

**Looking Back:
Law Enforcement Evidence Handling Units**

2018 – 2019 Nevada County Grand Jury

Looking Back: Law Enforcement Evidence Handling Units

Summary

The Nevada County Grand Jury (Jury) periodically inspects evidence handling unit (EHU) facilities and interviews the evidence technicians and management of the Nevada County Sheriff's Property Unit (SPU), the Grass Valley Police Department EHU, the Nevada City Police Department EHU, and the Town of Truckee Police Department EHU. The proper collection and retention of evidence is a crucial part of our judicial system both for prosecution of criminal acts and exoneration of the innocent. The results of these inspections and interviews are reported along with the 2018-2019 Jury's recommendations.

Jury reports are published for the edification of the public and the impacted agencies. The Jury's most recent EHU reports were *Law Enforcement Evidence Handling Units (2015-2016 Report)* and *Law Enforcement Evidence Handling Units – A Report on Responses to the 2015-2016 Grand Jury Report (2016-2017 Report)*.

The 2015-2016 Report involved an in-depth look at EHUs covering:

- facilities,
- staffing and training,
- written policies,
- audits and inventories, and
- purging and disposal of evidence.

The 2018-2019 Jury decided to again explore the status of the various EHUs with emphasis on the progress made by each law enforcement agency in implementing the Jury's recommendations. This report contains the results of follow-up interviews and information gathered in that process.

Overall the Nevada County EHUs are properly staffed and managed. Attention needs to be given to inventory audits especially given the recent turnover of the Nevada County Sheriff and the Nevada City Police Chief.

Policies and procedures are in place at all locations. Consolidation of the Grass Valley and Nevada City EHUs should be considered. The Nevada City EHU would benefit from a more secure evidence check-in procedure.

Glossary

2015-2016 Report	<i>Law Enforcement Evidence Handling Units</i>
2016-2017 Report	<i>Law Enforcement Evidence Handling Units – A Report on Responses to the 2015-2016 Grand Jury Report</i>
EHU	Evidence Handling Unit
GVPD	Grass Valley Police Department
Jury	Nevada County Grand Jury
NCPD	Nevada City Police Department
NCSO	Nevada County Sheriff's Office
POST	Commission on Peace Officers Standards and Training
SPU	Nevada County Sheriff's Property Unit
TPD	Truckee Police Department

Approach

The 2018-2019 Jury inspected the EHUs of the Nevada County Sheriff's Office (NCSO), the Grass Valley Police Department (GVPD), the Truckee Police Department (TPD), and the Nevada City Police Department (NCPD). The staff and supervising personnel of each unit were interviewed.

The Jury's inspection of the various EHUs occurred as follows.

- Truckee Police Department EHU August 16, 2018
- Grass Valley Police Department EHU August 30, 2018
- Nevada City Police Department EHU September 27, 2018
- Nevada County Sheriff's Office Property Unit (SPU) December 20, 2018

In the course of these inspections, the Jury also reviewed the current evidence handling policies of each law enforcement agency:

- Truckee Police Department: Commission on Peace Officers Standards and Training (POST) – *Evidence and Property Management Guide*,
- Grass Valley Police Department: *Lexipol Property and Evidence Policy 804*,
- Nevada City Police Department: *Lexipol Property and Evidence Policy 804*, and
- Nevada County Sheriff's Office: *Evidence Procedures, and General Order 66*, effective date, July 1, 2018.

The Jury reviewed the 2015-2016 and 2016-2017 Reports and the responses requested to the 2015-2016 Report. This report discusses those matters where the affected law enforcement agency has, or has not, implemented its responses to the 2015-2016 Report. No responses were required in the 2016-2017 Report.

Discussion

Truckee Police Department

In its 2015-2016 Report, the Jury expressed concern that the TPD was not, consistent with best practices, conducting external biennial audits of the property held in its EHU.

A contractor conducted an external audit of the TPD EHU in April 2017. A review of that audit did not reflect any matters of material concern. There was a full inventory check performed at the same time. Additionally, the TPD conducts a “continuous inventory” as recommended in the POST *Evidence and Property Management Guide*. Unless there is a change in staff, a biennial inventory is not required. The next audit is due in 2019-2020. All evidence destruction is double-checked. Guns are taken to a location in Carson City, Nevada and destroyed.

The 2015-2016 Report noted that the TPD EHU needed more space. A new EHU annex has been completed and is being used for large items in the Truckee Public Works compound.

Additionally, the TPD has installed a new database software system, “File on Que”, a standalone system that tracks every action. They continue to use the old system, “Executive Information Services”, for older evidence.

Both the TPD Property Unit Manager and Supervisor are POST certified for evidence handling.

The facility has been significantly upgraded with more secure access controls and improved storage of evidence prior to EHU processing.

Grass Valley Police Department

In its 2015-2016 Report, the Jury expressed concern that the GVPD was not conducting external biennial audits of the property in its EHU.

The Jury determined that the GVPD is now in full compliance with the need for external biennial audits. An audit is due in 2018-2019.

Further, in its 2015-2016 Report the Jury recommended that the GVPD and the NCPD consolidate their EHUs. While such consolidation is under continuing consideration by both GVPD and NCPD, it has not occurred.

Certification of the GVPD EHU evidence technicians has been completed. The facility is well managed and no deficiencies were noted.

Nevada City Police Department

The NCPD EHU is located with the police department within City Hall. It is small but meets evidence and property standards. As described in the 2015-2016 Report, the evidence and property check-in area has locked wooden drawers where evidence or property is placed prior to transfer into the secure EHU area. Even though this area is within the police department's space, the Jury is concerned that the evidence could be compromised. An example of a more secure method of transfer is the use of metal lockers that can only be opened from inside the EHU once the lockers are closed.

The 2015-2016 Report also found the EHU was staffed with two sworn officers and recommended that the NCPD should expedite its efforts to obtain and train a non-sworn evidence technician to reduce personnel costs and to free sworn officers to perform their primary duties. The EHU staff now consists of a fully trained and certified, non-sworn Community Services Officer as well as a fully trained and certified, sworn officer.

The need for periodic inventories and biennial audits of EHUs as a best practice was stressed in the 2015-2016 Report. The NCPD EHU's last biennial audit was in August 2013. A request for a biennial audit by POST was made in October 2016 but has yet to be scheduled due to lack of available POST personnel. The recent employment of a new Chief of Police is cause for a full inventory to be conducted.

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

Nevada County Sheriff's Office

The NCSO's SPU is the largest and most complex of the Nevada County EHUs investigated.

Both the NCSO Property Unit Manager and Supervisor are POST and California Association of Property and Evidence certified.

The physical organization of the NCSO SPU is impressive with small to medium items in separate containers stored on rolling racks, and sensitive items such as pistols, long guns, money, drugs, and electronic items kept in separate locked rooms. Only the Property Unit Manager and Supervisor have unlimited access to the facility. There is a special procedure available if and when emergency access is required.

Of particular note is the construction underway (with completion expected in late 2019) of a Class A DNA laboratory that will greatly speed data analysis that currently takes 21 days. The Property Unit Manager is undergoing training in forensics, crime scene investigation, and fingerprint analysis for use in the laboratory. When completed, the laboratory will enjoy standalone air conditioning, air filtering, a shower, and independent power backup. In the future the laboratory's services may be available to other Nevada County law enforcement agencies.

When the NCSO implements its adoption of body-worn cameras and the DNA laboratory is functional, additional staff may be needed at the NCSO SPU.

The 2015-2016 Report noted that the NCSO SPU did not have any current written manual covering the operation of the SPU. Such manuals are available for law enforcement's use from POST and Lexipol. This deficiency was corrected with the adoption of NCSO *Evidence Procedures General Order 66*, effective July 1, 2018, which provides documentation of the required evidence handling policies for the SPU.

As a result of the election of a new Nevada County Sheriff in 2018, an inventory of all evidence in the SPU is required.

Findings

- F1.** Overall the EHU's in Nevada County are properly staffed, well managed, and have required documentation and procedures in place.
- F2.** Consolidation of the NCPD and GVPD EHUs would likely reduce administrative and overhead costs, and improve efficiency.
- F3.** Due to the election and seating of a new Nevada County Sheriff, a complete inventory of the SPU is required.
- F4.** Due to the employment of a new Nevada City Chief of Police, a complete inventory at the NCPD EHU is required.
- F5.** Due to the use of wooden drawers at the NCPD EHU, evidence could be compromised.

Recommendations

- R1.** Consolidation of the GVPD and the NCPD EHUs should again be considered.
- R2.** A complete inventory of the NCSO SPU must be conducted.
- R3.** A complete inventory of the NCPD EHU must be conducted.
- R4.** The NCPD EHU check-in area should be upgraded to provide more secure storage.

Request for Responses

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

Nevada County Sheriff – Finding F3 and Recommendation R2 by 27 July 2019.

Nevada City Chief of Police – Findings F2, F4, F5 and Recommendations R1, R3, R4 by 27 July 2019.

Grass Valley Chief of Police – Finding F2 and Recommendation R1 by 27 July 2019.