

NEVADA CITY POLICE DEPARTMENT PROPERTY AND EVIDENCE OPERATION

Summary

The Nevada County Grand Jury's inspections of the Nevada City Police Department revealed a failure to handle property and evidence correctly. The Nevada City Police Department did not have a Property/Evidence technician trained in a California Commission on Peace Officers Standards and Training certified training course. The duties have been assigned to a sworn officer who acts as the evidence custodian. The Nevada County Grand Jury found improper handling of evidence and dangerous situations which exist due to the improper storage of hazardous materials. In the absence of the assigned custodian, it would be difficult for any other officer to locate evidentiary items.

The Nevada County Grand Jury strongly urges the Nevada City Police Department to contract for a performance audit of evidence handling and control. The Nevada City Police Department should also designate two employees as alternates to the primary evidence custodian. The primary custodian and alternates should complete training in evidence management certified by the California Commission on Peace Officers Standards and Training. Until the evidence custodians have completed training, the Nevada City Police Department should request temporary assistance in evidence management from an outside law enforcement agency.

The Nevada County Grand Jury recognizes and commends the Nevada City Police Department for beginning to address these issues subsequent to inspections.

Reasons for Investigation

The Nevada County Grand Jury (Jury) inquires into the operations of law enforcement agencies in Nevada County. An element of these inquiries is an inspection tour of each facility and a review of the department's property and evidence (evidence) handling procedures and operations. The evidence operation of the Nevada City Police Department (NCPD) has not been previously inspected by the Jury.

Background

The NCPD is a municipal police department within the State of California and the County of Nevada. The NCPD consists of eight police officers, two sergeants, one lieutenant, three reserve officers, a records clerk and a police chief. The NCPD serves an estimated 3000 residents and covers an area of approximately two square miles.

The NCPD is headquartered in the City Hall building in Nevada City. The City Hall also houses several other city agencies and city employees and is open to the general public. The area where the evidence room is located was originally designed to be a booking facility.

Procedures Followed

The Jury toured and inspected the NCPD facilities and reviewed various documents including Lexipol¹ *Policy 804, Property Procedures*. The Jury also interviewed representatives from the NCPD.

Facts

The Jury inspected the evidence management operation of the NCPD on October 26, 2010 and on February 10, 2011. The facts listed were gathered from information received and observations made during the inspections. The Jury recognizes the NCPD has begun to address some of the issues subsequent to the Jury's inspections.

1. The NCPD did not have a trained evidence technician.
2. The responsibility for evidence-handling procedures and operations was assigned to a sworn officer, acting as the evidence custodian in addition to other duties.
3. The evidence custodian had no formal training in evidence/property room management and operations.
4. The evidence custodian was the only person in the NCPD to have access to the locked evidence storage area.
5. There was no other person assigned responsibility for evidence handling procedures and operations within the NCPD.
6. An officer had been designated to attend the California Commission on Peace Officers Standards and Training (POST) certified training in evidence management.
7. The NCPD had budgeted funds for said training in the current year's budget.
8. The NCPD has not had an outside audit of its evidence handling procedures and operations for at least ten years.
9. The NCPD currently uses Lexipol Policy 804, Property Procedures for evidence handling and control.

¹ Lexipol is a risk management company that provides public safety policy manuals.

10. The NCPD had not updated or revised this policy for the years 2010 and 2011.
11. The Jury was advised that the NCPD did not follow all the procedures in the aforementioned policy.
12. There were no procedures in place for the disposition of adjudicated evidence.
13. NCPD officers sat in an open, unsecured area and processed evidence to submit for storage and then took the item(s) to the preliminary evidence storage area located outside of the locked evidence room.
14. The evidence was placed in a preliminary locker. The key to said locker is placed in a locked wooden box.
15. The wooden box sat on a counter top and was not secured to the counter top.
16. The evidence custodian was the only NCPD employee with access to the keys in the wooden box.
17. The NCPD has a secured, locked gun cabinet which serves as the NCPD's armory in an area located outside of the evidence room.
18. All sworn NCPD officers have access to the NCPD armory.
19. Some evidence, mainly weapons, may be temporarily stored in the NCPD armory.
20. The evidence room was observed to be in disarray, and contained non-evidentiary items such as city records and lost and found property.
21. There was no sign-in/sign-out procedure for persons entering and leaving the locked evidence room.
22. There was no master evidence log maintained.
23. The evidence room did not have a dedicated security alarm system.
24. There was no video surveillance inside the locked evidence room.
25. There was a small refrigerator in the evidence room used to store items requiring temperature control.
26. The refrigerator had no alarm to signal a power loss and/or a change in temperature.
27. There was no identified storage area for hazardous material.

28. The custodian stated any explosive material was maintained by the Placer County Sheriff's Department.
29. There was no air-drying facility for wet evidence items.
30. Narcotic evidence was unsecured in the evidence room.
31. Weapons of all types were stored in an open, unsecured shelf area in the evidence room.

Findings

1. Training deficiencies may result in evidence being improperly processed.
2. The absence of designated trained alternates may impact the handling of evidence as to timeliness and security.
3. Failure to adhere to policies and procedures may lead to improper processing of evidence.
4. Evidence may be compromised due to co-mingling with non-evidentiary items.
5. Employees and visitors at City Hall could be placed at risk due to improper handling, control and storage of hazardous materials.
6. Regular external audits would identify deficiencies in evidence management practices.

Recommendations

The City Council of Nevada City should direct NCPD to:

1. Contract for a performance audit of evidence handling and control.
2. As a temporary measure, immediately assign an officer to back up the current evidence custodian.
3. Designate a trained employee as the primary evidence custodian.
4. Designate two additional employees as alternates to the primary evidence custodian.
5. Ensure the primary evidence custodian and alternates complete the POST certified training.

6. Until evidence custodians are fully trained in proper procedures, request temporary assistance in evidence management from an outside law enforcement agency.
7. Immediately verify, log and store all evidence items.
8. Ensure that adjudicated evidence items are verified, logged, removed from the evidence area and disposed of in accordance with proper evidence-handling procedures.
9. Immediately remove all non-evidentiary items from the secured evidence area.
10. Immediately cease using the NCPD armory for evidence storage.
11. Immediately establish a hazardous material storage area. Once established, identify and store any hazardous material per state standards.

Responses

The City Council of Nevada City – August 30, 2011



City of Nevada City

Nevada County
Civil Grand Jury
950 Maidu Ave.
Nevada City, CA 95959

Rec'd 8/23/11 Ben

August 15, 2011

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The Honorable Thomas M. Anderson, Presiding Judge
Nevada County Courts
201 Church Street
Nevada City, CA 95959

Dear Judge Anderson,

On behalf of the City Council of Nevada City I am transmitting to your attention our response to the Grand Jury's report in regard to the Grand Jury's findings and recommendations. As you will see from the report prepared by the Nevada City Police Department, all of the recommendations that are being implemented have already been completed.

We appreciate the time and effort put forth by the Grand Jury to provide these useful recommendations to improve our police services.

Yours Truly,

David McKay
Mayor



NEVADA CITY POLICE DEPARTMENT

Nevada City, California



July 20, 2011

Response to the 2011 Grand Jury Report

Re: Nevada City Police Department/Property and Evidence Operation

BACKGROUND:

It is reported the location the Secure Property Room is located was originally designed to be a booking facility.

Response: The Secure Property Room and pre-evidence area were designed and built to be a Secure Property Room and Pre-evidence area. At one time a Capture Station was going to be placed in the pre-evidence area however it never came to fruition.

FINDINGS:

1. Training deficiencies may result in evidence being improperly processed.

Partially agree

Training deficiencies could theoretically result in evidence being improperly processed, but there is no indication that this has occurred and training is consistent with size and resources of this department.

2. The absence of designated trained alternates may impact the handling of evidence as to timeliness and security.

Partially agree

At the time this finding was made, there was a Property Custodian and an alternate in place, with a second alternate identified.

3. Failure to adhere to policies and procedures may lead to improper processing of evidence.

Agree

4. Evidence may be compromised due to co-mingling with non-evidentiary items.

Disagree

The area in question is a secure property room which houses both items for safekeeping as well as evidence. Each item is individually packaged with no threat of compromise to any evidence.

5. Employees and visitors at City Hall could be placed at risk due to improper handling, control and storage of hazardous materials.

Disagree

The Police Department does not store hazardous materials in the secure property room that would be flammable or explosive. Blood, ammunition and drugs are stored in the secure property room adhering to policy.

6. Regular external audits would identify deficiencies in evidence management practices.

Agree

RECOMMENDATIONS

1. Contract for a performance audit of the evidence handling and control.

The recommendation has already been implemented.

A three member group from the Police Officer Standards and Training made the initial inspection and review of the property room on June 7, 2011, with follow-ups to come.

2. As a temporary measure, immediately assign an officer to back up the current evidence custodian.

The recommendation has already been implemented

A sergeant completed the Property Room Management Course March 2, 2011, and is now the primary custodian. We have a police officer certified in Property Room Management to act as back-up.

3. Designate a trained employee as the primary evidence custodian.

The recommendation has already been implemented.

See # 2 supra.

4. Designate two additional employees as alternates to the primary custodian.

The recommendation will not be implemented at the present time.

Due to our agency size and budget, it is more appropriate to have only one primary and (1) alternate.

5. Ensure the primary evidence custodian and alternates complete the POST certified Training.

Recommendation has already been implemented.

Sgt. Rohde Completed training on March 2, 2011 and was assigned as the primary Property Room Custodian.

6. Until evidence custodians are fully trained in proper procedures, request temporary assistance in evidence management from and outside law enforcement agency.

The recommendation will not be implemented because it is not warranted.

At the time of the report the primary property custodian was fully trained as well as (1) alternate

7. Immediately verify, log and store all evidence items.

The recommendation has been implemented.

The primary custodian has worked back through three (3) years of evidence, verifying, logging and storing it in assigned bins. Work will continue to identify and purge adjudicated cases.

8. Ensure that adjudicated evidence items are verified, logged, removed from the evidence area and disposed of in accordance with proper evidence handling procedures

The recommendation has been implemented

Over 100 cases have been identified and removed from the property room. This will be an ongoing process.

9. Immediately remove all non-evidentiary items from the secure evidence area.

The recommendation will not be implemented because it is not warranted or reasonable.

The area is a Secure Property Room which will store both valuable items for safekeeping as well as items of evidence. Individual packaging and labeling adequately protects from compromising of evidence so that the expense of a separate facility is not justified for the small volume of property involved.

10. Immediately cease using the NCPD armory for evidence storage.

The recommendation has been implemented.

The armory was only used for temporary storage of long guns. If a property custodian is not on duty one will be called in to place the item into the secure property room.

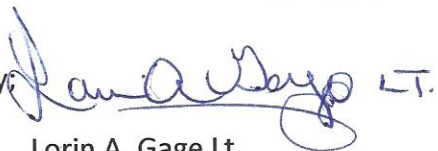
11. Immediately establish a hazardous material storage area. Once established, identify and store any hazardous materials per state standards.

The recommendation will not be implemented because it is not warranted.

The Nevada City Police Department does store certain hazardous materials, i.e. narcotics, ammunition, and syringes. The items are stored in accordance with state standards.

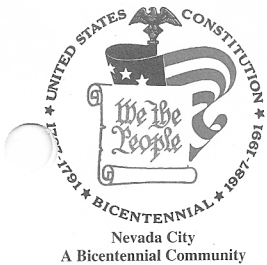
Flammables, explosives etc... are referred to the proper authority. State Fire Marshal, E.O.D. and certified Hazardous Material collection and storage agencies.

Prepared By:

 LT.

Lorin A. Gage Lt

Nevada City Police Department



NEVADA CITY POLICE DEPARTMENT
Nevada City, California



LOUIS A. TROVATO
Chief of Police

October 13, 2011

Robert T. Coats
Foreperson, 2011-2012 Grand Jury
950 Maidu Avenue
Nevada City, California 95959

Dear Foreperson Coats:

Below are the corrections required to bring this Department's August 15, 2011 response to the Grand Jury's Report in compliance with Penal Code Section 933.05.

- (1) The response to recommendation 5 ["...ensure the primary evidence custodian and alternates..."] does not address the certification of alternates(s).

The recommendation has been implemented.

Sergeant Rohde completed the POST training and obtained certification in March. He is assigned as the primary Property Room Custodian. The alternate officer has a lifetime certification from the International Association for Property and Evidence. Although this is not a POST certification, it is recognize and accepted by POST. Additionally, we will send another officer to the next POST course offered. POST advises that will be in the first part of 2012.

- (2) The response to recommendation 7 ["...Ensure that adjudicated evidence..."] does not include a timeframe for completion (as required by 933.05(b)(2)).

The recommendation has been implemented.

All evidence has been verified, logged and stored.

Grand Jury Second Response
Nevada City Police Department
October 13, 2011
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- (3) The response to recommendation 8 [“...Ensure that adjudicated evidence...”] does not include either (a) a timeframe for completion of the removal of adjudicated evidence currently held (as required by Section 933.05(b)(2)) or (b) a statement that adjudicated evidence has been removed.

The recommendation has been implemented.

Disposal of approximately half of the adjudicated case items has been completed. It is anticipated all items will be disposed of by the end of the current year. Computerized procedures are in place to ensure current and future adjudicated cases are disposed of in accordance with proper evidence handling procedures.

I apologize for our previous incomplete responses and am available if you require further information.

Very truly yours,


LOUIS A. TROVATO
Chief of Police