



City of Phoenix

Mission Statement

To improve the quality of life in Phoenix through efficient delivery of outstanding public services.

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Project Number

1240079

This report can be made available in alternate format upon request.

Police Department – Releasing and Accounting For Eligible Guns from Impound

April 4, 2024

Report Highlights

Impounded Firearms Release

Police Department staff released impounded firearms according to Department policy and State Law. However, assigned case agents did not actively review case evidence for release eligibility.

Firearm Transfer

Firearms transferred to Gruelle met agreement criteria and were correctly accounted for. All firearms that were not transferred to Gruelle were present during an inventory count.

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Executive Summary

Purpose

Our purpose was to determine that the Phoenix Police Department has an effective process to release eligible firearms from impound.

Background

The Police Department impounds firearms for various reasons (evidence, safekeeping, found property, prisoner property, etc.). Patrol officers or detectives impound evidence during investigations and temporarily store it at precincts, bureaus, or the lab, where it is entered into the Records Management System (RMS). The evidence is then transferred to the Property Management Unit (PMU) and entered into their inventory system.

Impounded weapons are test-fired to determine if they were used in outstanding crimes before being transferred to the PMU for storage and safekeeping. Firearm serial numbers are checked for stolen or wanted status. Each firearm impounded is assigned a unique barcode number within the PMU inventory system for tracking and record-keeping purposes.

Assigned case agents are responsible for authorizing the release of impounded firearms that are no longer required to be held by the department. PMU detectives process the release of the firearms.

The City of Phoenix (City) entered into an agreement with D.T. Gruelle Company Group, LLC (Gruelle) to donate unclaimed impounded firearms to Ukraine. The donated firearms included specific caliber handguns, rifles, and shotgun models that were authorized for release, and whose owners were unknown or prohibited from possessing the weapons.

Results in Brief

Assigned case agents did not actively review case evidence for release.

Case agents interviewed from Property Crimes, Family Investigations, and Violent Crimes Bureaus stated they did not actively review evidence for release eligibility. Evidence was only checked for release at the property owners' request or upon PMU staff's notification that a court order had authorized release. RMS reports were not available to notify case agents of property release eligibility. Additionally, the detectives stated supervisors did not review case evidence to determine eligibility for release.

Police Department staff released impounded firearms according to Department policy and State Law.

PMU provided Audit with a list of 3,500 firearms impounded that were classified as authorized for release. We tested a sample of firearms to determine if department staff followed the release of the evidence policies. We tested a sample of twelve firearms posted to the City's unclaimed property listing on July 14, 2023, and 20 firearms selected for transfer to Gruelle. All firearms were released per policy.

Firearms transferred to Gruelle met agreement criteria and were correctly accounted for. All firearms that were not transferred to Gruelle were present during an inventory count.

A total of 563 firearms were initially identified as eligible to be transferred to Gruelle, based on the conditions in the agreement. Audit verified that Gruelle accepted 551 firearms for transfer. We verified each firearm transferred was on the eligible list and that the 12 rejected firearms remained in PMU's inventory systems. We performed an inventory of the remaining 3,217 firearms listed as eligible for release. All firearms were found.

Department Responses to Recommendations

Rec. 1.1: Ensure case agents regularly review impounded evidence to determine eligibility for release and process eligible evidence through the Property Management Unit.

Response: Ensure that investigators assigned to cases where property has been impounded adhere to Operations Order 8.5a.1, which details releasing/disposition of items from impound.

Case agents will receive notification from the Court Liaison Detail through the RMS workflow function that case evidence is ready to be purged. Each of these cases have an authorized release form issued by the Maricopa County Attorney Office (MCAO) or the City Prosecutor.

Once the case agent accepts the workflow, he/she will send an email to the Property Purge Detail and cc their immediate supervisor requesting the release of the evidence. The supervisor will then document the number of evidence releases in the case agents monthly notes.

Target Date:
09/01/24

Explanation, Target Date > 90 Days: Need to communicate to the entire Investigative Details that an entry for the additional job duty of evidence/property release must be added to the investigator's monthly notes.

1 – Impounded Firearms Release

Background

Assigned case agents are responsible for releasing eligible firearms (evidence). Case agents generate an “Authorize Release” in the RMS evidence module when it is no longer needed, a court order is issued for its release, or property in safekeeping is returned to the owner. The “Authorize Release” status generates a PMU report listing the items to be released. PMU staff mail release letters to the owners’ listed address in RMS. Property owner addresses are verified using Department of Motor Vehicle (DMV) records, as driver’s license holders must update addresses within ten days of moving.

Per state law, owners have 30 days to claim the firearm after release notification. PMU provides owners with 15 additional days to claim their property. Firearms with no known owner are posted on the City’s website for unclaimed property for 30 days. After 45 days, unclaimed firearms or firearms with no known owner are transferred to the disposal list. Firearms on the disposal list are subject to auction, conversion to City use, or destruction as directed by state law.

Before releasing a firearm, PMU detectives conduct a criminal background check on the listed owner to ensure they are not a Prohibited Possessor and are eligible to take possession of the firearm.

The following policies govern the release of impounded firearms:

- Police Operations Order 8.5 *Procedures for Releasing Items from Impound.*
- Police Property Management Unit Policy A-01 *Overview.*
- Police Property Management Unit Policy 15 D *Weapons and Ammunition.*
- Police Property Crimes Bureau Policy A-12 *Property Release – Disposal.*
- Police Family Investigations Bureau Policy B.10 *Releasing Evidence.*
- Police Violent Crimes Bureau Policy B-9 *Releasing Evidence.*

We reviewed policies and procedures to determine requirements for releasing impounded firearms. We interviewed bureau detectives and PMU personnel to determine compliance with department policies and procedures. We tested compliance with state law and department policies for releasing impounded firearms.

Results

Assigned case agents do not actively review case evidence for release.

We interviewed Property Crimes, Family Investigation, and Violent Crimes Bureau detectives and PMU personnel to identify policies and procedures for reviewing and releasing impounded firearms. Based on the interviews, case agents did not actively review assigned evidence for release. The detectives interviewed stated they do not

have time to review old cases for evidence release due to current caseload investigation requirements. Firearms were only reviewed for release at the property owner's request or upon PMU's notification of an authorized court order. Detectives enter the authorization for the release of impounded firearms in RMS.

RMS reports were not generated to notify case agents that evidence could be released. Additionally, the detectives stated supervisors did not review case evidence to determine eligibility for release.

PMU detectives stated they only release firearms that the assigned case agents authorize or non-crime-related impounded firearms (i.e., prisoner property or firearms held for safekeeping).

Police Department staff released impounded firearms according to department policy and state law.

We reviewed and identified key controls over impounded firearms. We obtained a list of impounded firearms at PMU that were listed as authorized for release. We tested selected firearms to determine compliance with department policies and state law governing the release of impounded weapons.

We randomly selected 12 of the 161 (7.5%) firearms listed on the City's website of unclaimed firearms posted as of July 14, 2023. No exceptions were noted for unclaimed firearms tested.

We tested 20 of the 551 (3.6%) impounded firearms selected to be transferred to Gruelle. The following results were noted:

- We did not find evidence that a criminal background check was completed for one firearm tested.
- One firearm transferred to Gruelle appeared to be from an active case. However, the release was authorized by the assigned case agent in RMS.

Impounded Firearms testing

Attribute Tested	Unclaimed Firearms	Gruelle Transfers
<i>RMS release entry made</i>	Yes	Yes
<i>Owner notification letter sent</i>	N/A	Yes
<i>Attempt to locate owner if address unknown</i>	Yes	Yes
<i>Listed as unclaimed property</i>	Yes	Yes
<i>Background check completed</i>	Yes	Yes
<i>Documented release in RMS</i>	Yes	Yes
<i>30 Days or more elapsed prior to release</i>	Yes	Yes

Firearms were released per policy.

Recommendation

- 1.1 Ensure case agents regularly review impounded evidence to determine eligibility for release and process eligible evidence through the Property Management Unit.

2 – Firearm Transfer and Inventory Review

Background

The agreement between the City and Gruelle identified the criteria for transferable firearms. These criteria included the manufacturer, model, ammunition type, and the firearm's eligibility for release. There were approximately 3,500 firearms listed as eligible for release. PMU staff identified 563 firearms from this list that met the stated criteria and manually created a transfer sheet of the identified firearms. Audit staff were present during the transfer process, verifying which firearms were accepted or rejected and that the information was accurate.

The original list of 3,500 firearms included each firearm's serial number and physical location, which should match between PMU's property tracking system (PTS) and RMS. Audit staff performed an inventory of all the firearms eligible for release, excluding those transferred to Gruelle.

Results

Firearms transferred to Gruelle were validated. Firearms that had any discrepancies were reviewed and found to be accurate.

The transfer process took two days to complete. Gruelle and PMU staff inspected the 563 firearms individually, validating that the serial number matched the transfer sheet, checking that the firearm met their criteria, and then deciding if they would accept it. Audit staff witnessed this process and validated all serial numbers and acceptance on a separate list. A total of 551 firearms were selected. Each firearm had the correct serial number and matched the make and model listed as eligible in the agreement.

Gruelle rejected 12 firearms. We verified that PMU staff kept the rejected firearms in their inventory systems and that they were listed in the correct location. The 12 firearms were listed correctly in PMU's systems.

Thirty of the 563 firearms had an incorrect serial number on the transfer sheet. PMU staff, Gruelle, and Audit manually verified each serial number during the transfer. PMU staff indicated that the wrong serial numbers were due to typos on the transfer sheet and that the numbers were accurate in their systems. We selected a sample of ten serial numbers and verified that they were correct in RMS, confirming that the incorrect numbers were typos on the transfer sheet.

All firearms were present during the inventory count.

After the transfer, 3,217 firearms eligible for release remained in PMU's systems. Audit staff performed an inventory count of the release-eligible firearms. All firearms were present and accounted for.

Recommendation

None

Scope, Methods, and Standards

Scope

We reviewed and evaluated firearm release policies and controls. We performed an inventory of the 3,217 firearms listed as eligible for release. We tested firearms authorized for release by assigned case agents that were posted to the Department unclaimed property website, including the firearms being transferred to Gruelle.

The internal control components and underlying principles that are significant to the audit objectives are:

- Risk Assessment
 - Management should identify, analyze, and respond to risks related to achieving the defined objectives.
- Control Activities
 - Management should design control activities to achieve objectives and respond to risks.
 - Management should design the entity's information system relate to control activities to achieve objectives and respond to risks.
 - Management should implement control activities through policies.

Methods

We used the following methods to complete this audit:

- We reviewed policies and procedures governing impounded firearms inventory management.
- We identified and tested key controls over impounded firearms.
- We interviewed Police personnel responsible for impounded firearms.
- We obtained an electronic copy of the impounded firearms inventory database.
- We analyzed the impounded firearms Inventory database and inventory spreadsheets for completeness and accuracy.
- We observed the release of firearms from impound.

Unless otherwise stated in the report, all sampling in this audit was conducted using a judgmental methodology to maximize efficiency based on auditor knowledge of the population being tested. As such, sample results cannot be extrapolated to the entire population and are limited to a discussion of only those items reviewed.

Data Reliability

We assessed the reliability of firearm location data within PTS and RMS by (1) performing manual testing and (2) interviewing agency officials knowledgeable about the data. We determined that this data was sufficiently reliable for the purposes of this audit.

Standards

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Any deficiencies in internal controls deemed to be insignificant to the audit objectives but that warranted the attention of those charged with governance were delivered in a separate memo. We are independent per the generally accepted government auditing requirements for internal auditors.