining to the suspect's name, date the evidence was received, agent's name, address of location where evidence was taken, date/time of the violation, disposition of the items signed in and out of the evidence room, name of Evidence Custodian or Alternate Evidence Custodian receiving the evidence, and description of evidence. Agents were to complete an Evidence/Property Custody Document and submit a copy of the form along with the evidence. If multiple items of evidence were placed in a paper bag, a copy of the form was attached to the bag. If a property envelope with evidence was submitted, then an Evidence/Property Custody Document was not used and the chain of custody was documented on the outside of the property envelope.

Disposition of Evidence

All evidence was to be disposed of as directed by the court. Items of contraband such as drugs and weapons were turned over to the Ohio State Highway Patrol Crime Laboratory for destruction. Food items were donated to a charitable organization on a quarterly basis. In all cases for the disposition of evidence, the Evidence/Property Custody Document should have documented the complete disposition of the evidence at the bottom of the document. The bottom of the Evidence/Property Custody Document was also used as a receipt when signed and property was returned to its owner. When the document was completed, the Evidence/Property Custody Document was filed with the original case file.

The Evidence Room Procedure Addendum (effective 11/96 through 10/97)⁵

Prior to the addendum to the evidence room procedure, cash was retained in files in the evidence room because there was no specific procedure for cash seized as property and evidence. The addendum stated any money acquired as a result from the sale of food stamps seized during the execution of a search, arrest warrant, or awarded by the court was to be deposited in the Ohio Department of Public Safety's Investigative Unit's Holding Account. Cash evidence was taken from the evidence room by an Evidence Room Custodian and one other agent to a bank. A certified check was obtained from the bank and then hand carried to the ODPS Fiscal Department for deposit. A receipt from the Fiscal Department was obtained when the agent released the checks to the Fiscal Department.

Policy 200.09, "Procedures for the Handling and Disposition of Evidence" (effective 11/97 through end of the Period)⁶

Below, sections have been summarized that applied to the Food Stamp Trafficking Unit/Investigations Unit. The purpose of the policy was to establish specific responsibilities concerning the handling, storage, and disposition of evidence seized by agents of the Ohio Department of Public Safety in the performance of their assigned duties.

⁵ In November of 1996, an addendum was made to the original policy.

⁶ These procedures applied to both Food Stamp Agents and Liquor Agents.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Evidence Handling Policy

Upon the seizure of evidence, the Food Stamp Trafficking/Investigations Unit fully documents each seizure on an Evidence/Property Custody Document. All evidence, contraband, property, or funds seized is properly secured by the District Evidence Officers, Assistants, or another law enforcement agency in conjunction with joint enforcement activities. All evidence seized, including cartons, paper bags, etc. which are used in the prosecution of criminal and administrative cases are recorded on the Evidence/Property Custody Document, and labeled accordingly.

All money is turned over to the District Evidence Officer or Assistants as soon as possible, accompanied by an Evidence/Property Custody Document. The money is counted at the time received and the verified amount is listed on the Evidence/Property Custody Document and signed for by the District Evidence Officer or Assistants. The District Evidence Officers or Assistants, accompanied by an Enforcement Supervisor/Enforcement Agent II, purchase a cashier's or certified check from a local bank for the full amount. Money is not to be held longer than five days. Once each month, the District Agent-In-Charge/Food Stamp Trafficking Enforcement Chief and one Supervisor, as a witness, audits any cash evidence held by the evidence officer to ensure compliance with this provision.

Food stamps which remain in a book or are received back from a transaction or store familiarization buy are turned in as soon as possible to the District Evidence Officer with a completed Evidence /Property Custody Document and a copy of the Food Stamp Transaction Report. Any eligible product purchased at an authorized location is either released to the Evidence Custodian or donated to a local charitable organization by the agent making the purchase, as long as that purchase is not determined to be part of a criminal or administrative investigation. Every item donated is listed on a Final Disposition of Evidence Form, and turned in with a copy of the Food Stamp Transaction Report to the Food Stamp Evidence Custodian through the District Evidence Officer as soon as possible. Food stamps turned into the evidence room that are not used for prosecution or administrative hearings are taken by the Evidence Officer to the Columbus office of the United States Department of Agriculture Food and Consumer Services (FCS) for destruction at the end of each month. A computer generated report listing all stamps turned over to the USDA FCS, accompanied by a Destruction Form and a USDA Destruction Form is filed in the evidence room and retained for five years. Any ineligible items purchased with food stamps, such as clothing, jewelry, cigarettes, or any items purchased at a store-business not authorized to accept food stamps are promptly turned over to the District Evidence Officer with a completed Evidence/Property Custody Document and a copy of the Food Stamp Transaction Report. Once the case is final, the items are disposed by the District Evidence Officer, as directed by the court and any applicable section policies or procedures.

Evidence Custody Document

At the time evidence is collected, or soon thereafter, the confiscating Agent prepares a complete inventory listing each item confiscated on an Evidence/Property Custody Document Form. The original Evidence/Property Custody Document and a copy are submitted to the Evidence Officer as soon as possible after the evidence is confiscated. The District Evidence Officer maintains a file of all Evidence/Property Custody Documents for property which has been submitted for safekeeping. A copy of the Evidence/Property Custody Document is attached to the destruction of evidence report when the evidence is destroyed, and/or when the evidence is turned over to the Central Office Evidence Supervisor or Assistants.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Safekeeping of Evidence

All evidence is turned over to the District Evidence Officer or Assistants or Central Office Evidence Supervisor or Assistants who properly sign for the evidence prior to placing it into the evidence room for safekeeping. Evidence is not to be held by the Agent for more than thirty working days after its confiscation. While evidence is in the possession of an Agent, it is to be kept in a secure place, not subject to tampering. The District Evidence Officer or Assistants deliver all evidence to the Central Office Evidence Supervisor or Assistants for safekeeping unless it is needed for a court case, or unless there are suitable locations within the district for the eventual destruction of the evidence. The Central Evidence Supervisor or Assistants properly sign for the evidence and a clean legible copy of the Evidence/Property Custody Document will accompany the evidence. Evidence used for court purposes is returned to the District Evidence Officer or the Central Office Evidence Supervisor. Upon receiving evidence, the District Evidence Officer or Central Office Evidence Supervisor signs for all the evidence. All evidence released for court purposes is returned to the District Evidence Officer or Assistants or the Central Office Evidence Supervisor or Assistants when the court case is completed. The District Evidence Officer or Assistants or the Central Office Evidence Supervisor or Assistants sign for the evidence.

Evidence Officers

The Agent-In-Charge/Food Stamp Trafficking Enforcement Chief designated the Evidence Officer and an Alternate District Evidence Officer for each district. The Agent-In-Charge/Food Stamp Trafficking Enforcement Chief has control and/or access to the District Evidence Room. All personnel who entered a district evidence facility sign in and out of the facility. The logs are maintained for five years. One of the duties of the evidence officer is to maintain accurate records of all evidence from the time it was received until it is disposed. The Central Office Evidence Supervisor, as appointed by the Deputy Director of Liquor Enforcement, conducts scheduled inspections of each district evidence facility on an annual basis, and unannounced inspections at other times during the year for the following purposes: inventory of evidence on hand, accountability of evidence from the time of confiscation to disposition, and identify and submit deficiencies to the Assistant Deputy Director of the Administrative Section.

Disposition of Evidence

All funds forfeited to the Ohio Department of Public Safety Liquor Enforcement Forfeiture Fund or Food Stamp Forfeiture Fund are promptly deposited into the respective fund. All non-cash property which is not suitable for resale or use for law enforcement purposes, and upon receipt of an order of the court is destroyed in the most practical manner, approved by the Deputy Director of Investigative Unit, and in the presence of a District Evidence Officer or Assistants or the Central Office Evidence Supervisor or Assistants and at least one other Liquor Enforcement Agent or Supervisor.

Records

The District Evidence Officers and the Central Office Evidence Supervisor should keep accurate records of all evidence delivered and received into their custody. When property is destroyed, or otherwise disposed of in compliance with this policy by the District Evidence Officer, a report of the disposition is made to the Central Office Evidence Supervisor. A copy of the Evidence/Property Custody Document is included with this report. The original Destruction of Evidence Report will become part of the related case or arrest file, microfilmed, and retained for ten years. The Central Office Evidence Supervisor will retain a copy of the Destruction of Evidence Report in an administrative file for one year.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. We interviewed certain key personnel and performed a walk-through, documenting our understanding of the Food Stamp Trafficking Unit/Investigations Unit's case file management process.

Complaint and Investigation

The Food Stamp Trafficking Unit/Investigations Unit investigates complaints of illegal trafficking of food stamps. When a complaint was received by the Food Stamp Trafficking Unit/Investigations Unit the following actions occurred:

- The complaint information was entered into a computerized database.
- The complaint information was reviewed by Paul Rapp, then-Chief of the Food Stamp Trafficking Unit.
- Mr. Rapp and his 2 supervisors decided whether the complaint would be investigated.
- If it was decided the complaint would be investigated, a case number ("FST" number) was assigned. Subsequent to July 1999, all complaints were assigned a case number. Prior to July 1999, complaints received which were not investigated were not assigned a case number.
- If an investigation was considered warranted, the Food Stamp Trafficking/Investigations Unit requested and obtained formal approval to investigate the complaint from the United States Department of Agriculture (USDA), Food & Nutrition Service (FNS).
- Following USDA approval, Mr. Rapp assigned a supervisor to the case.
- A supervisor assigned the case to an investigator(s)/agent, and gave them the case file.
- The agent maintained the case file until the case was prosecuted or closed.
- The supervisor was required to supervise the investigator(s)/agents, monitor all investigative activities, review and approve daily activity reports, and ensure agents kept their case files up to date which included maintaining the required documentation.
- After the case was adjudicated and the Food Stamp Trafficking Unit received all the restitution monies which they believed could be recovered, the case was closed.
- Approximately once a year, the Mr. Rapp reviewed cases which were open that had no activity and determined whether these cases should be closed.

We observed case files which did not include documentation such as Evidence/Property Custody Documents, Statements of Facts, and Final Disposition of Evidence Forms. We also noted signatures of supervisors were not consistently present within the case file folders. Included in Issue No. 2, we made a recommendation regarding these two issues.

Food Stamps and EBT Cards

When food stamp coupon books were issued to the Food Stamp Trafficking Unit/Investigations Unit for use in its investigative activities, the serial numbers and coupon denomination amounts were entered into a computerized database which tracked the following:

- Whether they were issued;
- To which investigator they were issued;
- Date the coupons were used;
- Case number the food stamp coupons were used to investigate.

Food stamps and/or Electronic Benefit Cards ("EBT") were issued to the investigator(s) and agents by the Evidence Officer or supervisor every month or on an as needed basis. The serial numbers and coupon denomination amounts were recorded on a Food Stamp Issuance Form or EBT Issuance Form. A Food Stamp Transaction Report was completed by an investigator/agent for every food stamp/or EBT card transaction during the course of an investigation. Food Stamp Transaction Reports were maintained at the Central Office located in Columbus.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

While performing our walk-through and our review in Issue No. 2, we noted that there were Food Stamp Transaction Reports included in the case files with incorrect case file numbers. In Issue No. 2, we made a recommendation concerning this issue.

Once a month the agent's supervisor performed a physical inventory of food stamps. The food stamp inventory included a reconciliation of the physical count of food stamps on hand based on the following:

- The Food Stamp inventory from the previous month;
- The amount of food stamps issued during the month;
- The amount of food stamps used during the month (based on the agent's Food Stamp Transaction Reports);
- The ending food stamp inventory balance (which should have agreed to the amount of food stamps the investigator had on hand).

At the end of each fiscal year the Food Stamp Trafficking Unit/Investigations Unit completed a Food Stamp Coupon Accountability Report (FNS-250), which was submitted to the USDA.

Evidence

According to Ken Shomody and while he was an Evidence Custodian, he developed and implemented a computerized database to record and track evidence which was logged into the Food Stamp Trafficking Unit evidence room. Prior to 1997, information was accessible only by suspect or store name. In 1997, enhancements were made to the system which included automatically assigned sequential evidence record numbers and a correction to the program was made so the evidence record numbers could not be changed.

While reviewing case files and performing a walk-through, we noted that original case files did not include documentation such as evidence custody documents which indicated that evidence was being held in the custody of another law enforcement agency. We will issue noncompliance citations and management recommendations (included in Issue No. 2) to address this weakness.

Prior to November 1996, envelopes were used to hold evidence and maintain the custodial record of evidence and property. These envelopes were kept in case files, in a safe, or locked in a file cabinet within the evidence room. As a result of an addendum to their procedures in November 1996, officials from the Liquor Enforcement Unit and the Food Stamp Trafficking Unit removed and deposited cash evidence totaling approximately \$253,000 from the Food Stamp Trafficking Unit evidence room. The new policy required that agents were to turn in cash evidence to the Evidence Custodian who was to take it to the bank to obtain a cashier's check. The check was then forwarded to the Fiscal Office and deposited in the Investigative Unit's Holding Account.

Agents submitted their evidence with an Evidence/Property Custody Document to the Evidence Custodian in the Food Stamp Trafficking Unit. All Evidence/Property Custody Documents were assigned an evidence record number based on a sequential number assigned by the computerized program for the evidence log located in the evidence room. Evidence officers signed the Evidence/Property Custody Document when evidence was received or released from the evidence room. A log book was maintained which included the original evidence custody documents. Also maintained in the evidence room, were a set of binders which included destruction records.

An observation revealed that evidence record numbers listed on the Evidence/Property Custody Documents maintained in the Food Stamp Trafficking Unit's evidence room, case files, and written on the physical evidence did not agree to the computerized evidence log. We will issue a recommendation (included in Issue No. 2) that the computerized evidence log be accurately maintained.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Food stamp coupons remaining in books following a familiarization buy were considered to be “Dead Books.” These were called as such because all coupons within a booklet contained the same serial number, thus posing a problem with tracking the food stamps between investigations. “Dead Books” were to be turned over to the Evidence Officer and held until delivery to the USDA for destruction. However, we found that food stamps remaining in books following transactions were not consistently turned into the evidence officer. It should also be noted that the “Dead Books” that were released to the evidence officers were not always logged into the evidence room even though that was where they were stored. We will issue a recommendation that these food stamp coupon books be accounted for and maintained until destruction.

The Food Stamp Trafficking Unit Evidence Officers were responsible for returning stamps to the USDA for destruction. As a matter of standard procedures and past practice, the Evidence Officer destroyed food stamp coupons in the following manner:

- A report was prepared by the Evidence Officer listing the serial number and denominations of the food stamps to be destroyed;
- A letter to the USDA was prepared requesting for the destruction of food stamps, and delivered along with the food stamps to the USDA;
- The letter was signed by a representative of the USDA upon receipt of the food stamp coupons, and a copy was retained for Food Stamp Trafficking Unit’s records;
- Food stamp coupons were disposed of on a monthly basis.

While performing our walk-through, we observed that a report which details food stamp coupon serial numbers and denominations did not always accompany requests to the USDA for the destruction of food stamps, and food stamps were not always destroyed on a monthly basis. We will issue a noncompliance citation (included in Issue No. 2) for not following policy and procedures for the destruction of food stamps.

Food items purchased with food stamps during a store familiarization buy were either released to the Evidence Custodian for donation to a local charitable organization or were donated to a charity by the agent. The Evidence Custodian or agent completed a Disposition of Evidence Form listing the items donated or disposed. Signatures from the representative of the charitable organization were obtained. The form was maintained in the case file, along with the Evidence/Property Custody Document.

While performing a walk-through and a review of the case files, we could not locate certain Final Disposition of Evidence Forms for evidence donated to charitable organizations. As a result, we interviewed certain agents; however, they were unable to provide supporting documentation for food items which were donated. We will issue a noncompliance citation (included in Issue No. 2) for not following policy and procedures for documenting the donation of food items to local charities.

Food Stamp Recovery

Food stamp coupons used during all transactions were processed through the Federal Reserve Bank. During this process, food stamps identified as being used for investigative purposes are returned to the investigating agency. The U. S. Office of the Inspector General releases the food stamps to the Food Stamp Trafficking Unit Evidence Custodian, maintaining a chain of custody.

When food stamp coupons were taken into custody from a food stamp recovery, the Evidence Custodian did one of two things with the stamps; 1) logged them into the evidence room and gave them to the Food Stamp Trafficking Unit’s word processor to inventory and record the information into a food stamp recovery report, or 2) gave them to the Food Stamp Trafficking Unit’s word processor directly without logging them into the evidence room. In the early years of the Period, the stamps were given to the word processor without maintaining a proper chain of custody, but in the latter years it appears that the chain of custody was maintained.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

When food stamp coupons were recovered from the federal government, a food stamp recovery report was prepared. This report summarized the serial numbers, coupon denomination amounts and the associated case numbers for each coupon recovered from the Federal Reserve Bank. The recovery report was prepared by Rhonda Meggitt, Word Processor Specialist 2, and sometimes took days or weeks depending on the size of the recovery. If the recovery was not large, the stamps were locked in her desk drawer until the food stamps were inventoried and the report was completed. Food stamp coupons from the large recoveries were secured in the evidence room at the end of each working day. The Evidence Custodian was provided a copy of the report when it was completed.

3. We identified the following pertinent requirements of the SLEB Agreement:

Purpose and Terms of the Agreement

The United States Department of Agriculture Food and Consumer Service grants authority to the ODPS to acquire food stamp coupons and electronic benefits transfer (EBT) cards from the Ohio Department of Human Services⁷ to be used in law enforcement and investigative activities.

Liability

The terms of the agreement provided that ODPS accepted strict liability for food stamps and EBT cards, and agreed to follow the "Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Misuse of Food Stamps and or EBT Cards"⁸ which are attached and referenced in the SLEB agreement. ODPS was not liable for food stamps or EBT cards which were returned or destroyed in a manner approved by the USDA in writing. Any cash and property acquired with food stamps and EBT cards was the property of the United States. ODPS was to dispose of such property in accordance with guidelines and procedures specified in the "Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Misuse of Food Stamps and or EBT Cards".

Allowed Use and Limitations

Food stamp and EBT cards were to be used by investigative units authorized to enforce or investigate compliance with criminal laws.

The Investigative Unit was not allowed to transfer food stamps to another law enforcement agency without written approval from the USDA. The agreement also provided that the state unit was not to pay awards or informants with food stamps and/or EBT cards.

Reporting Requirements

ODPS was required to notify and receive approval from the USDA in advance of any investigations that used food stamps and/or EBT cards acquired under the agreement.

ODPS agreed to provide the USDA details regarding the results of the investigations, and at the end of each fiscal year or upon revocation of the agreement, account for each food stamp or EBT card acquired.

⁷ See footnote No. 3

⁸ SLEB Procedures consist of General Operating Procedures, Acquiring Food Stamp Coupons and EBT Cards, USDA Approval and Distribution, Liability for Coupons and EBT Cards Used, Accountability, and Revocation of the Agreement.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Accountability Records

ODPS was required to maintain accountability records of all coupons acquired or used under the agreement by food stamp coupon and book denomination and serial number as specified in the "Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Misuse of Food Stamps and or EBT Cards" which are an attachment to the SLEB Agreement.

The Office of the Inspector General of the United States Department of Agriculture maintained the right to audit any or all State or local records when deemed necessary.

MANAGEMENT COMMENT

Food Stamp Coupon Books

Food stamp coupons remaining in books following a familiarization buy were considered to be "Dead Books", and were turned over to the Evidence Officer and held in custody until they were delivered to the USDA FCS, Columbus Office, for proper destruction.

These "Dead Books" which were turned over to the Evidence Officer were not consistently accounted for nor logged into the evidence room.

By not consistently maintaining an accurate record of these food stamp coupon books, they are susceptible to theft, loss, or misappropriation prior to submission for destruction. ODPS could potentially be liable for the fair value amount of these food stamp coupons.

We recommend that "Dead Books" be accounted for and maintained in the same manner as evidence and ODPS evidence handling procedures be followed. Evidence custody documents or an other ODPS approved form should be used to account for and maintain these food stamps which have been turned over to the Evidence Officer for destruction.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Issue No. 2 - Comparison of physical inventory with information in related case files

We performed a physical inventory of the Food Stamp Trafficking Unit Evidence Room, compared the results of the physical inventory with the information recorded in related case files, and identified any discrepancies.

Procedures

1. We obtained a computerized spreadsheet prepared by the Investigative Unit of the Ohio Department of Public Safety which summarized case file information and listed records of evidence⁹ for each of the Food Stamp Trafficking Unit's case files during the Period.
2. We identified the "Complaint Only" records of evidence listed on the spreadsheet and reviewed case files representing 10% of the "Complaint Only" records of evidence listed on the spreadsheet to see if they contained physical evidence.
3. We performed a physical inventory of the Ohio Department of Public Safety's Food Stamp Trafficking Unit Evidence Room located on the 4th floor of the Shipley Building.
4. We compared the Food Stamp Unit/ Investigative Unit spreadsheet with the physical inventory and identified any discrepancies.
5. We investigated the discrepancies identified in Procedure No. 4 to ensure evidence was not misappropriated and to determine whether internal policies and procedures were followed.

Results

1. The Ohio Department of Public Safety/Investigative Unit provided us with a computerized spreadsheet which summarized case file information and listed evidence for 1,195 cases during the Period. Within each case listed, there were multiple records of evidence. There were 1,859 records of evidence listed in the spreadsheet. The Food Stamp/ Investigative Unit's Spreadsheet listed a description of the evidence obtained during illegal food stamp transactions or food items obtained during familiarization buys. Evidence included items such as: food stamp coupons, cash, drugs, cigarettes, alcohol, audio tapes, grocery items, lottery tickets, photos, drug paraphernalia, and automobiles. The spreadsheet listed the chain of custody as represented in the case file. If the agents were able to identify evidence by an evidence record number, this information was also included.
2. There were 581 records of evidence listed on the Food Stamp/ Investigative Unit Spreadsheet identified as "Complaint Only." We attempted to review case files related to the 57 records of evidence to determine whether there was physical evidence which should have been included on the spreadsheet.

We were not able to determine whether there was evidence obtained for 23 records of evidence cases since the case files and or microfiche records could not be located by the Investigative Unit. A review of the remaining 34 records of evidence noted that there was no physical evidence.

⁹ See footnote No. 2

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

3. We performed a physical inventory of the Ohio Department of Public Safety Food Stamp Trafficking Unit Evidence Room. The Food Stamp Trafficking Unit Evidence Room was located on the 4th Floor of the Shipley Building, in Columbus, Ohio. The evidence room was electronically secured and access to the room was monitored by the Ohio State Highway Patrol Radio Room also located in the Shipley Building. In addition, we inventoried evidence being held at the ODPS Columbus District Warehouse obtained during food stamp investigations during the Period.

We inventoried 509 records of evidence, noting the case number, evidence record number, a description of the item, and the location in which it was inventoried. Evidence which was inventoried included food stamps, confidential informant packets, food stamp coupons recovered from the Federal Reserve Bank, alcoholic beverages, drugs and drug paraphernalia, guns and ammunition, audio tapes, miscellaneous paper documents, and food items.

4. **Spreadsheet versus Actual Physical Evidence**

Upon initial comparison the Food Stamp/Investigative Unit Spreadsheet to our physical inventory results, we noted that only 97 of 1,278¹⁰ records of evidence on the spreadsheet agreed with our physical inventory. Upon further review of the Food Stamp/Investigative Spreadsheet, we noted the following:

- Certain case file numbers listed in the spreadsheet were incorrect.
- Physically inventoried evidence in the Food Stamp Trafficking Evidence Room that was not listed on the spreadsheet.
- Instances whereby the description of the evidence listed in the case files did not match the description listed in the spreadsheet.
- Evidence listed in the spreadsheet which could not be identified or physically located in the Food Stamp Trafficking Unit's Evidence Room.
- When the physical inventory was compared to the Food Stamp/ Investigative Unit spreadsheet, we had difficulty matching evidence record numbers 356 through 579 with the corresponding physical evidence because alterations had been made to the computerized evidence log.

As a result, we determined that the original 97 records of evidence from the spreadsheet which we noted as initially agreeing to our physical inventory would be reviewed again to determine whether any of the above discrepancies existed. Our results in Procedure No. 5 of this issue disclosed discrepancies with these records of evidence as well.

We met with Deputy Director Edward Duvall and Assistant Deputy Director Scott Pohlman to discuss the preliminary results of our physical inventory and comparison. During the meeting it was discussed that one cause of the physical inventory not agreeing with the Food Stamp/ Investigative Unit spreadsheet was that evidence was also held at ODPS District offices and other law enforcement agencies located around the state. It was decided that we would review case files to determine whether evidence which was unaccounted for was being held at other ODPS district offices or other law enforcement agencies. We would visit ODPS District offices and certain law enforcement agencies and inventory physical evidence maintained by those entities in an attempt to reconcile the numerous discrepancies noted in our initial review.

¹⁰ 1,859 records of evidence (Result No. 1) originally listed on the ODPS spreadsheet minus 581 records of evidence (Result No. 2)

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Evidence Room Security

In addition, we discussed security issues related to the Food Stamp Trafficking Unit Evidence Room. In our initial meeting, ODPS asserted that access to the Food Stamp Trafficking Unit Evidence Room was restricted to only the Food Stamp Trafficking Unit Evidence Officer, Colin Baxter. Access to the room was controlled by a key card reader; however, the door also had a manual lock. Upon inquiry, Colin Baxter indicated that he did not have a key to the room, nor knew who possessed one. The Communications Room¹¹, located on the 1st floor of the Shipley Building was where the security/access system was located and monitored. Access in and out of the room was recorded on a dedicated computer system. If the door to the Food Stamp Trafficking Unit Evidence Room was accessed by a key, this activity would have been recorded on the system.

Subsequent to our initial meeting, we attempted to obtain documentation to confirm that the Food Stamp Trafficking Unit Evidence Room was accessible only by the evidence officer. We obtained a printout, "Cardholders Report", as well as supporting documentation, that listed the names of the card holders and their respective access codes. The access code determined which doors the employees were permitted to enter. Based on the "Card Holder Reports" and conversations with 3 ODPS employees, we determined that at least two other ODPS employees other than the Evidence Officer had access to the evidence room. This information was brought to the attention of ODPS. In response, we were informed that changes were made to the system to allow only the Evidence Officer access to the evidence room.

Subsequent to the changes, we became aware that the Administrative Assistant Agent-In-Charge of Evidence, Gordon Cook, was able to gain access into the evidence room with his access card indicating that the Food Stamp Trafficking Unit Evidence Officer was not the only person who had access to the evidence room. We contacted ODPS and requested information related to the changes in access codes for employees within the Investigative Unit, inquired whether the door to the evidence room had ever been overridden with a key, and inquired who possessed keys to the evidence room. Based on a memo from the Ohio State Highway Patrol, no such information was available prior to June 2000, and between June 2000 and December 2000, there was limited access information. They stated that they could only list those access levels that were changed but not the names of individuals whose access levels were affected. They were able to report that during a two week period in November 2000 there were no instances where the door was overridden with a key, but prior to that, information was not available.

In order to verify who possessed master keys to the room, we contacted ODPS facilities management and spoke with the Dan Davies, Facilities Administrator. He stated that when he took the position of Facilities Administrator in September 1999, there were no records of who had been issued keys to doors in the Shipley Building. He stated that since that time, Assistant Deputy Director Pohlman had been issued a key to the evidence room. In addition to Mr. Pohlman, all the maintenance personnel as well as the Ohio State Highway Patrol Police Officers had access to the evidence room. The lock on the evidence room door was re-keyed in June 2000, thus eliminating manual key access to anyone other than those issued a key by the Investigative Unit after this occurred.

As a result of our inquiries, the Ohio State Highway Patrol asserted that they have made changes to their back-up system and are saving all data on their system for a period of 2 years.

¹¹ The Communications Room is operated by the Ohio State Highway Patrol.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

5. We investigated the 1,278¹² discrepancies identified in Procedure No.4 to ensure evidence was not misappropriated and whether internal policies and procedures were followed.

We attempted to review case files relating to the 1,278 records of evidence in the spreadsheet to determine why the evidence listed in the spreadsheet had not been physically inventoried. ODPS was unable to provide 112 case files. For the case files available, we reviewed the Statements of Facts, Evidence/Property Custody Documents, Final Disposition of Evidence Forms, and any other related Food Stamp Trafficking/Investigations Unit documents to determine whether other ODPS District Offices or other law enforcement agencies may have custody of the evidence.

In instances where documents indicated that evidence was maintained at ODPS District Offices or other local law enforcement agencies, we visited those evidence rooms in an attempt to physically inspect the evidence or obtain documentation that the evidence had either been destroyed, returned, or transferred.

If we were unable to physically inspect the evidence or obtain documentation for the disposition of the evidence at the District Offices or law enforcement agencies, we contacted current and former food stamp agents who were last in custody of the evidence items or who were involved in the investigation. We were able to obtain responses from all of the current and former food stamp agents we contacted, with the exception of former Food Stamp Agent and Evidence Officer Jan Hartman. However, not all of the agents had explanations for the disposition of the evidence.

We also contacted the United States Department of Agriculture's Food and Consumer Services Columbus Regional Office to verify when food stamps had been submitted for destruction. The USDA's records reflect that they did not receive any food stamp coupons for destruction from March 3, 1997 through July, 1, 1997. Based on information provided by the USDA, we could not verify \$558 in food stamp coupons listed on Final Disposition of Evidence forms that was signed off as "Food stamp coupons returned to USDA/FCS for destruction" by former Evidence Officer Jan Hartman on April 30, 1997 were submitted for destruction.

As a result of reviewing the case files, visiting ODPS District Offices, other local law enforcement agencies, and contacting agent, we were unable to determine the final disposition for 141 records of evidence.

A review of the Food Stamp/Investigative Unit spreadsheet, corresponding case files, physical inventory listing, Fiscal Department deposit records, other law enforcement agency records, and Food Stamp Trafficking Unit records noted that 258 records of evidence were not included in the original ODPS prepared spreadsheet. Of the 258 records, we were unable to determine the disposition for 26 records of evidence.

¹² Amount also includes the initial 97 records of evidence which were noted as initially agreeing to the physical inventory performed in Procedure No. 4

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The following is a categorization of the 167 records of evidence (141 and 26 listed above) for which we could not determine the final disposition:

- \$47,563¹³ in WIC coupons listed on 1 record of evidence.
- \$2,580 in Food Stamp Coupons listed in 57 records of evidence.
- \$663 in Cash and Checks¹⁴ listed on 21 records of evidence.
- Drugs, cigarettes, and alcoholic beverages
- Audio and Video tapes
- Food items
- Lottery tickets
- Photos
- Drug paraphernalia
- Automobile¹⁵
- Miscellaneous items (i.e. paper documents, paper bags, etc.)

Of the remaining food stamp coupons totaling \$2,580, we noted the following:

- A review of 4 Evidence Custody Documents, 4 Food Stamp Transaction Reports, and 9 Final Disposition of Evidence Forms revealed that Jan Hartman, former Food Stamp Agent and Evidence Officer signed for and received food stamp coupons totaling \$762. Neither the USDA nor the ODPS have any record that these food stamp coupons were properly returned to the USDA. In addition, these food stamp coupons were not physically inventoried at any of the ODPS District Offices nor any other law enforcement agency which may have assisted in a joint investigation. We will issue a Finding for Recovery against Jan Hartman for \$762.
- A review of Evidence Custody Documents, Food Stamp Transaction Reports, and destruction records revealed that Cynthia Korach, Cleveland Evidence Officer was responsible for the custody and security of food stamp coupons totaling \$173. Neither the USDA nor the ODPS have any record that these food stamp coupons were returned to the USDA. In addition, these food stamp coupons were not physically inventoried at any of the ODPS District Offices nor any other law enforcement agency which may have assisted in a joint investigation. According to Ms. Korach, she shredded these food stamp coupons like she would have any other document evidence contained in case files which had been concluded, and as a Liquor Agent, at the time was not aware of the terms of the SLEB Agreement or been trained on proper food stamp coupon destruction.
- A review of Evidence Custody Documents, Food Stamp Transaction Reports, and other destruction records revealed that food stamp coupons totaling \$1,645 of which \$480 were nonnegotiable because they had been canceled and returned from the Federal Reserve Bank were received by a multiple number of other agents. Neither the USDA nor ODPS have any record that these food stamp coupons as being returned to the USDA. In addition, these food stamp coupons were not physically inventoried at any ODPS District Offices nor any other law enforcement agency which may have assisted in a joint investigation. The aggregate amounts against each officer involved was less than \$100.

¹³ Amount includes \$13,122 of WIC coupons which were expired. According to officials at ODPS, WIC coupons expire quarterly.

¹⁴ Amount includes a Finding For Recovery totaling \$566 against former Evidence Officer Jan Hartman (See Issue No.3).

¹⁵ Through its own investigation, the Investigative Unit believes that this automobile was returned to its owner in December 1997; however, the Investigative Unit was unable to obtain documentation to support that this actually occurred.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The case file documentation indicated that the 167 records of evidence were last in the custody of 23 current and former ODPS Agents, 6 other law enforcement agencies, the ODPS's Central Evidence Custodian, and/or the ODPS's Chemical Analysis Lab.

- We were provided with verbal and/or written explanations from agents and other law enforcement agencies for the disposition of 80 of the 167 records of evidence listed above. These 80 records of evidence included \$48,423 of food stamp coupons, \$3 cash, and checks totaling \$90.

For 11 of the 80 records of evidence, there was no Final Disposition of Evidence Forms to support the proper destruction of this evidence. We will recommend that the Investigative Unit follow its policy and procedures for the disposition or destruction of evidence.

Physical evidence for 41 of the 80 records of evidence was in the custody of District Evidence Officers as well as Food Stamp Trafficking Unit Evidence Officers. There were no records to support the disposition of the evidence. We will recommend that the Investigative Unit follow its policy and procedures for the disposition of evidence.

Physical evidence for 3 of the 80 records of evidence was in the custody of the Central Evidence Supervisor. There were no records to support the disposition of the evidence. We will recommend that the Investigative Unit follow its policy and procedures for the disposition of evidence .

- We were not able to obtain explanations for the disposition of evidence from Food Stamp Agents or law enforcement agencies for 87 of the 167 records of evidence listed above. These 87 records of evidence included \$1,720 of food stamp coupons, and \$570 cash.

Physical evidence for 11 of the 87 records of evidence listed above was in the custody of the District Evidence Officers and as well as Food Stamp Trafficking Unit Evidence Officers. There were no records to support the disposition of the evidence. We will recommend that the Investigative Unit follow its policy and procedures for the disposition of evidence.

While reviewing the available case files, we noted the following instances of noncompliance with the SLEB and internal control weaknesses for which we will issue noncompliance citations and recommendations.

- There were instances where case file summaries stated that the Investigative Unit agents gave \$695 of food stamp coupons to informants in return for information and services which were not allowed based on the conditions listed in the SLEB.
- We noted a case where \$200 in food stamp coupons was signed over on a Food Stamp Coupon Issuance Form to the Western Portage County Task Force to be used in an investigation without the written approval of the ODPS.
- We noted 4 instances where food stamp coupons were reported in case file summaries or statements of fact as being lost or stolen; however, ODPS did not notify the USDA in 3 of those instances .
- We noted 75 instances where property was bought with food stamp coupons and no records of donation or destruction were found.
- We noted 2 instances in the case files where cash was confiscated on search warrants and conducted in conjunction with the Galion and Cleveland Police Departments; however, none of the forfeited cash was received by ODPS.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- A review of the computerized evidence log noted that cash evidence was being held in the “G-safe”; however, according to the Fiscal Department’s deposit records, the money had been deposited. In addition, we noted certain evidence was signed out of the evidence room and later returned, but was assigned a new evidence record number. This resulted in the same piece of evidence having two different record numbers assigned to it. We also noted that items, signed out of the evidence room and later returned were not logged into the Food Stamp Trafficking Unit’s computerized evidence log upon re-entry to the evidence room. We will make recommendations that the Investigative Unit develop and implement guidelines to ensure that the computerized evidence log is accurately maintained, and evidence officers take the necessary steps to avoid duplicating record numbers when logging evidence in and out of the evidence room.
- We identified 2 cases where food stamp coupons were recorded as being used under the incorrect case number. We will make a recommendation to perform periodic reconciliations of food stamp coupons listed in the case files with Food Stamp Transaction Reports.

We also noted the following inaccuracies and discrepancies with the ODPS spreadsheet and case files, or physical evidence:

- 86 instances where evidence inventoried was not listed in the case file or located by performing additional procedures.
- 62 instances where evidence was physically inventoried under a different evidence record number than was listed in the case file.
- 60 instances where the case file number listed on the case file documents did not agree to the case file number listed in the ODPS spreadsheet.
- 24 instances where evidence was listed in the destruction records, but not listed in the case files.
- 15 instances where evidence was physically inventoried under a different case file number than was listed in the ODPS spreadsheet.
- 8 instances where there was physical evidence located in the case file.
- 5 instances where evidence retained at the Alum Creek facility had the incorrect evidence record number.
- 31 instances where there were duplicate records of evidence.
- 333 records of evidence listed in the spreadsheet for which we determined FSU food stamp coupons were not used.
- 19 instances where the ODPS spreadsheet listed blank records of evidence for cases in which food stamp coupons were used.
- 7 records of evidence of which we could not verify.

In addition, we requested documentation for the Period for all the audit/inspections of the Food Stamp Trafficking Unit’s evidence facilities in order to verify whether there were any problems in past inspections with the handling of evidence. We received a response that only addressed the Food Stamp Trafficking Unit evidence room inspection that occurred in the Fall of 1997 into 1998. The response stated that the records of this inspection were not available as the file was most likely misplaced due to moving offices six times in four years. Without further information, we could not identify whether the current or former Evidence Officers were responsible for evidence that was signed in by former Evidence Officers and not inventoried under the current Evidence Officers. The Investigative Unit provided the names of 23 agents who were Evidence Officers or Alternate Evidence Officers for the Investigative Unit, including both the Liquor Enforcement Unit and the Food Stamp Trafficking Unit, during the Period. We will make a recommendation that yearly inspections be performed in accordance with the policy.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

FINDINGS FOR RECOVERY

1. A review of 4 Evidence Custody Documents and 5 Food Stamp Transaction Reports¹⁶ revealed that Jan Hartman, former Food Stamp Agent and Evidence Officer signed for and received cash as evidence totaling \$566. Deposit records for the Ohio Department of Public Safety's Investigative Unit's Holding Account show no record of this amount or individual amounts totaling \$566 as being deposited into this account.

A review of 4 Evidence Custody Documents, 4 Food Stamp Transaction Reports, and 9 Final Disposition of Evidence Forms revealed that Jan Hartman, former Food Stamp Agent and Evidence Officer signed for and received food stamp coupons totaling \$762. Neither the USDA nor the ODPS have any records documenting the proper destruction of any of these food stamp coupons. Neither agency has any record that these food stamp coupons were properly returned to the USDA. In addition, these food stamp coupons were not physically inventoried at any of the Ohio Department of Public Safety's District Offices nor at any other law enforcement agency which may have assisted in a joint investigation.

Further, pursuant to Ohio Rev. Code Section 117.01, any money received, collected by, or due a public official under the color of office, as well as any money collected by any individual on behalf of public office or as a purported representative or agent of the public office constitutes public money. Such money is to be deposited with the ODPS. If it is not so deposited, that public official shall be considered liable, regardless of fault, to account for public funds entrusted into his or her care. O.R.C. 9.39

In accordance with the foregoing facts, and pursuant to Ohio Rev. Code Section 117.28, a Finding for Recovery for public funds collected but not accounted for is hereby issued against Jan Hartman, former Food Stamp Agent and Evidence Officer in the amount of \$1,328 and in favor of the Ohio Department of Public Safety's Investigative Unit.

NONCOMPLIANCE WITH ODPS POLICIES AND PROCEDURES

Cash Evidence

1. The "Procedure for the Handling and Disposition of Evidence" policy Section II(7)(A) states, "All money that comes into the possession of Liquor or Food Stamp Enforcement personnel in the performance of their duties will be turned over to the District Evidence Officer or Assistants as soon as possible accompanied by an Evidence/Property Custody Document." Section IV(B) states, "No evidence will be in the possession of an Agent for longer than thirty working days after it's (sic) confiscation."

We noted that in December of 1998 former Agent Jan Hartman deposited cash evidence totaling \$2,067 from transactions that took place in 1994 and 1995. We also noted Agent Hartman deposited \$1,496 of cash evidence in May of 1999 from transactions that took place in 1994, 1995, 1996, and 1997.

Cash evidence becomes susceptible to theft, loss, or misplacement if it is not deposited in a timely manner in accordance with the evidence policy and procedures set forth by the ODPS.

¹⁶ These procedures were performed as part of Issue No. 3.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. The "Procedure for the Handling and Disposition of Evidence" policy Section II(7)(D) states, "Money (paper and coin currency) should not be held by the District Evidence Officer for longer than five (5) business working days."

We noted that the Cleveland and Athens District Offices sent funds to the Columbus District on a monthly basis, and not within five (5) working days as the policy stated. Therefore, moneys were held longer than 5 business working days.

By not depositing moneys in a timely manner and in accordance with ODPS policy and procedures, cash evidence is susceptible to theft, loss, or misplacement.

Evidence District Officers should forward cash to the Columbus District within 5 business days in accordance with the policy.

Accountability and Destruction of Food Stamps

1. The "Procedure for the Handling and Disposition of Evidence" policy Section II(7)(F)(1) states in part, "food stamps that are left in a book or received back during a transaction or store familiarization buy will be turned in as soon as possible to the District Evidence Officer. Those turned in at Liquor Offices will be forwarded to the Food Stamp Evidence Custodian."

We noted that food stamp coupons received by the Cleveland District Office were not always forwarded to the Food Stamp Evidence Custodian. Food stamps were destroyed by the Cleveland Evidence Officer and some of the food stamps were destroyed at the Cleveland FCS office. In addition, there were three instances where food stamp coupons were left in case files and not turned in to the Food Stamp Trafficking Unit Evidence Room.

Failure to submit food stamp coupons to the District Evidence Officer which are left in a book, received back during a transaction or store familiarization results in a direct violation of the Food Stamp Trafficking Unit/Investigations Unit's "Procedures for the Handling and Disposition of Evidence." In addition, the food stamp coupons become susceptible to theft, and it becomes more difficult to account for the unused food stamp coupons.

Investigative Unit agents should follow their evidence handling policy and procedures, specifically as it pertains to the handling of food stamp coupons. Each month district offices should turn in to the Food Stamp Evidence Custodian food stamp coupons which are to be destroyed. Supervisors within the Unit should monitor the agents to ensure that the policy and procedures are followed.

2. The "Procedure for the Handling and Disposition of Evidence" policy Section II(7)(F)(2) states in part, "food stamps turned into the evidence room that are not needed for any prosecution or administrative hearing, or the prosecution of the criminal case they were used in has been completed, will be taken by the Evidence Officer to the Columbus FCS office for destruction at the end of each month."

We noted that the Food Stamp Evidence Custodian did not always submit food stamp coupons to the Columbus FCS office on a monthly basis.

Failure to submit the food stamp coupons on a monthly basis for destruction results in a direct violation of the Food Stamp Trafficking Unit/Investigations Unit's "Procedures for the Handling and Disposition of Evidence." In addition, the food stamp coupons become susceptible to theft, and it becomes more difficult to account for the unused food stamp coupons.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The Food Stamp Evidence Custodian should forward food stamp coupons on a monthly basis to the Columbus FCS for destruction, and the Supervision within the Unit should monitor the Evidence Custodian to ensure this policy and procedure is followed.

Donated Food Items

The "Procedure for the Handling and Disposition of Evidence" policy Section II(7)(F)(1)(b) states in part, "Every item donated will be listed on a Final Disposition of Evidence form, and turned in with a copy of the Transaction Report to the Food Stamp Evidence Custodian through the District Evidence Officer as soon as possible."

There were 11 records of evidence in which the agents stated that the items had been donated, but no Disposition of Evidence Form existed to support their statements. In addition, we looked at the Transaction Reports, but did not find Final Disposition of Evidence Forms attached.

Not documenting the donation of food items to local charities increases the risk that theft of personal consumption of food items acquired during investigative activities. Completing these forms and including them in the case files increases accountability for those items purchased with food stamps.

The Investigative Unit administration should monitor the case file management of each agent to ensure that supporting documentation is maintained for the donation of food items to local charities. We recommend that Evidence/Property Custody Documents and Final Disposition of Evidence Forms list recipients when appropriate, and accompany transaction reports. In addition, case files and documents should be reviewed during the monthly food stamp audits to ensure that the policy and procedures were followed.

Security of the Food Stamp Evidence Room Facility

1. The "Procedure for the Handling and Disposition of Evidence" policy Section V(A)(5) states in part, "All personnel who enter a district evidence facility will sign in or out of the facility."

When we visited the Toledo District Office evidence room, we were not asked by personnel to signed-in or out of the facility.

All personnel and visitors should be required to sign-in and out of the evidence facilities in order to record dates and times in which people entered and left the evidence room. This procedure, when followed, assists in preserving the integrity of the evidence stored in the facility.

2. Evidence Custodians should maintain the evidence room sign-in sheets as outlined in the policy. The "Procedure for the Handling and Disposition of Evidence" policy Section V(B) "Duties of the District Evidence Officer," Duty Number 1, is listed as "Maintain a secure location for the storage of property seized by Agents as evidence."

We noted that the Ohio State Highway Patrol (OSHP) did not have the computerized records to support the security access of the Food Stamp Trafficking Unit Evidence Room. The evidence room was electronically secured with an electronic key card access system. The door was locked and also accessible by a manual key. When a manual key was used to override the electronic locking device, the computer monitoring the system recorded that information. Upon request, the OSHP reported that they could not determine whether a key had been used to override the system due to the short time period they retained that information. With the exception of two memos, all communications between the Food Stamp Trafficking Unit/Investigations Unit and OSHP Radio Room requesting changes in access were verbal. Therefore, there were no prior written records available indicating which agents had access to the evidence room.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The records we were provided were conflicting as to the access levels for the agents and the access level(s) they actually had to the evidence room. According to the Facilities Manager of the Shipley Building, all building maintenance personnel and Ohio State Patrol Officers had master keys that accessed the Food Stamp Trafficking Unit/Investigations Unit's evidence room prior to September 1999. In September 1999, the Investigative Unit had the door re-keyed, thus restricting manual key access to the room.

When the Food Stamp Trafficking Unit Evidence Room is not properly secured, evidence is susceptible to theft, loss, misplacement, tampering and corruption of integrity.

The Investigative Unit should work with OSHP officials to restrict and monitor electronic access to the evidence room. Communications with OSHP should be made in the form of written requests as opposed to verbal requests. This would prevent any misunderstandings concerning the controlled access for the Food Stamp Trafficking Unit's evidence room. The Ohio State Patrol should back-up their system and retain data for a reasonable time period. As a result of our special audit, the OSHP asserted that they have made changes to their back-up system and are saving all data on their system for a period of 2 years.

Evidence Records

In the "Procedure for the Handling and Disposition of Evidence" policy Section V(B) "Duties of the District Evidence Officer," Duty Number 3, is listed as "Keep accurate records of all evidence from the time it is received until it is properly disposed of in accordance with this policy."

There were 52 instances where evidence was signed into either the Food Stamp Trafficking Unit evidence room or other District Office evidence rooms, but the evidence could not be physically located because the supporting documentation was either inaccurate or nonexistent.

Not keeping accurate records of evidence that is signed in and out of the evidence rooms, results in evidence being susceptible to theft, loss or misplacement.

The Investigative Unit should maintain documentation to support the chain of custody and location of all evidence. In addition, the administration should perform more frequent evidence room audits and inspections to ensure that evidence on hand agrees to the supporting documentation.

Disposition of Evidence

1. In the "Procedure for the Handling and Disposition of Evidence" policy Section V(D) "Duties of the Central Office Evidence Supervisor," Duty Number 2 is listed as "Keep accurate records of all evidence until it is properly disposed of in accordance with this policy."

We noted 3 instances where the Central Office Evidence Supervisor at the Alum Creek Drive facility was not able to provide us documentation for the disposition of evidence. We reviewed the evidence handling policy and procedures and they do not address audits of the central evidence warehouse. We recommend the evidence handling policy be revised to include yearly audits of the central evidence warehouse performed by Investigative Unit administration.

Not keeping accurate records of evidence that is disposed results in evidence being susceptible to theft or being misplaced.

The Central Evidence Supervisor should maintain documentation to support the disposition of evidence at the Alum Creek Drive facility.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. The "Procedure for the Handling and Disposition of Evidence" policy Section XV(C), "Reports" states, "When property is destroyed, or otherwise disposed of in compliance with this policy by the District Evidence Officer, a report of the disposition will be made to the Central Office Evidence Supervisor. Copies of the evidence/property custody document will be included with this report."

The Central Office Evidence Custodian did not receive records of destruction for evidence destroyed at the District offices.

The Investigative Unit administration should monitor other District Offices to ensure the Central Evidence Custodian receives records of destruction for evidence destroyed at the other District Offices.

Safekeeping of Evidence

The "Procedure for the Handling and Disposition of Evidence" policy Section IV(F) states, "All evidence released for court/commission purposes will be returned to the Central Evidence Supervisor or Assistants when the court/commission case is completed. The Central Office Evidence Supervisor or Assistants will properly sign for the evidence."

During our attempt to determine the disposition of evidence that had been signed over to the Liquor Control Commission, we noted that the evidence had been signed over to an Investigative Unit agent. However, the Liquor Control Commission did not have any custody documents to support this, nor did they have a list of items released to the agent. We contacted the agent who asserted that the evidence, which included food stamp coupons, had been turned over to the Central Office Evidence Supervisor. The Central Office Evidence Supervisor advised us that he did not have any custody documents for the evidence. Upon review of the above policy, it does not specify the department of person responsible for ensuring evidence is returned from the Liquor Control Commission, nor does it specify the procedures to be used to obtain evidence from the Liquor Control Commission.

The Investigative Unit should expand its policy and procedures to assign responsibility for documenting the return of case evidence from the Liquor Control Commission or court of law. Chain of custody documents should be used when exchanging evidence with the Liquor Control Commission.

Evidence/Property Custody Document Forms

The "Evidence Room Procedures" from July 1995 through November 1997, "Attachment A of the Procedure for the Handling and Disposition of Evidence Policy" under the heading "Disposition" state in part, "Upon completion, the evidence report, listing the disposition, is filed with the original case report." The "Procedure for the Handling and Disposition of Evidence" policy from November 1997 to December 1999 Section XV(B)(2) states, "Evidence/Property Custody Documents will be made part of the case file, microfilmed, and retained for ten years."

There were 86 instances where evidence was inventoried, but the evidence was not listed on an Evidence/Property Custody Document or in the Statement of Facts within the case file. In addition, there were 24 instances where evidence was listed in the destruction records, but not listed in the case file.

Inaccurate or incomplete evidence records result in evidence being susceptible to theft or misplacement.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

The Investigative Unit should follow its policy; whereby, case files should include supporting documentation such as Evidence/Property Custody Documents, and a Statement of Facts which accurately reflect the case file transactions. After the evidence items are properly disposed, the completed Evidence/Property Custody Document should be retained in the case files. Prior to closing case files, supervisors should review the case files and verify the required documentation is included.

Evidence Room Inspections

The "Evidence Room Procedures" for September 1995 through November 1997, "Attachment A of the Procedure for the Handling and Disposition of Evidence Policy" {Storage(6)} state, "The evidence room shall be inventoried quarterly and is subject to unannounced inspection by the Chief of the Food Stamp Investigative Unit." The "Procedure for the Handling and Disposition of Evidence" policy Section XV(C) provides that the duties of the Central Office Evidence Supervisor include conducting scheduled inspections of each district evidence facility on an annual basis.

We requested the Investigative Unit provide us with records of any Food Stamp Trafficking Unit Evidence Room audits that were completed. In speaking with the former Chief of the Food Stamp Trafficking Unit, he stated that he "spot checked" the Food Stamp Trafficking Unit Evidence Room monthly. This entailed reviewing one or two items of evidence in the room. There were no yearly nor full audits that were performed by management on the Food Stamp Trafficking Unit Evidence Room. ODPS was able to provide record of only one audit that was performed when the Food Stamp Trafficking Unit evidence room changed administration at the end of 1998. This was conducted by the incoming and outgoing evidence officers.

We also requested the Investigative Unit provide us with any records of evidence rooms audits for the District Offices. We did not receive a response from the Investigative Unit regarding audits that were completed between July of 1995 and December of 1997. We received verbal confirmation that between later 1997 and the end of 1998 yearly inspections of the District Evidence Offices were completed. However, they were unable to provide us with that documentation as it was represented that some of the documentation was lost when their offices were moved. We did not receive a response from the Investigative Unit regarding audits that were completed between December of 1998 and December of 1999.

Yearly inspections should be performed in accordance with the policy. A yearly "inspection" does not specify whether an audit of the room is conducted, but it is recommended that an audit be completed. An audit of evidence room facilities should be performed by an independent third party when there is a change in custodian.

NONCOMPLIANCE WITH SLEB AGREEMENT

Conditions and Limitations on Use of Food Stamp Coupons for Investigations

1. Section II(D) states, "State and local law enforcement units shall not use food stamps and/or EBT cards to pay awards or informants."

There were 8 instances where case summaries stated that Investigative Unit agents gave \$695 food stamp coupons to informants in return for information/services.

Agents should not use food stamps to pay informants. Investigative Unit management should monitor more closely investigative activities involving the usage of food stamps and/or EBT cards. All agents who use food stamp coupons should be aware of the guidelines outlined in the SLEB Agreement.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. Section II(B) states, "Such law enforcement or investigative unit (in this case, the Ohio Department of Public Safety's Investigative Unit) may not transfer the food stamps and/or EBT cards to any further law enforcement or investigative unit without the written approval of the SLEB (Ohio Department of Public Safety)."

We noted a case where \$200 in food stamp coupons was signed over on a Food Stamp Coupon Issuance Form to the Western Portage Task Force to be used in an investigation without the proper approval of Ohio Department of Public Safety.

Written approval from ODPS should be obtained prior to transferring food stamp coupons to other law enforcement agencies to use for investigations.

Terms of the SLEB Agreement

Section IV(F) in part states, "If food stamps and/or EBT cards are lost or stolen, the SLEB shall submit immediate written notification of such losses or thefts of food stamps and/or EBT cards issued to law enforcement or investigative units for investigations...The SLEB shall make remittance for the face value of any lost or stolen coupons or EBT cards."

We noted 4 instances where food stamp coupons were reported in case summaries or statement of facts as being lost or stolen. In 3 of those instances, totaling \$1,669 in food stamp coupons, the Ohio Department of Public Safety did not notify the United States Department of Agriculture, Food and Consumer Services.

ODPS should immediately notify the United States Department of Agriculture, FCS when it becomes aware that food stamp coupons or EBT cards have been lost or stolen.

Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Food Stamp Program Violations (An Attachment to the SLEB Agreement)

1. The section titled, "Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Food Stamp Program Violations" V(C) paragraph 2 in part states, "Records of donation or destruction of property must be submitted to FCS."

We noted 75 instances where property was bought with food stamp coupons and no records of donation or destruction were found.

All agents who use food stamp coupons should submit records of donation or destruction with their monthly food stamp audits.

2. The section titled, "Procedures for State or Local Law Enforcement or Investigative Agencies to Investigate Food Stamp Program Violations" V(C) paragraph 1 in part states, "Cash and other property acquired with unrecovered food coupons in investigations in which the State is not held liable for the coupons is the property of the United States."

We noted 2 instances cases where cash was confiscated during search warrants conducted in conjunction with the Galion Police Department and the Cleveland Police Department; however, none of the forfeited cash was received by the Food Stamp Trafficking Unit (ODPS).

When the Investigative Unit conducts food stamp investigations with other law enforcement agencies, they should enter into an agreement which covers the confiscation and disposal of all evidence including cash. The agreement should include language that complies with terms set forth in the SLEB Agreement.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

MANAGEMENT COMMENTS

Case Files

We reviewed certain case files and noted no uniformity or standardization in how the case files were set up or maintained. Some case files were in chronological order and others were not. Other case files included a summary of the entire case, and others did not. There were case files which did not include copies of original complaints, Evidence/Property Custody Documents, and Final Disposition of Evidence Forms. There were instances where case files included a Statement of Facts and/or Case File Summaries which referenced evidence held in the custody of another law enforcement agency, yet the case file did not include a copy of the law enforcement agency's evidence custody document.

As a result, case files did not always identify all the evidence and/or the location of the evidence confiscated during an investigation. Therefore, it was difficult to account for all evidence obtained during each transaction. The responsibility of the supervisors was to monitor the agents to ensure that case files were adequately maintained and the required documentation was included in the case files.

We recommend that the Investigative Unit use a checklist which is to be included in the case files which require review and approval of documents which are required be maintained in the agents' case files. This checklist will ensure case files are uniform, standardized, and complete. We also recommend that supervisors' signatures be required on all documents included in the case file which are related to actions and evidence received. This administrative procedure will reduce inconsistencies in the case file documentation and hold supervisors more accountable for the oversight of investigations. We recommend that when evidence listed in the case file is maintained at another law enforcement agency, a copy of the law enforcement agency's custody document be placed in the file.

Case File Documentation

We reviewed certain case files and noted certain documents in the case files were inaccurate and incomplete. Evidence/Property Custody Documents included incomplete chain of custody information, incomplete listings of evidence, and inaccurate evidence record numbers.

There were 62 instances where the evidence record number on the Evidence/Property Custody Document in the case file was different from the evidence record number listed on the physical evidence.

We note 15 instances where the case file number on the case file documents did not match to the case file number under which the evidence was logged into the evidence room. We noted that Evidence/Property Custody Documents did not list all of the evidence that was received into custody.

We recommend that Investigative Unit administration implement administrative procedures to ensure that evidence custody documents are accurately completed. Supervisors should sign off all documents related to case file summaries and evidence. A review of the case files by the supervisor would ensure that case file documentation is complete and accurate.

Records Retention

The Investigative Unit was unable to locate 112 case files because they were maintained by agents in the field and no permanent copy of the files was kept at the office. In addition, ODPS could not locate case files related to 23 records of evidence involving "Complaint Only" cases.

In addition, we noted some case files had been microfilmed and the original case file destroyed without reviewing the microfilm for completeness. We requested copies of the Food Stamp Trafficking Unit record retention schedules from the administration and were told that ODPS did not maintain such records. We were provided with a notebook which included record retention schedules for the Ohio Department of Public Safety, which included a case file record retention schedule for the Liquor Enforcement Division only.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

We recommend that a permanent file be maintained at the Central Office to ensure a case file exists for all cases. We recommend the Investigative Unit develop, approve, and adopt a records retention schedule. We also recommend the Investigative Unit develop policies and procedures to ensure that records that are microfilmed are complete and destroyed in accordance with the records retention schedule.

Computerized Evidence Log Located in the Food Stamp Trafficking Unit Evidence Room

A review of the computerized evidence log noted that cash evidence was listed as being held in the "G-safe." However, according to the Fiscal Department's deposit records, this money had been deposited into the Investigative Unit's Holding Account. As a result, the computerized evidence log did not accurately reflect the physical location of the money.

In addition, we noted that certain evidence was signed out of the evidence room and later returned, but was assigned a new evidence record number. This resulted in same piece of evidence as having two different record numbers assigned to it. We also noted that items, signed out of the evidence room and later returned were not logged into the Food Stamp Trafficking Unit's computerized evidence log upon re-entry to the evidence room. As a result, evidence which had been returned to the evidence room was incorrectly listed in the computerized log as being signed out.

We recommend the Investigative Unit develop and implement administrative guidelines to ensure the computerized evidence log is accurately maintained. We recommend that evidence officers take the necessary steps to avoid duplicating record numbers when logging evidence in and out of the evidence room.

While researching food stamps on the Food Stamp Trafficking Unit's computer, we identified two cases where food stamp coupons were recorded as being used under the wrong case number. After reviewing the transaction reports for the two cases, we determined that there were food stamp coupons that were recorded on transaction reports that were not recorded in the food stamp computer under the case number listed on the transaction report. After performing a search by food stamp serial number on the Food Stamp Trafficking Unit's computer, we were able to determine that the usage of the food stamp coupons were recorded using incorrect case numbers.

We recommend the Investigative Unit administration perform a periodic reconciliation of the Food Stamp Trafficking Unit's computer, comparing the food stamp coupons listed in the computer to the Food Stamp Transaction Reports, to ensure that food stamp coupons are recorded under the correct case number.

Evidence Handling Policy and Procedures

We reviewed the Investigative Unit's evidence handling policy and determined that not all the policies were applicable to both the Liquor Enforcement Unit and Food Stamp Trafficking Unit, yet they followed the same policy. For example, the Food Stamp Trafficking Unit Evidence Officer duties are not specifically mentioned in the policy. By not having a separate evidence policy for the Liquor Enforcement Unit and Food Stamp Trafficking Unit, it was not clear as to which policies applied.

The Investigative Unit's evidence policy does not specifically address how to dispose of all items. The policy also does not address what items are included in evidence. The policy states, "All evidence, contraband, property, or funds seized shall be properly secured according to this policy" However, the policy does not address what to do with evidence such as photographs or audio tapes that do not include violations.

There were 5 instances where evidence (which was not food stamp booklets or coupons) was found in the case files.

There were 11 instances where tapes were destroyed because there were no violations or prosecution. Evidence left in the case files and/or evidence destroyed before logging the items into evidence could result in the evidence being improperly destroyed or misplaced.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

We recommend the Investigative Unit incorporate into their evidence handling policy specific procedures for the handling and destruction of all evidence for both liquor and food stamp/EBT investigations. This will clarify as to which evidence policies apply. In addition, we recommend that the evidence policy be specific as to what is evidence and required to be logged into the evidence room and outline procedures for the destruction of items not considered evidence.

Joint Investigations with Other Law Enforcement Agencies

There was no formal written agreement between the Food Stamp Trafficking Unit/Investigations Unit and other law enforcement agencies who worked joint investigations involving food stamps. There was no agreement between parties which addressed how cash evidence received as a part of the investigation would be distributed among the parties. As a result, the Food Stamp Trafficking Unit/Investigations Unit did not always receive moneys they were entitled to receive.

We recommend that the Investigative Unit enter into formal written agreements with other law enforcement agencies which outline how the cash evidence will be distributed prior to conducting joint food stamp investigations with other local law enforcement agencies.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

Issue No. 3 - Cash deposited into the Investigative Unit Holding Account

We obtained the Food Stamp Trafficking Unit/Investigation Unit's "Cash and Check Confiscation Transaction Report" for the Period and selected cash transactions from this report and certain case files to determine whether cash seized as evidence was recorded in ODPS's records and deposited in the Investigative Unit's authorized holding account.

Procedures

1. We selected 150 Food Stamp Transaction Reports and traced these transactions back to the "Cash and Check Confiscation Transaction Report," and forward to the Investigative Unit Holding Account.
2. We selected 10% of the cash transactions from the Investigative Unit Spreadsheet used in Issue No. 2 and traced these transactions back to the "Cash and Check Confiscation Transaction Report", and forward to the Investigative Unit Holding Account.
3. We reviewed and confirmed deposits, as identified in the case files, to ODPS Fiscal Department's records of deposits made to the Investigative Unit Holding Account.

Results

1. Of the 150 Food Stamp Transaction Reports we reviewed totaling \$46,268, we noted the following:
 - Although the deposit amounts agreed, the case numbers on 10 deposits totaling \$3,151 were different than the case numbers on the "Cash and Check Confiscation Transaction Report." The case numbers on the "Cash and Check Confiscation Transaction Report" were incorrect as result of a typographical error.
 - There were 8 cash deposit amounts totaling \$387 which did not agree to any amounts deposited under the associated case file numbers. These cash deposit amounts were reported under the incorrect case number or possibly were not deposited.
 - There were 2 cash deposits totaling \$360 listed under case file numbers which were not found within the "Cash and Check Confiscation Transaction Report," but cash deposit amounts were deposited according the Fiscal Department's records.
 - There were 5 cash deposits totaling \$251 listed in the "Cash and Check Confiscation Transaction Report" as a "cash transaction" instead of a "holding deposit."
 - There was 1 cash deposit for \$500 listed in the "Cash and Check Confiscation Transaction Report" as being deposited into the ODPS Forfeiture Account instead of the Investigative Unit Holding Account.
 - There were 2 cash deposits totaling \$130 which the transaction was listed in the "Cash and Check Confiscation Transaction Report" as a "cash transaction" instead of "a holding account deposit" and the case file number on the transaction report was different from the case file number on the "Cash and Check Confiscation Transaction Report."
 - The remaining 122 cash deposits totaling \$41,489 from the cash transaction reports agreed to the "Cash and Check Confiscation Transaction Report."

We will recommend that the "Cash and Check Confiscation Transaction Report" be reviewed for accuracy.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

2. There were 504 records of cash evidence listed in the Food Stamp /Investigative Unit's Spreadsheet used in Issue No.2. We reviewed 51 records of evidence totaling \$33,280. There were 11 cash amounts totaling \$13,333 listed in the Food Stamp/Investigative Unit's Spreadsheet which did not agree to the "Cash and Check Confiscation Transaction Report" because the cash amount did not agree to the "holding account amount" deposited nor could the amount be found within the "Cash and Check Confiscation Transaction Report". We noted the following:
- There were 6 cash evidence amounts totaling \$2,849 which could not be matched to the "Cash and Check Confiscation Transaction Report."
 - There 5 cash evidence amounts totaling \$10,484 which could not be located on the "Cash and Check Confiscation Transaction Report" because there was no related case number on the report.
 - There was 1 cash evidence amount of \$270 for which the amount agreed to the "Cash and Check Confiscation Transaction Report," but the case file number was incorrect.
 - There was 1 cash evidence amount of \$500 that was deposited to the Forfeiture Account versus the Holding Account.
 - There was 1 cash evidence amount of \$70 that was noted as a cash transaction per the "Cash and Check Confiscation Transaction Report".
 - The remaining 37 cash evidence amounts totaling \$19,107 agreed with the reports.

We will recommend deposit information be reconciled with the Cash and Check Confiscation Transaction Report.

3. We reviewed 637 records of cash evidence totaling \$274,664 to determine whether cash was deposited into the Investigative Unit Holding Account, and noted the following:
- 551 records of cash evidence totaling \$230,643 were deposited with the Ohio Department of Public Safety's Fiscal Department, and deposited into the Investigative Unit Holding Account.
 - Of the 551 records of cash evidence, we noted that in 26 instances, the evidence record numbers listed in the Food Stamp /Investigative Unit Spreadsheet matched the evidence record numbers in Fiscal Department's deposit records; however, did not match the computerized evidence log because two records were deleted from the computer evidence log causing the evidence record numbers to be off by (2).
 - There were 45 records of cash evidence which the case file number and evidence record number listed in the spreadsheet did not agree to the case file number and evidence record number listed in the Fiscal Department's deposit records.
 - There were 26 records of cash evidence totaling \$573 which were identified as not being deposited. A review of 4 Evidence Custody Documents, 4 Food Stamp Transaction Reports, and 9 Final Disposition of Evidence Forms revealed that Jan Hartman, former Food Stamp Agent and Evidence Officer signed and received food stamp coupons totaling \$566. Deposit records for the Investigative Unit's Holding Account show no record of this amount or individual amounts totaling \$566 as being deposited. We will issue a Finding for Recovery for this amount against Jan Hartman.
 - There 28 records of cash evidence totaling \$22,910 which was being held as evidence at other law enforcement agencies.
 - There were 19 records of cash evidence totaling \$2,751 which was erroneously deposited into the Liquor Contingency Fund.
 - There were 11 records of cash evidence totaling \$7,070 which was erroneously duplicated in the spreadsheet.
 - There were 5 records of cash evidence totaling \$522 which could not be verified as being deposited because case files were not provided.
 - There were 2 records of cash evidence totaling \$10,045 which was returned to the defendants.
 - There were 2 records of cash evidence including personal checks totaling \$90 which were destroyed, but the required disposition forms were not completed.

SUPPLEMENT TO THE SPECIAL AUDIT REPORT

- Cash evidence of \$.56 was found in the Food Stamp Trafficking Unit evidence room during the physical inventory.
- There was \$60 in cash evidence that was stolen from an agent during an investigation; therefore, the evidence was not logged into the evidence room, nor deposited.
- The following 3 records of cash evidence were duplicated above, resulting in 640 records versus 637 records.

1 record for \$50 - A \$50 check was destroyed without the proper disposition form and \$.13 was deposited by the Ohio Department of Public Safety.

1 record for \$80 - \$40 was deposited by the Ohio Department of Public Safety; \$40 is held by the Western Portage Task Force.

1 record for \$2,204 - \$1,904.64 and \$299.80 were listed as cash deposits on a return receipt completed by the Columbus P.D. However, deposits were only made in the amount of \$1,902.66 and \$299.80. Resulting in \$2,202.46 being deposited and \$1.98 discrepancy noted as a deposit never made.

FINDINGS FOR RECOVERY

See Finding For Recovery reported in Issue 2

MANAGEMENT COMMENT

Deposits, Food Stamp Transaction Reports, Cash and Check Confiscation Transaction Report

We reviewed 150 Food Stamp Transaction Reports and noted that there were 28 instances; whereby, discrepancies existed such as; case numbers on deposit information did not agree; cash deposit amounts did not agree amounts deposited under the referenced case file numbers; cash deposits were not identified on the Cash and Check Confiscation Transaction Report.

The Cash and Check Confiscation Report contained errors and omissions and information did not agree to deposit information.

By not reviewing Food Stamp Transaction Reports and Cash and Check Confiscation Report to ensure the accuracy of the case numbers and amounts, deposit amounts could be posted to ODPS's records incorrectly.

We recommend that the Cash and Check Confiscation Report be reviewed for accuracy and deposit amounts be reconciled with this report prior to recording deposits to ODPS's deposit records.



STATE OF OHIO
OFFICE OF THE AUDITOR

JIM PETRO, AUDITOR OF STATE

88 East Broad Street
P.O. Box 1140
Columbus, Ohio 43216-1140
Telephone 614-466-4514
800-282-0370
Facsimile 614-466-4490

OHIO DEPARTMENT OF PUBLIC SAFETY

FRANKLIN COUNTY

CLERK'S CERTIFICATION

This is a true and correct copy of the report which is required to be filed in the Office of the Auditor of State pursuant to Section 117.26, Revised Code, and which is filed in Columbus, Ohio.

Susan Babbitt

CLERK OF THE BUREAU

**CERTIFIED
APRIL 9, 2002**