



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF NEVADA



JOE ALEXANDER
ASSISTANT DISTRICT ATTORNEY

RANDALL BILLINGSLEY
CHIEF INVESTIGATOR

CLIFFORD H. NEWELL

DISTRICT ATTORNEY

July 15, 2016

Mr. Douglas Wight
Honorable Grand Jury Foreman and Members
Eric Rood Administration Center
950 Maidu Avenue
Nevada City, California 95959

RE: Law Enforcement Evidence Handling Units Report

Dear Foreman Wight;

Thank you for the opportunity to participate in the Grand Jury's Law Enforcement Evidence Handling Units report. My office appreciates the feedback and suggestions offered within the report. Efficient and effective handling of evidence through the life of a prosecution case is a critical component of our job. We understand the need for the allied agencies to dispose of the old evidence in a timely manner to maintain the integrity of their evidence lockers. As noted below we have made some adjustments on our end to better facilitate that process.

FINDINGS:

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 a biennial basis at a minimum.

Agree. It should be noted that in the ten years as the District Attorney we have had only two occasions where evidence was an issue and we still obtained convictions in those cases.

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.

Agree. (See below recommendation response for detail)

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//

201 COMMERCIAL STREET, NEVADA CITY, CALIFORNIA 95959

PHONE: (530) 265-1301

FAX: (530) 478-1871

RECOMMENDATIONS:

R8. The recommendation has been implemented

On January 6, 2016, District Attorney changed the internal policy as it relates to evidence disposition forms in completed cases. Previously, staff would wait until the appellate period in an individual case had run then would route the file back to the Deputy District Attorney (DDA) handling the case who would then determine how and what evidence to authorize release. The DDA would review file, determine if appeal had been filed, then fill out the form and route it back to the agency through their secretary. Upon review of this process it was determined to be inefficient and cumbersome, in few cases review was not being done at all due to misrouted or non-existing release form. In January this year the process was modified to require the DDA handling the case at sentencing to fill in the evidence disposition form, calculate the appellate period, add 30 days and route it back to the agency with directions to check with court and, if no appeal has been filed, dispose of the evidence per agency policy. This process reduces the amount of times DA staff handle the file and promptly puts the agency in control of the evidence.

Thank you for the Grand Jury's feedback on this important issue. I believe our modified process will alleviate most, if not all of the delays noted by the participating agencies. If any further clarification or information is needed please feel free to contact me or Assistant DA Joe Alexander.

Sincerely,

Cliff Newell



GRASS VALLEY POLICE DEPARTMENT

129 S. Auburn Street • Grass Valley, CA 95945
(530) 477-4600 main • (530) 274-4329 fax

RECEIVED
AUG 25 2016
BY:

August 24, 2016

The Honorable Tom Anderson
Presiding Judge of the Grand Jury
201 Church Street
Nevada City, CA 95959

SEP 08 2016

RE: Response to the June 13, 2016 Grand Jury Report - Law Enforcement Evidence Handling Units

Your Honor,

This letter is a response to the June 13, 2016 Grand Jury Report regarding Law Enforcement Evidence Handling Units. The Grand Jury's interest in this topic is appreciated.

As you know, the Grand Jury conducted an investigation on this topic and the findings, conclusions and recommendations of their report are sometimes specific to a particular agency and other times more general in nature and applicable to multiple agencies. Grass Valley Police Chief Alex Gammelgard and staff were directed to review and respond to the Grand Jury's report.

Thus, the following are our responses to the Grand Jury Report's findings and recommendations related to the Grass Valley Police Department's Evidence and Property Unit:

FINDINGS:

Finding #4:

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.

Response:

Agree with the finding -

We appreciate that the Grand Jury has found the Grass Valley Police Department to be in compliance with our policies and procedures and with best practices concerning audits and inventories of the evidence handling unit.

Since 2007, the Grass Valley Police Department has been diligent in contracting with an independent agency to conduct external audits of our property and evidence room. Audits have been performed by DB Consulting, a professional evidence and property unit auditing firm that has performed these specialized audits throughout the state for over 16 years. DB Consulting has performed the following audits of our property and evidence room:

*Received + Renewed
8/30/16
JMS*

January 2007:	Overall Rating: "Meets Standard"
February 2010:	Overall rating of "Above Standard (-)"
May 2012:	Overall rating of "Above Standard (-)"
February 2014:	Overall rating of "Above Standard (-)"
April 2015:	Overall rating of "Above Standard (-)"
May 2016:	Audit covering a 100% inventory of firearms, money, and narcotics. All of the items of property and evidence (firearms, money, and narcotics) were promptly located and/or properly accounted for.

GVPD is committed to continuing to have comprehensive external audits performed on a biennial basis by an independent auditing firm. We anticipate scheduling the next comprehensive audit in the second quarter of 2017.

Finding #6:

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.

Response:

Agree with the finding

RECOMMENDATIONS:

Recommendation #7:

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.

Reported Action:

The recommendation has been *implemented*.

There are 4 components to recommendation 7. The following describes our implemented actions related to each of them.

- 1. Adherence to the requirement for a complete inventory upon a change of evidence technician or supervisor:**

The Grass Valley Police Department has and will continue to adhere to this requirement. Audits will be diligently scheduled upon the change of an evidence technician or evidence supervisor. These

audits will include a 100% inventory of all firearms, money, and narcotics. These audits were performed in 2012 and 2015 upon the change of evidence technicians, and again in 2016 upon the appointment of a new Chief of Police.

2. Random spot inventories need to be performed and documented:

Although random "spot inventories" are performed on a regular basis by the evidence sergeant and Captain, they have not been consistently documented. GVPD has initiated a protocol for capturing and documenting these spot inventories. The evidence sergeant will keep and maintain the records of his audit and inventory activity and it will be available to the Captain, Chief of Police, or an independent auditor upon request.

3. Inventories of firearms, narcotics, and money must be conducted on at least a quarterly basis:

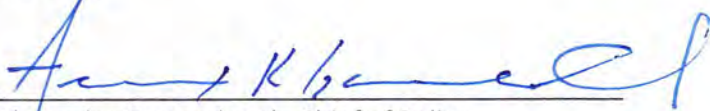
The random spot inventories conducted by the evidence sergeant and captain have and will continue to include checking of firearms, narcotics and money. These random spot inventories will be conducted quarterly at a minimum.

4. External audits must be conducted on a biennial basis at a minimum:

External audits have been and will continue to be conducted on a biennial basis.

This response was reviewed and approved by City Council at its August 23, 2016 meeting. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alexander Gammelgard". The signature is written in a cursive style and is positioned above a horizontal line.

Alexander Gammelgard - Chief of Police
Grass Valley Police Department



City of Nevada City

Nevada City Police Department

Records Received
8/30/16
TMA

August 15, 2016

The Honorable Tom Anderson

Presiding Judge of the Grand Jury

201 Church St.

Nevada City, Ca 95959

SEP 08 2016

Honorable Tom Anderson,

Below is my response for the Nevada City Police Department to the Findings and Recommendations of the Civil Grand Jury of Nevada County's report on the "Law Enforcement Evidence Handling Units." I was requested as the Nevada City Chief of Police to respond to the following Findings and recommendations; Findings #2, #4, #6, and #9; Recommendations #1, #2, and #7.

Findings

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 nonsworn employee or volunteer.

Agree

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.

Partially Agree:

The NCPD Evidence Handling Unit is in compliance with POST and Lexipol standards as indicated on page 8 of the report. There is a need for a biennial external audit.

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.

Partially Agree:

The NCPD does conduct monthly Audit Spot Checks (see page 9 of report) which are recorded. Inventory policies are followed and records are maintained. Evidence purging is conducted as necessary to ensure that space is available for new arrivals. There is a need for a biennial external audit.

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.

Partially Agree:

The NCPD and GVPD will continue to explore the possibility consolidating the Evidence Handling Unit to determine if consolidation is beneficial.

RECOMMENDATIONS

R1. Consolidation of the Grass Valley Police Department and the Nevada City Police Department evidence handling units should be considered again. [F8]

The recommendation will not be implemented at this time

The NCPD and GVPD will continue to explore the possibility consolidating the Evidence Handling Unit to determine if consolidation is beneficial.

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]

The recommendation is in the process of being implemented

The NCPD has hired and is currently training a part time civilian CSO to be assigned to the Evidence Handling Unit.

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]

The recommendation is in the process of being implemented

The NCPD currently conducts monthly Audit Spot Checks which are recorded. Inventory policies are followed and records are maintained. Evidence purging is conducted as necessary to ensure that space is available for new arrivals. There is a need for a biennial external audit which will be scheduled before the end of the year.

Respectfully,



Timothy A. Foley

Chief of Police

Nevada City, Ca.

**NEVADA COUNTY
SHERIFF'S OFFICE**



KEITH ROYAL
SHERIFF/CORONER
PUBLIC ADMINISTRATOR

August 5, 2016

Honorable Judge Tom Anderson
Presiding Judge of the Grand Jury
201 Church Street
Nevada City, Ca. 95959

*Reviewed
8/8/16
TRH
TO: GJ.*

RE: Response to 2015-2016 Law Enforcement Evidence Handling Units Grand Jury Report

Dear Honorable Judge Anderson:

In response to the Grand Jury Report dated June 9, 2016 on the Nevada County Law Enforcement Evidence Handling Units.

FINDINGS:

3. 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.

Partially Agree

At the time of the Grand Jury review one of our senior evidence technicians had a planned retirement. Our written policies did need an update, although the majority of the policy was in keeping with recommended best practices and was being followed by staff.

5. 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 policies and procedures and with best practices concerning audits and inventories of evidence handling units.

Agree

6. 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.

Partially Agree

All agencies should adhere to POST guidelines and best practices, including external audits. It is not always possible to achieve 100% adherence to the guidelines, so to say something “must” be done could set us up for failure. For example, all of the agencies reviewed were out of compliance with a biennial outside audit, as recommended by POST. There should be some flexibility in timelines for audits and inventories at the property unit due to unforeseen circumstances such as staffing shortages or major work load events.

RECOMMENDATIONS:

3. 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.

This recommendation has been partially implemented

The Sheriff's Office is in the process of updating and adopting updated policies and procedures regarding the processing of evidence into the Sheriff's Property Unit and expect to have this completed by September 1, 2016.

4. The Nevada County Sheriff's Department should immediately arrange for a complete external audit of its Sheriff's Property Unit.

This recommendation has been partially implemented

The Sheriff's Office has requested an external audit to be done by POST but was told that they do not have sufficient staffing and cannot accommodate our request. We are currently researching the availability and cost of a third party vendor to conduct an audit prior to the end of 2016.

5. The Nevada County Sheriff's Department should immediately arrange for a complete inventory of its Sheriff's Property Unit upon retirement of its senior evidence technician.

This recommendation has been partially implemented

The Sheriff's Office began a complete inventory upon the retirement of one of our evidence technicians and is still in the process of the inventory. The inventory should be complete by the end of 2016.

6. 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.

This recommendation has been partially implemented

The Sheriff's Office always has conducted periodic spot inventories but has not maintained a record. Updated policies will require written record of the spot inventories be maintained. The updated policies will be in place by September 1, 2016.

7. 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.

This recommendation will be partially implemented.

To my knowledge, the Nevada County Sheriff's Property Unit has never lost an item of evidence. Every time an item of evidence is requested for court, or to be returned to an individual, the item has been located. Each and every one of these instances acts as a spot inventory. This is not to say that scheduled inventories and audits are not needed, just that the urgency is not apparent. Supervisors have and will continue to make spot inventories of the inventory at the Property Unit. Additionally, we will update our policy to require the spot inventory results to be documented. We expect the updated policies to be in place by September 1, 2016. We will request an outside audit be performed prior to the end of 2016. We are currently in process of completing a complete inventory, a process that was begun right after the retirement of one of our evidence technicians. It is not reasonable to conduct a complete inventory upon change of every supervisor, as the supervisors do not perform the function of the evidence technicians.

The Sheriff's Office would like to thank the members of the 2015-2016 Grand Jury for their participation and effort in preparing their reports. We committed to providing the highest level of safety and security to our employees, the public, and inmates.

Sincerely,



Keith Royal
Sheriff-Coroner

Town Council

Joan deRyk Jones, Mayor

Morgan Goodwin, Vice Mayor

Carolyn Wallace Dee, Council Member
Patrick Flora, Council Member
Alicia Barr, Council Member



RECEIVED
AUG 28 2016

Department Heads

BY: HB
Tony Lashbrook, Town Manager
Andy Morris, Town Attorney
Adam McGill, Chief of Police
John McLaughlin, Community Development Director
Kim Szczurek, Administrative Services Director
Judy Price, Town Clerk
Daniel Wilkins, Public Works Director/Town Engineer

Reviewed
9/18/16
JMS

August 23, 2016

The Honorable Tom Anderson
Presiding Judge of the Grand Jury
201 Church Street
Nevada City, CA 95959

Re: Town of Truckee Response to 2015/16 County of Nevada Grand Jury Report on Law Enforcement Evidence Handling Units

Honorable Judge Anderson:

The Town of Truckee Police Department was included in the 2015/16 County of Nevada Grand Jury report release on June 13, 2016 regarding law enforcement evidence handling units. Although the Grand Jury requested a response from the Truckee Chief of Police regarding Finding #4 and #6 and Recommendation #7, Penal Code Section 933(c) requires the Town's response to come from its "governing body", i.e. the Town Council. The Town Council has reviewed and approved this letter. Please find the Town's responses outlined below.

Finding #4

"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."

Town of Truckee Response:

Disagree

The recommendation of the biennial audit will not be implemented because it is not warranted. The POST Law Enforcement Evidence & Property Management Guide 2013 (latest edition), recommends the following, "Audits should be conducted on both a routine and random basis. Audits should be conducted when information is received that the integrity of the systems or facility is in question, when there is a change in the agency head, or when there is a change in evidence/property personnel." Since none of these situations have occurred, the Truckee Police Department believes that a biennial audit is not required at this time. Routine and random selective audits occur throughout each year to maintain accountability.

Tahoe/Truckee



10183 Truckee Airport Road, Truckee, CA 96161-3306

www.townoftruckee.com

Administration: 530-582-7700 / Fax: 530-582-7710 / email: truckee@townoftruckee.com

Community Development: 530-582-7820 / Fax: 530-582-7889 / email: cdd@townoftruckee.com

Animal Services 530-582-7830 / Fax: 530-582-1103 / email: animalservices@townoftruckee.com

Police Department: 530-550-2323 / Fax: 530-582-7771 / email: policedepartment@townoftruckee.com

Printed on recycled paper.

Finding #6

"Best practices dictate that all agencies should rigorously adhere to the requirement for a complete inventory upon 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."

Town of Truckee Response:

Disagree

The Truckee Police Department currently complies with the recommendation to conduct complete inventories when there is a change in evidence personnel or change of agency head as well as the recommended spot inventories. However, as stated above, we believe that the biennial audit is not required by the POST Law Enforcement Evidence & Property Management Guide.

Recommendation #7

"All agencies should rigorously adhere to the requirement for a complete inventory upon 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]"

Town of Truckee Response:

The recommendation has been partially implemented but will not be fully implemented.

As indicated in Finding #6, the Truckee Police Department currently complies with the recommendation to conduct complete inventories when there is a change in evidence personnel or agency head as well as the recommended random spot inventories and inventories of firearms, narcotics and money on a regular basis. To that extent, this recommendation was implemented prior to the Grand Jury's review. However, as stated above, the recommendation to conduct biennial external audits will not be implemented. Pursuant to California Penal Code Section 933.05(b)(4), this aspect of the Grand Jury's recommendation "is not warranted...[and] is not reasonable..." Biennial audits are not required by the POST Law Enforcement Evidence & Property Management Guide. POST is part of the government of the State of California, and the POST Guide is considered to represent best practices for evidence handling and property management. As such, biennial audits would represent an additional expense and administrative burden without a corresponding benefit, and the Town of Truckee declines to implement this aspect of the Grand Jury's recommendation.

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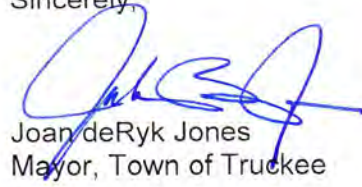
Community Development: 530-582-7820 / Fax: 530-582-7889 / email: cdd@townoftruckee.com

Animal Control/Vehicle Abatement: 530-582-7830 / Fax: 530-582-7889 / email: animalcontrol@townoftruckee.com

Police Department: 530-550-2328 / Fax: 530-550-2326 / email: policedepartment@townoftruckee.com

Please do not hesitate to contact Truckee's Chief of Police, Adam McGill, if you have any questions or comments.

Sincerely,



Joan deRyk Jones
Mayor, Town of Truckee

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Police Department: 530-550-2328 / Fax: 530-550-2326 / email: policedepartment@townoftruckee.com