

LAW ENFORCEMENT EVIDENCE HANDLING UNITS

SUMMARY

The proper collection and retention of evidence is a foundational element of our judicial system. While most commonly associated with the prosecution of criminal acts, properly maintained evidence can also be of vital importance in the exoneration of the innocent. The 2015-2016 Nevada County Civil Grand Jury undertook to examine all law enforcement agency evidence handling facilities within Nevada County to determine compliance with policies, procedures and best practices recommended by recognized evidence handling advisory organizations, and with the Nevada County law enforcement agencies' own internal policies.

The Nevada County Civil Grand Jury inspected evidence handling facilities and interviewed evidence technicians and management from the Nevada County Sheriff's Property Unit, the Grass Valley Police Department Evidence Handling Unit, the Nevada City Police Department Evidence Handling Unit and the Truckee Police Department Evidence Handling Unit. It also reviewed the written policies of each law enforcement agency and the recommended policies, procedures and best practices of evidence handling advisory organizations.

The Nevada County Civil Grand Jury reviewed five primary elements of each law enforcement agency's evidence handling function: the adequacy of the physical plant; staff training and competence; maintenance of and adherence to policies, procedures and best practices; conduct of inspections and audits; and purging of unneeded evidence.

Physical Plant: All four of the Nevada County evidence handling units appear to have enough space and the proper supplies and equipment to properly conduct the evidence handling function, although the city police property handling units are all near capacity. All three are considering alternatives that will provide more space and are engaged in careful purging of unneeded evidence to provide more space. The consolidation of the Nevada City Police Department Evidence Handling Unit with the Grass Valley Police Evidence Handling Unit could reduce costs and duplication within both agencies.

Staffing: All four Nevada County evidence handling units are adequately staffed. All evidence technicians are well-trained, enthusiastic and diligent in their work. Only two issues arose in connection with staffing. First, the technician with the most experience within the Nevada County Sheriff's Property Unit may soon retire and needs to be replaced. Second, the assignment of sworn officers as evidence technicians at the Nevada City Police Department Evidence Handling Unit, although expedient, reduces the time the officers can devote to their primary responsibilities.

Policies and Procedures: Clear, concise and up-to-date written policies and procedures are essential to the proper operation of an evidence handling unit. Such procedures provide guidance to evidence technicians and ensure a seamless transition when new technicians are hired. All three of the County police departments subscribe to Lexipol; a service that provides policy manuals, including manuals for evidence handling units, with ongoing amendments to reflect changes in the law and in best practices.

The Nevada County Sheriff's Office has subscribed to Lexipol in the past but does not intend to renew that subscription. In fact, it is not clear if the Lexipol evidence handling unit manuals were ever used by the Nevada County Sheriff's Property Unit. The current Property and Evidence Manual that serves as the Nevada County Sheriff's Property Unit's written manual is dated August 1, 1993 and was last revised in December 2006. As with the Lexipol manual, it is not clear that this outdated manual is used by the Sheriff's Property Unit technicians. Those technicians have been working on a "Desk Manual" describing their actual procedures but it is not complete. Hence, the success of the Nevada County Sheriff's Property Unit appears to be due solely to the training and skills of the current technicians, the most senior of whom is about to retire.

Audits and Inventories: Best practices in evidence handling encourage that regular audits and inventories be performed and recorded to determine if appropriate and timely policies and procedures are in place and being adhered to. Model policies from Lexipol and California's Commission on Peace Officer Standards and Training advise frequent internal audits by evidence handling unit supervisors, regular internal audits by law enforcement personnel not associated with the evidence handling function and biennial audits by outside auditors. They also advise complete inventories when there is a change in personnel.

The biennial external audits encouraged by best practices are more often ignored than observed in Nevada County. The Nevada County Sheriff's Property Unit's last external audit was conducted nine years ago in July 2007. The Nevada County police departments are in rough compliance with recommended biennial audits. The Nevada City Police Department Evidence Handling Unit was audited in August 2013, the Grass Valley Police Department Evidence Handling Unit in March 2014, and the Truckee Police Department Evidence Handling Unit in March 2012. All three police evidence handling units are due for an external audit. The Nevada County Sheriff's Property Unit is distressingly overdue.

Purging: When evidence is no longer needed to be retained, it must be purged from the evidence handling unit to prevent the unit from being overwhelmed by the continuous addition of new evidence. Purging is a complex and time-consuming process. It requires a review of the status of any legal proceedings related to the evidence and to statutes of limitations that might apply to actual or potential proceedings. All four Nevada County law enforcement agencies have appropriate processes for the disposal of evidence and property including special requirements for the disposal of firearms and narcotics. While the Nevada County Civil Grand Jury heard a concern from three agencies regarding the timeliness of the District Attorney's Office authorizations for the disposal of evidence, the District Attorney recently has declared a new policy to speed up the process.

Consolidation: Finally, the Nevada County Civil Grand Jury noted that inefficiencies exist in the maintenance of separate evidence handling units in the Nevada City Police Department and the Grass Valley Police Department. It appears that consolidation of the Nevada City Police Department Evidence Handling Unit with the Grass Valley Police Department Evidence Handling Unit was in recent years determined to be mutually beneficial and should be considered again based on cost savings and better use of sworn personnel resources.

GLOSSARY

CALEA - Commission on Accreditation for Law Enforcement Agencies

CAPE - California Association for Property and Evidence

EHU - Evidence Handling Unit

GVPD - Grass Valley Police Department

Jury - Nevada County Civil Grand Jury

Lexipol - Lexipol, LLC

NCPD - Nevada City Police Department

NCSO - Nevada County Sheriff's Office

POST - California Commission on Peace Officer Standards and Training

PS.Net/RMS - Public Safety Software Records Management System Module

SPU - Nevada County Sheriff's Property Unit

TPD - Truckee Police Department

BACKGROUND

In California, each of the 58 counties empanels a civil grand jury, whose function is to investigate the operations of the various officers, departments, and agencies of local government. A civil grand jury may examine all aspects of county or city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The civil grand jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

The 2015-2016 Nevada County Civil Grand Jury (Jury) undertook to examine all Nevada County law enforcement agency evidence handling facilities. The facilities examined were the Nevada County Sheriff's Property Unit (SPU), the Grass Valley Police Department (GVPD) Evidence Handling Unit (EHU), the Nevada City Police Department (NCPD) EHU and the Truckee Police Department (TPD) EHU. The objective was to determine compliance with recommended policies, procedures and best practices of recognized property and evidence training organizations as well as with the law enforcement agencies' own internal policies and procedures.

APPROACH

In order to determine whether the law enforcement agencies in Nevada County comply with best practices and procedures for the security, control and maintenance of evidence, the Jury:

- reviewed the *Property and Evidence System Audit Guide* written by the California Commission on Peace Officer Standards and Training (POST). POST was established in 1959 to set minimum selection and training standards for California law enforcement;
- reviewed *Policy 804, Property and Evidence* by Lexipol, LLC (Lexipol), a provider of risk management resources for public safety organizations including guidance on evidence handling policies;
- reviewed the *Property and Control Standard 84.1.6* of the Commission on Accreditation for Law Enforcement Agencies (CALEA). CALEA was created in 1979 as a credentialing authority for law enforcement personnel;
- interviewed a consultant who specializes in the evaluation and auditing of evidence handling units throughout California;
- reviewed each Nevada County law enforcement agency's internal policies and procedures concerning evidence handling;
- conducted on-site inspections of each Nevada County law enforcement agency's evidence room to determine compliance with the POST and Lexipol audit and safety best practices and guidelines and each law enforcement agency's own policies and procedures;
- conducted interviews with evidence room representatives and management from each law enforcement agency; and
- reviewed each law enforcement agency's most recent evidence handling unit audit reports and available records of inventories conducted.

DISCUSSION

Overview

In its review of Nevada County law enforcement agencies' evidence handling policies and procedures, the Jury focused on five areas of concern: 1) physical plant, 2) staffing and training, 3) written policies and procedures, 4) audits and inventories, and 5) purging and disposal. This report first reviews general evidence room management practices in those

areas and then reviews the results of the Jury's inspection and analysis of each agency's evidence practices and procedures.

In addition to storing evidence of crimes, evidence rooms store found property, property for safekeeping, contraband, and property for destruction. While there are many similarities in the procedures for handling evidence and non-evidentiary property, the primary focus of this report is on the handling of evidence of crimes. Such evidence must be collected, packaged and properly stored while the legal proceeding it is related to makes its way through the courts. Precise documentation is required to track the evidence from initial collection through the entire judicial process. Storage and handling is a complex process due to the variety of evidence that must be maintained: firearms, ammunition, controlled substances, alcohol and other liquids, DNA, fingerprint records, bodily fluids, and other materials requiring refrigeration to name but a few. Finally, when the evidence is no longer needed, it must be returned to its owner, sold at auction or destroyed.

Hence, the proper and efficient operation of an evidence handling unit requires well trained staff, clear and concise procedures for identification and storage and well-defined disposal policies and procedures.

Staffing and Training

Evidence technicians are the backbone of the evidence handling function. They must initially be trained in the complexities of evidence gathering, retention and disposal and then receive ongoing training to remain current with changes in evidence case law and evolving best practices. Evidence technicians must learn how to apply the special handling that is required for many types of evidence. Some evidence, for example, must be kept under refrigeration, sometimes for years. Other evidence, such as firearms, DNA, controlled substances and cash, require unique special handling. Both initial and on-going training is available in California through the California Association for Property and Evidence (CAPE), the International Association for Property and Evidence, Inc. (IAPE) and POST.

Policies and Procedures

An essential element of effective training is adherence to evidence room policies, procedures and best practices. Careful attention to the maintenance and review of policies and procedures ensures that the evidence handling function conforms to best practices and that the transition to a new evidence technician can be seamless. A new technician can rely on written policies, procedures and documentation to determine what evidence is on hand, where it is, and how it is to be preserved and maintained. Thus, creating, maintaining and following clear policies and procedures are essential to ensure effective performance by evidence room technicians and to document their compliance with best practices. Model policies are available from several sources, including POST. All law enforcement agencies in Nevada County have adopted the policies and procedures of POST and are eligible to receive its services and benefits including training programs and management counseling through its Management Counseling Services Bureau.

Lexipol is another source of model policies. Lexipol monitors legislation and law enforcement agencies' policies to ensure that the guidance that it provides are up to date. The Jury's review of each Nevada County law enforcement agency's policies relating to evidence room management revealed that the GVPD, NCPD and TPD have subscribed to and adopted or are in final draft review of evidence handling policies provided by Lexipol. However, the Jury has been informed that the Nevada County Sheriff's Office's (NCSO) subscription to Lexipol is slated to expire in May 2016 and will not be renewed. Moreover, it appears that the SPU did not use the Lexipol evidence handling module when it was available.

Modern computer technology makes the maintenance of accurate and complete records of evidence possible. In Nevada County, documentation of evidence gathered by all four law enforcement agencies is maintained using the Executive Information Services Public Safety Software Records Management System Module (PS.Net/RMS). Using barcode technology, this software creates a database containing a detailed custody history from the receipt of an item of evidence through its release or disposal.

The PS.Net/RMS property module may not be the best system available for evidence documentation and has had many training and upgrade problems in recent years. All Nevada County law enforcement agencies use the PS.Net/RMS software to enable integration with the Countywide Coordinated Dispatch Center that uses the same software for mobile digital communications. A law enforcement representative stated that the training and conversion costs associated with changing to a new system make its continued use likely.

Inspections of the Evidence Handling Units

Inspections, comprised of audits and inventories, are essential to ensure that records of the evidence room are accurate and to ensure compliance with internal policies, procedures and good practice. According to POST *Property and Evidence System Audit Guide* (Audit Guide), periodic audits and inventories are required to enhance safekeeping of evidence and to minimize mismanagement that can lead to cases not being filed, loss of public confidence, litigation and financial loss. The Audit Guide goes on to recommend that audits should ensure that: the evidence room is clean and tidy; the integrity of evidence is being maintained; policies are being followed; evidence is protected from deterioration; evidence is stored safely; and evidence of no further value is being disposed of promptly.

Inventories involve the creation of a complete list of evidence on hand to ensure that documentation clearly identifies such evidence and its location.

Proper timing of inspections is also vital to the proper operation of an evidence room. Lexipol advises regular and detailed inspections:

804.8 Inspections of the Evidence Room

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by a Designated Officer.

(c) An annual audit of evidence held by the department shall be conducted by a Designated Officer not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence/property is accounted for. [underlining added for emphasis]

Such inspections can vary in complexity. A spot inventory may review the information available on a limited number of pieces of evidence or may concentrate on certain types of evidence, such as firearms or controlled substances, to ensure that they are present and secure. Inventories of firearms, narcotics and money must be conducted on at least a quarterly basis. More detailed inventories can be conducted by internal personnel or by external inspectors. A complete inventory also should be performed at set intervals, for example, biennially, or when there is a change in personnel.

Best practices advise an external audit biennially. POST provides management guides to encourage agencies to conduct periodic self-assessments and audits. POST also conducts audits of evidence handling facilities on request. Moreover, there are consultants, such as those used by GVPD and TPD that conduct performance audits.

Purging Process

An essential aspect of maintaining an evidence room is purging what is no longer needed. Each Nevada County agency has a limited amount of space and staff. Management does not know from day-to-day how much new evidence will arrive. Some evidence, for example the evidence from a marijuana seizure, can take up an inordinate amount of space. In addition, the length of time that evidence must be maintained varies widely. Certain evidence, such as that from a homicide, may be required to be kept indefinitely while other evidence may be discarded after all relevant statutes of limitations have expired. If a conviction is appealed, evidence may be required to be held while the appeal is pending.

Hence, the decisions involved in the purging process can be complicated and time-consuming. Normally, the District Attorney must approve of disposal. If each case is not reviewed properly, prosecution or exoneration of a person may be jeopardized if evidence has been improperly destroyed. In some instances a court order must be obtained prior to the return or disposal of evidence. An additional complication is that disposal of property can occur in several ways. Property may be auctioned or returned to its owner but in some cases property such as firearms and narcotics must be destroyed.

In response to concerns expressed by several Nevada County law enforcement agencies that the Nevada County District Attorney did not make evidence disposal a priority, the District Attorney's office has recently created a "streamlined system of purging evidence . . . once it has left the Courts and returned to the [EHU]." Nevertheless, the process to determine if

evidence can properly be destroyed is still complex. The Jury was informed that the process of purging evidence can take as much as 90% of an evidence technician's time.

Coordination

As described below, the sizes of evidence handling facilities in Nevada County vary widely. SPU is by far the largest operation and NCPD EHU the smallest. GVPD has a somewhat larger EHU than Nevada City and has been able to assign a dedicated staff member to manage the evidence handling function. Regardless of the size of the EHUs, each must purchase and maintain equipment and materials required to identify and preserve evidence that has been collected.

The Jury learned through its investigation that, in 2012, GVPD and NCPD considered consolidating their separate EHUs into one central evidence handling unit. At the time, it was determined by both departments that consolidation would potentially increase the efficiency of operations and reduce costs. The Jury finds that such consolidation could increase efficiency in both departments and reduce costs. It should be considered again.

Evidence Handling Unit Reports

As stated above, the Jury visited the evidence and property units of each Nevada County law enforcement agency and reviewed each agency's policies and procedures. The results of those inspections and reviews are described below.

Nevada City Police Department Evidence Handling Unit:

The NCPD EHU is located in the City Hall of Nevada City and is somewhat rudimentary but in compliance with evidence and property handling standards. The NCPD EHU is quite small in conformance with the size of the NCPD and the limited volume of evidence and property processed by the NCPD. It includes an evidence and property check-in area. Once evidence is properly described and packaged by the submitting officer it is placed in locked wooden drawers. The key to those drawers is dropped into a slot in another drawer to be accessed by an evidence technician. Access to the NCPD EHU is by mechanical key locks with the keys issued only to the evidence technicians. The space is small but tidy and appears adequate for the volume of evidence generated by the NCPD. It is properly alarmed.

The NCPD EHU staff consists of two sworn officers as collateral duties. They have been trained and certified. One of those officers is the only K-9 officer in western Nevada County and frequently is called upon to support other law enforcement agencies. There is an effort underway to assign and train a Community Services Officer to handle evidence and property on a part time basis. The use of sworn officers to perform evidence handling duties reduces the available patrol time of the NCPD.

The NCPD EHU has a Property and Evidence Policy Manual and is in compliance with POST and Lexipol standards. The PS.Net/RMS system is used for inventory control and evidence bar code marking.

The most recent POST Management Study of the NCPD EHU was conducted in August 2013, so a current biennial audit is overdue. Audit spot checks are conducted monthly and recorded. Inventory policies are followed and records are maintained. Evidence purging is conducted as necessary to ensure that space is available for new arrivals.

Truckee Police Department Evidence Handling Unit:

The TPD EHU is located in the TPD main offices adjacent to the Truckee Airport. The evidence room is small but enhanced by the use of moveable shelving. The TPD EHU also has additional large item storage in a secure area at the Public Works compound about five minutes away. The room is not alarmed but is secured with a keyed deadbolt. Keys are held only by the evidence technician and supervisor. The large item storage area is alarmed. Plans are in place for a new dedicated TPD EHU at the Public Works compound. Adjacent to the evidence room is the room where evidence and property is checked into one-way lockers before it is processed by the technician.

Personnel for the evidence room consist of an experienced and qualified evidence technician supervised by a Sergeant. The evidence technician has been trained through POST and has also taken CAPE courses. The technician is also cross-trained in crime scene investigation, evidence gathering and storage procedures.

Lexipol procedures have been adopted and are in use. Moreover, inspection and inventory policies are adhered to and accurate records are maintained on the PS.Net/RMS system.

The last audit was conducted in 2012 when the new Chief of Police assumed command so a new biennial audit is due. Random checks and mini-audits are conducted and logged. A protocol for purging unneeded evidence is in place.

Grass Valley Police Department Evidence Handling Unit:

The GVPD EHU, located in the GVPD headquarters, is a two-story room comprising approximately 1,200 square feet. Although somewhat crowded, it is tidy and well organized. Adjacent to the evidence holding area is a room where evidence is processed for check in through one-way lockers. In the evidence holding area, the evidence technician can retrieve the evidence from the lockers and process it into the PS.Net/RMS system. The evidence room is equipped with refrigerators for perishables and locked storage for drugs and firearms. The area is alarmed and access is controlled by a fingerprint reader. There is some concern about a need for more space and alternative storage is being considered.

The GVPD EHU is staffed by an evidence technician who works four days a week. That technician is slated for mandatory training leading to certification as an evidence technician. That technician is also scheduled to attend the next session of the Evidence Technician Association meeting. The unit is led by a Lieutenant as a collateral duty and supplemented by a Sergeant, also as a collateral duty. The Lieutenant and Sergeant provide coverage during the technician's absence and also conduct random spot checks. Only these three personnel have unrestricted access to the evidence holding area. Others, as authorized, must

be accompanied by one of these unrestricted access personnel and signed in and out. The staff appears stable with no near term departures planned.

The GVPD EHU maintains a Property and Evidence Policy Manual and is in compliance with POST and Lexipol standards. The property module of PS.Net/RMS is used for inventory control and evidence bar code marking. The most recent performance audit of the evidence unit was conducted in March 2014 by an independent consultant. The unit received an overall rating of "Above Standard (-)." The report stated: "I would rate the current operation of the GVPD Property Unit in the top 5-10 percent of law enforcement property rooms in California, and one with the clear potential to improve to an even higher performance level." As the current evidence technician is new, a complete inventory is required to be conducted in the near future. Moreover, POST guidelines recommend that an audit be conducted biennially. With the last audit having been performed in March 2014, GVPD EHU is now due for an audit.

The GVPD EHU is also in compliance with other guidelines. For example, safety policies appear to be in compliance with POST guidelines and inspection, inventory policies are followed and records are maintained carefully. An aggressive purge policy is in place to ensure that the facility is not overloaded with evidence no longer required to be held. Evidence purging procedures are in compliance with POST recommended procedures.

Nevada County Sheriff's Property Unit:

The SPU is housed in what previously served as the County's juvenile hall. It comprises a 7,500 square foot building and a fenced holding yard. It includes refrigerators for perishables and locked rooms for drugs, firearms and other evidence that requires doubly secure storage. An officer submits evidence or property in a controlled-access room adjacent to a gate-controlled yard. The officer enters information about the submitted evidence into the PS.Net/RMS system and places the evidence in a one-way locker from which it can be retrieved by evidence technicians to process it into the SPU inventory system. Upon retrieval, the evidence technician examines and categorizes the evidence and places it in an appropriate location in the storage area.

Two evidence technicians staff the SPU. Both have completed the POST Basic Evidence Handling courses and have received advanced training from POST on other topics such as latent fingerprints and DNA. One has extensive experience and training but, unfortunately, has submitted a notice of intent to retire. The NCSO has started to search for a replacement. The second technician is a former law enforcement officer who has been at the facility for over two years. An Administrative Sergeant oversees the SPU and is charged with performing random audits.

The computer inventory system is the PS.Net/RMS system described above. Records are also maintained on paper in three-ring binders as a back-up. The PS.Net/RMS system produces bar code tags for each item of evidence describing the item, date of receipt, ownership, location, dates of access by others, purging status, and other relevant information.

The only written operating policies and procedures in place are a POST Property and Evidence Manual dated 2008. It does not appear that that manual is used. As mentioned above, the NCSO has decided not to spend the \$20,000 to \$30,000 it would cost to maintain a subscription to the latest Lexipol Automated Policy and Procedures system including the property handling module. The Jury has been informed that the SPU technicians have been creating a “Desk Manual” to document the actual procedures of the SPU but after three years it is not complete and may not provide a comprehensive description of SPU operations. Thus, the operational success of the SPU in the absence of a written manual may be attributed solely to the skills and training of the technicians, the more senior one of whom plans to retire.

The most recent written audit of the SPU was a POST Management Study dated July 30, 2007. It included numerous recommendations for change, only some of which have been adopted. No records of any subsequent inspections were found even though POST and the SPU’s Property and Evidence Manual recommend biennial external audits. Additionally, the SPU Manual requires a complete inventory upon any change of SPU personnel. No records of any such audits were available. Upon a recent turnover of the Administrative Captain in charge of the SPU no inventory was conducted. POST and the SPU Manual also call for quarterly and random spot audits. Although it was claimed that spot audits have been conducted there are no written records of them. The Jury concludes that management oversight of the SPU’s policies and procedures is lacking. Because there has been no documented loss of evidence, upper management has stated that there are no procedural problems.

The SPU evidence technicians have undertaken an aggressive purging effort in recent years and have been successful in maintaining availability of storage within the SPU.

FINDINGS

Following are findings based on site visits, interviews and review of documentation provided to the Nevada County Civil Grand Jury.

- F1.** The physical facilities of all four evidence handling units are adequate and, where needed, extra space is being considered.
- F2.** The staff at all four evidence handling units appear to be well-trained and capable. The use of sworn officers in the Nevada City Police Department Evidence Handling Unit removes patrol officers from their primary duties to the detriment of efficient law enforcement. The Nevada City Police Department is seeking to replace the sworn officers performing evidence handling duties with a non-sworn employee or volunteer.
- F3.** Three of the evidence handling units have adopted and follow written policies and procedures that are in line with recommended best practices. The Nevada County

Sheriff's Office's written policies and procedures are out-of-date and its actual policies and procedures are adequate only because of well-trained and skillful evidence technicians. The most experienced of those technicians is about to retire.

- F4.** The police department evidence handling units are marginally in compliance with their own policies and procedures and with best practices concerning audits and inventories of the evidence handling units although they all are due or overdue for biennial external audits.
- F5.** The Nevada County Sheriff's Office's Sheriff's Property Unit has not been subjected to an external audit since 2007 and there are no written records of any internal audits, inventories or inspections since that time. Hence, the Nevada County Sheriff's Office's Sheriff's Property Unit is out of compliance with its own written policies and procedures and with best practices concerning audits and inventories of evidence handling units.
- F6.** Best practices dictate that all agencies should rigorously adhere to the requirement for a complete inventory upon a change of evidence technician or supervisor. Additionally, random spot inventories need to be performed and documented. Inventories of firearms, narcotics and money must be conducted on at least a quarterly basis. Finally, external audits must be conducted on a biennial basis at a minimum.
- F7.** All four evidence handling units spend considerable time in purging and disposing of evidence that is no longer needed.
- F8.** Three evidence handling units expressed concerns about the timeliness of evidence disposition authorization from the Nevada County District Attorney's office. Such delays adversely affect the ability to purge evidence in a timely fashion.
- F9.** Given the size of the Nevada City Police Department, maintaining its own evidence handling unit creates a burden in terms of space, manpower and cost. In the past, the Grass Valley Police Department and the Nevada City Police Department considered consolidating their separate evidence handling units into one central evidence handling unit.

RECOMMENDATIONS

- R1.** Consolidation of the Grass Valley Police Department and the Nevada City Police Department evidence handling units should be considered again. [F8]
- R2.** Alternatively, the Nevada City Police Department should expedite its efforts to obtain and train a non-sworn evidence technician to reduce personnel costs and to free sworn officers for their primary duties. [F8]

- R3.** The Nevada County Sheriff's Department should draft and adopt written policies and procedures for its Sheriff's Property Unit that accurately reflect the current actual practice of its evidence technicians and that are in compliance with the current state of the law and best practices as recommended by POST and Lexipol. [F3]
- R4.** The Nevada County Sheriff's Department should immediately arrange for a complete external audit of its Sheriff's Property Unit. [F5]
- R5.** The Nevada County Sheriff's Department should conduct a complete inventory of its Sheriff's Property Unit upon the retirement of its senior evidence technician. [F3 & F5]
- R6.** The Nevada County Sheriff's Department should require that there be periodic spot inventories of its Sheriff's Property Unit and should require that written records of those spot inventories be maintained. [F5]
- R7.** All agencies should rigorously adhere to the requirement for a complete inventory upon a change of evidence technician or supervisor. Additionally, random spot inventories need to be performed and documented. Inventories of firearms, narcotics and money must be conducted on at least a quarterly basis. Finally, external audits must be conducted on a biennial basis at a minimum. [F3]
- R8.** The Nevada County District Attorney should continue to develop and improve its process for authorizing the disposal of evidence. [F7]

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Nevada County Civil Grand Jury requests responses from the following individuals:

Nevada County District Attorney: Findings #6 and #8, Recommendation #8.

Nevada County Sheriff: Findings #3, #5, and #6; Recommendations #3, #4, #5, #6, and #7.

Both responses must be received by: August 15, 2016.

Nevada City Chief of Police: Findings #2, #4, #6, and #9; Recommendations #1, #2, and #7.

Truckee Chief of Police: Findings #4 and #6, Recommendation #7.

Grass Valley Chief of Police: Findings #4 and #6; Recommendation #7.

All responses must be received by: September 13, 2016.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.