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**JUR2015-2016-001**

**Evidence Policies & Procedures  
Final Report**

**Approved 05/26/2016**

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## **Evidence Policies & Procedures**

### **SUMMARY**

The condition of the jail has been a topic of Grand Jury reports for the past several years. This term the Judicial Committee decided to look at the Trinity County Sheriff's Office from a different perspective.

There is a key area that had never been reviewed by our predecessors; the processing, storing and disposal of evidence. The Judicial Committee found deficiencies in training, supervision, and accountability. A review of the Sheriff's Office Policy Manuals revealed that in certain cases staff is not following Department policies and procedures. As a result of this finding the judicial committee decided to take a closer look at how the policy and procedure manuals are written, maintained and more importantly, followed.

Given the apparent increase in property crimes in the county within recent years, this topic is of particular interest to the Judicial Committee of the 2015/16 Grand Jury.

### **GLOSSARY**

POST – Police Officer Standards & Training

CALEA – Commission on Accreditation for Law Enforcement Agencies, Inc.

IAPE – International Association for Property and Evidence

CAPE – California Association for Property and Evidence

ET – Evidence/Property Technician

Department – Trinity County Sheriff's Office

D.O.J. – State of California Department of Justice

### **BACKGROUND**

This report first discusses general property/evidence room management procedures and then reviews the results of the Grand Jury's inspection of the Sheriff's Department property/evidence room.

Property/evidence rooms store not only evidence from crimes but also found property, property for safekeeping, contraband, and property for destruction. Evidence must be collected, packaged, and properly stored. Often referred to as the "chain of evidence", documentation is necessary to

show where the evidence is located, who processed the evidence and every person who comes in possession of the evidence, from the initial collection through the judicial process. Ultimately, when the item is no longer of evidentiary value, it is returned to its owner, sold at auction, or destroyed.

The time a particular item is retained by the Department is dependent on the statutory requirements pertaining to the particular type of case with which it is associated. Some evidence can be disposed of relatively quickly after the resolution of a case while other types of evidence, such as that related to a homicide or sex crime, may be held for decades. Likewise, the manner in which a particular item is stored is determined by its classification. While some evidence is stable at room temperature, other types must be refrigerated. Short-term and long-term storage of specific types of evidence is outlined in state accepted guidelines.

State law mandates the process for forfeiture, disposition, and disposal of evidence. Before any evidence can be removed from Department custody, the District Attorney (D.A.) must write a memo to the Sheriff's Department releasing the evidence. Likewise, a judge can place specific requirements on the release of evidence. All reasonable attempts are made to return found and confiscated property to the rightful owners.

## **METHODOLOGY**

In order to determine whether the law enforcement agencies in Trinity County are following the proper procedures for the security and control of property and evidence, the Judicial Committee:

- Conducted an on-site tour of the evidence/property room(s)
- Reviewed the Police Officer Standards and Training (POST) publication – "Law Enforcement Evidence & Property Management Guide"
- Reviewed the Department's internal policies and procedures related to property and evidence room functions and audits: specifically the Trinity County Sheriff's Department Policy Manual and the Custody Manual
- Reviewed relevant Penal Codes, Minutes and Agendas from Board of Supervisor Meetings, Contracts, Records, as well as the forms and documents used with respect to evidence and property
- Reviewed the NIJ Biological Evidence Preservation Handbook
- Reviewed POST – Police Officer Standards & Training<sup>1</sup>
- Reviewed California Association for Property and Evidence (CAPE)<sup>2</sup>
- Reviewed *Commission on Accreditation for Law Enforcement Agencies (CALEA)*<sup>3</sup> *Property and Control Standards*

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<sup>1</sup> POST: The State Commission on Peace Officer Standards and Training (POST) was established in 1959 to set minimum selection and training standards for California law enforcement.

<sup>2</sup> CAPE was formed to promote professionalism in property and evidence gathering, processing and retention. Emphasis is placed on information sharing, training and support.

<sup>3</sup> CALEA: A national Commission on Accreditation for Law Enforcement Agencies, Inc. created in 1979 as a credentialing authority. The purpose of this national accreditation program is to improve the delivery of public safety services, primarily by: maintaining a body of standards covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

- Reviewed International Association for Property and Evidence (IAPE)<sup>4</sup> audit policies

Interviews were conducted with the Evidence Technician (ET), the Undersheriff, the Sheriff, Department Business Manager, Sergeant of the Narcotics Division, the Administrative Services Officer, District Attorney, as well as current and past Public Defenders.

## DISCUSSION

The Grand Jury focused its investigation on the following key areas: Policy, Audits/Oversight, Staffing, Training, Facilities/Storage, Evidence Collection, and Purging/Disposal. The discussion reviews each subtopic.

### **Policy:**

Trinity County, like many counties throughout California and the nation, has a contract with Lexipol, LLC which provides law enforcement agencies with policy and procedure manual templates reflecting the most up to date laws and statutes. The practice of continually updating Department policies to reflect case law helps to protect the County from possible litigation. Lexipol offers updates and training bulletins providing scenarios related to new laws affecting day-to-day Department procedures and practices.

The contract with Lexipol, LLC is a five-year contract with annual Policy updates costing the County \$2,450 a year. The contract appears to be cost effective in light of the litigations avoided by having Lexipol LLC keeping law enforcement abreast of the ever-changing laws.

One negative side of Lexipol LLC is the daunting task of revising manuals when there are updates. Lexipol provides a California Law based template that must be edited to work for our rural Sheriff's Department while still adhering to the laws and penal codes at the state and federal levels. Countless hours have been spent by Department staff to rectify Lexipol templates with Trinity County requirements.

The Grand Jury was given the opportunity to review the two manuals utilized by the Sheriff's Department. The Policy Manual is for the entire Sheriff's Department while the Custody Manual focuses on the jail and the custody of inmates. The Judicial Committee noted that there is conflicting information between the two manuals.

### **Audits/Oversight:**

The Sheriff's Department Policy Manual regarding evidence room inspections states:

#### *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 the Sheriff.*

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<sup>4</sup> IAPE: International Property and Evidence Association is a non-profit organization offering training, certification and resources pertaining to all aspects of the handling, storage, maintenance, and disposal of law enforcement held property and evidence

- c. *An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Sheriff) 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.*

Audits and inventories conducted by the Department in the fashion described above in Departmental policy have not been conducted for at least the seven years that the current Evidence Technician has been in the position. To repeat, to the knowledge of this Grand Jury, not one monthly supervisor inspection, not one unannounced annual inspections, not one annual audit, nor one inventory review at the time of personnel change has ever been conducted.

The Evidence Technician utilizes a computer database to track and locate items held in the storage facility. The software provides a detailed custody history from the receipt of the item through release or disposal. All information relevant to the evidence, such as case number, item number, type of property, date, officer name, and description of the item can be examined. However, it should be noted that we found nothing from preventing a line item from being deleted from the system.

Currently, the Department does not have regular staff meetings. The Department is relatively small and relies on inter-personal training, on-the-job training, and procedure updates sent via email. For example, if the Evidence Technician notices a particular deputy needs to change his method of processing evidence, then the Evidence Technician will address the issue directly with that deputy. Similarly, if a deputy needs assistance with an aspect of evidence collection for a narcotics case, a Sergeant may address the concern directly with that deputy either in the field or at the Department office. While this sort of direct supervision is invaluable, it has the potential to create miscommunications between deputies, mid-management level staff and supervisory staff. Because there are no staff meetings directed by the Sheriff, the Sheriff may not be fully aware of particular evidentiary procedure issues and discrepancies between staff training, staff performance and case development.

**Staffing:**

Currently there is one part-time Evidence Technician on staff for 2-3 days a week. The ET is a retired sergeant who was asked to come back to the Department. He has occupied the position for the last seven years. He works alone with little to no oversight. Funding for a full time position has been allocated, but not implemented.

**Training:**

To date, the Evidence Technician has not had any training or certification in the collection, processing, handling, and disposal of evidence. The Departmental position of forfeiture reviewer – *a department member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney (606.1.1)* - is unclear, due to conflicting information between what we were told and the policy manual. The Undersheriff, who we were told fills the supervisor position, has not had any training or certification with evidence handling or asset forfeiture.

To ensure proper operation, it is necessary for the both the Property/Evidence Technician and his direct supervisor and/or forfeiture reviewer to receive ongoing training to remain current with evidence case law and new procedures and policies. This training should be either through CAPE or POST.

POST offers a single course in Property and Evidence and has no certification program for property and evidence. It does, however, provide management guides, such as the *Property & Evidence System Audit Guide* referenced in this report. The guides are excellent and allow agencies to conduct a self-assessment of their property/evidence management practices.

### **Evidence Collection:**

Deputies may collect evidence in association with the booking of an individual. A property log form is filled out to include item descriptions, the case file number, and location of the evidence. Items are bagged and placed in one of the temporary secure lockers with a copy of the property log form. The original form remains with the case file.

The Evidence Technician removes evidence from the secured lockers and takes it to the Evidence Property storage building. He scans the property form into the computer, bags and tag items and puts them in an appropriate storage location based on the type of evidence. Most evidence is kept in rows of cubbies or storage cube. The evidence is made available as necessary to the District Attorney's Office, investigators, and defense attorneys. The evidence is stored and then disposed of by either by relinquishment to an individual, destruction, or auctioned.

The Department does not currently have the facilities or staff to conduct analyses of evidentiary items including blood tests, DNA tests, fingerprinting, etc. Instead, the Department sends evidentiary materials to the State of California Department of Justice (D.O.J.) in Redding, California to perform this type of testing and analysis. Due to the D.O.J.'s backlog, evidence submitted can take months to be processed. At the request of the Department or District Attorney's Office, this process can be expedited.

With respect to evidence, the relationship between the Department and the D.O.J. can have a significant impact on the development and expediency of prosecuting a case in Trinity County. Currently, the D.O.J. focuses on violent crimes. Because of this focus, and the backlog mentioned above, the amount of time it takes to receive analysis reports for non-violent cases from D.O.J. may lengthen the time before a prosecution can begin.

Beyond County, State and Federal law, deputies must understand the rules of evidence collection/processing as well as case development and prosecution. With an understanding of evidentiary value, deputies can make decisions in the field as to what evidence to collect to support future prosecution. Because of the relationship with the D.O.J. described above, deputies may make the decisions *not* to collect evidence due to evidence storage considerations or because the D.O.J. will likely not process the evidence in a timely manner. The decision to collect fingerprint evidence can be impacted by the current relationship with D.O.J.

Currently, deputies do not have ongoing training requirements for fingerprinting and evidence collection. The result is the potential for inconsistent collection and processing of fingerprint and other evidence/property between individual deputies.

Fingerprint evidence collection is technical. Successful fingerprint collection is dependent on a wide variety of factors including environmental conditions, surface conditions/type and evidence collection equipment. It is a method that requires skill, patience and experience. Some deputies are skilled at fingerprint evidence collection and some are not. It is up to the deputy's discretion whether to collect fingerprint evidence dependent upon their understanding of evidentiary value and, based in part on their individual skill, the likelihood for successfully gathering the prints.

It must be noted that fingerprint evidence is not always necessary for the prosecution or defense of a case and is not as widely used as the average laymen may think. However, it is possible that fingerprint evidence can be invaluable to the case of a defendant (exculpatory) or the D.A. (inculpatory). The impact of a dearth of this type of evidence on past and present cases is impossible to quantify. For potential exculpatory purposes, county public defenders have at times used private investigators to gather and analyze fingerprint evidence that the Department has chosen not to collect or process. One potential result of this practice is an increased cost to the county for the defense of defendants.

Until the D.O.J. capacity or state law changes, there is likely no way the Department can impact the timeliness of evidence processing by the D.O.J. Currently, the Department makes reasonable efforts to expedite evidence processing for violent crimes.

**Facility/Storage:**

The main Trinity County property/evidence room is, on the whole, neat and orderly. The room is adequate for immediate needs. However, additional storage facilities consisting of Conex<sup>5</sup> (metal cargo containers) and located immediately adjacent to the main storage facility are used for narcotics, marijuana and long-term storage items. The evidence stored in the main facility was packaged properly, stored with reasonable neatness, and labeled. The room is secure with keys held only by the Evidence Technician and the Undersheriff. An access log is maintained for any other people requesting access to the controlled area. The main facility is temperature and humidity controlled. If more space is required in the existing facility, additional cubbies could be constructed in the center of the space.

If an evidentiary item approved for disposition is not claimed within a certain timeframe, or if no owner can be identified, the Department can auction off the item. The Department has an account with an auction company called PropertyRoom.com. This service auctions off items of value in accordance with Civil Code Section 2080 et al.<sup>6</sup> To date the service has not been used by the Department due to the relatively small number of items available for auction.

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<sup>5</sup> Conex box, an intermodal container for shipping and storage

<sup>6</sup> California Civil Code Section 2080 et al. provides regulations for the proper care and disposition of found property.

Narcotics and dangerous drugs are booked and stored separately from other evidence. Narcotics division personnel process, test, and store these in Conex containers adjacent to the main evidence/property storage building. This process includes taking samples of bulk seizures as mandated by state law.

### **Purging/Disposal Process**

Managing a property/evidence room is a formidable task. The Department has a limited amount of space and staff. It cannot be predicted from day-to-day how much evidence may wait processing by the Property/Evidence Technician. Certain evidence, such as that from a homicide, is kept indefinitely, while other evidence must be kept under refrigeration, sometimes for years, depending on the case. Other evidence may be discarded after the statute of limitations has elapsed. For certain offenses that have been referred to the District Attorney's Office for prosecution, an order must be issued prior to the return/disposal of evidence. Depending on the nature of the offense, if the conviction is appealed, evidence may be held for years after a conviction. The purge process can be complicated and time-consuming. A good portion of the Evidence Technician's time is related to identifying and disposing of evidence which has surpassed the statute of limitations and has been approved for release by the District Attorney's Office.

While not all-inclusive, some of the criteria to be considered for disposal of evidence are:

- Statute of limitations
- Post conviction
  - Plea or no contest
  - Convicted by Jury
  - Murder case (187 Penal Code) and life sentence cases
- Post dismissal/cases-not-filed
  - Dismissed due to lack of evidence or interest of justice
- DNA evidence, required length of evidence retention
- Sexually Violent Predators, required length of evidence retention
- Domestic Violence/Elder-Abuse/Child-Abuse (Evidence Code 1109), length of retention
- Drug Diversion Cases
- Search Warrant evidence (1136 Penal Code)
- Weapons Destruction Order (12028 Penal Code)
- Narcotics Destruction Order (11367, 11473, 11473.5 Health and Safety Code)

During the Grand Jury interviews, it was recognized that evidence held in their property/evidence rooms ready for purging can be delayed pending the receipt of a destruction authorization from the District Attorney's Office. This does not seem to be a pressing concern, however.

Contraband, drugs, and hazardous materials are not eligible for auction. They are transported to specific disposal sites where law enforcement personnel witness their destruction. Alternatively, the Department has transferred items for destruction to Shasta County Sheriff's Office for subsequent disposal. Marijuana is currently disposed of by burial on county land in a variety of undisclosed locations.



Firearms that are designated for disposal are located in a secure group of lockers. Once enough firearms are collected, they are turned over to Olde West Gun and Loan Inc of Redding, California for store credit used to purchase ammunition for use by the Department for training. Currently, there is no budget line item dedicated to training ammunition and this exchange is the only means by which the Department procures ammunition. In 2015, the Department sold thirty duty pistols to Olde West for \$6,000 or store credit due to weapon “malfunction issues.”

All firearms, including evidentiary, found firearms, or firearms held for safekeeping, are checked against a national database before disposition to assure they have not been involved in other crimes. The relevant policies are:

- Per Department Policy 804.6.5: *Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice (D.O.J.) that conforms to the provision of Penal Code §33865.*
- Per Department Policy Manual 804.6.5: *The Evidence/Property Room supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.*

It is not known whether these policies are currently being followed by the Department, particularly with respect to supervisor review. The Judicial Committee recognizes that some individuals in this county may oppose the release of firearms due, in part, to public safety concerns. The committee has found the Department meets its legal obligations and believes it is up to the voting public of this county to address this specific issue as it sees fit.

Seized or found sums of cash are processed by the Department business manager following double custody procedures wherein two Department personnel must participate and oversee the counting of the funds. Larger amounts are then transferred to either the County treasurer’s vault, depending on the amount of cash and the current status of the vault, or taken directly to a bank. Depending on the particulars of a given case, the funds can either be returned to an individual or divided amongst law enforcement agencies, including county, state and federal, depending on their involvement in the case.

The following pages are results of the Grand Jury’s investigation.

## **FINDINGS**

### **Policy**

F1. There are conflicting policies and procedures in the two Lexipol template manuals - Custody and Policy - used by the Sheriff’s Department.

R1. A thorough review and comparison of the Policy and Custody Manuals should be conducted to eliminate conflicting policies and procedures. The Lexipol LLC contracted service should be utilized to facilitate this review and maintain consistency in the future.

F2. Not all divisions are following the policies and procedures with respect to evidence.

R2. A complete audit of all evidence procedures should be performed to reveal and resolve any conflicts between how differ divisions within the Department process/store evidence and the Department's written policies.

### **Audits/Oversight**

F3. Per the Department's Policy Manual 801.8(b), unannounced inspections should be directed by the Sheriff. No inspection has been so directed in the tenure of the current Sheriff, or within the tenure of the existing Evidence Technician.

R3. The Sheriff should implement this policy immediately and adhere to in the future.

F4. There has not been an in-house audit of the evidence room in at least seven years. POST suggests a quarterly review (POST 5.1).

R4. An audit should be conducted immediately of all evidence held by the Department. Thereafter audits should be conducted on a regular schedule.

F5. As directed by the Department's Policy Manual 801.8(c), and as suggested by POST Guideline 5.1 - 5.3, no annual audit by the Division Commander (as appointed by the sheriff) not routinely/directly connected to evidence control has occurred.

R5. The Sheriff shall adhere to the Department's own policy manual and ensure that the annual audit is performed.

F6. As the head of the Department, the Sheriff has not initiated sufficient oversight of the evidence and property policies and procedures in the Department. Specifically, the Sheriff has not directed the Undersheriff to conduct audits of the division, he has not initiated random inspections per POST guidelines, he has not directed his staff to receive appropriate training and he does not have an up-to-date awareness of evidence procedures/policies.

R6. The Sheriff, as head of the Department, shall review the policies and procedures and perform his responsibilities as written. The Sheriff shall verify that all Department divisions under his management aware of all necessary policies and procedures related to their position. This procedure review will include all directives issued by the Sheriff related to evidence collection that are not codified in Department policy manuals.

### **Staffing**

F7. The Evidence Technician is a retired officer who works part-time, 2 to 3 days per week. The Evidence Technician is detail oriented, experienced and conscientious, but lacks formal training and certification appropriate for the position

R7. The Evidence Technician position has the allocation for a full-time position. It is recommended that this position transition to full-time and that the current Evidence Technician receives the training and certification required in the handling, processing, storage and disposition of evidence.

### **Training**

F8. The Evidence Technician has been the sole technician for the past seven years with little oversight. The Grand Jury believes the Undersheriff is the immediate supervisor of the Evidence Technician. While the Undersheriff is relatively new to the position, he does not appear to have direct, up-to-date knowledge of current policy and proper evidentiary procedure.

R8. The supervisor of the Evidence Technician and the evidence/property room shall be immediately clarified and the policy manual shall be updated with the correct chain of command.

F9. A Forfeiture Reviewer has not been appointed by the sheriff and has not attended a Department-approved course on asset forfeiture per Policy Manual Code 606.6. Apparently the Undersheriff is currently acting as both Evidence Technician supervisor and Forfeiture Reviewer.

R9. The Sheriff shall appoint a forfeiture reviewer and he or she shall attend a Department approved training course on asset forfeiture per Policy Manual Code 606.6.

F10. The Evidence Technician has not been certified by the California Association of Property and Evidence (CAPE) or the Peace Officers Standards and Training (POST) in evidence and property processing/storage and disposal. The only training he has received is basic training in the academy or on-the-job training.

R10. The Evidence Technician shall be certified by the CAPE or POST trained in evidence and property management.

F11. The Undersheriff has not been trained in evidence collecting/processing/storage/disposal other than that taught in basic training at the academy or on-the-job training.

R11. The appointed supervisor of the Evidence Technician and property room shall be trained in evidence collecting/processing/storage and disposal.

F12. Deputies do not have ongoing training requirements for fingerprinting and evidence collection. The result is the potential for inconsistent collection and processing of evidence/property between individual deputies. It is up to the deputies' discretion whether to collect fingerprint or other evidence based on their understanding of evidentiary value.

R12. The deputies shall receive ongoing training on the implementation of required procedures and practices in the collection of fingerprints.

F13. Ongoing training of deputies in the collection of narcotics evidence processing and updates in procedure is limited to the assistance of other senior staff/supervisors.

R13. All deputies shall have proper training in the collection and processing of narcotics, both for the preservation and integrity of evidence and for the health hazards caused by such materials.

### **Facilities/Storage**

F14. Drying of wet biological evidentiary samples does not always occur within POST guidelines: place "*evidence in an impermeable and nonporous container and place the container in a refrigerator that maintains a temperature of 2°–8°C (approximately 35°–46°F) and is located away from direct sunlight until it can be air dried or until it can be submitted to the lab*" (Guideline 4.7). Wet biological evidence has been hung in the main storage facility to air dry.

R14. The Department shall implement a process that complies with the POST guideline as written above to ensure the preservation and integrity of biological evidence.

F15. Long-term storage of biological evidence is not in temperature controlled conditions as suggested in POST Guideline 4.7 and *NIJ Biological Evidence Preservation Handbook*. While space is limited for biological evidence, in this climate the long-term

storage of biological evidence in a partially ventilated Conex container is not within the “room temperature” range – generally accepted to be 70°F. The resulting conditions within the container could result in complaints to OSHA and subsequent OSHA inspections and fines.

R15. Biological evidence storage shall be reviewed and made to comply with the suggested POST Guideline 4.7 and the *NIJ Biological Evidence Preservation Handbook* to protect the Department from possible fines and inspections from OSHA.

F16. Storage of Narcotics does not meet POST Guidelines. Narcotics and/or controlled substances should be stored separately from other evidence and property in a secure, card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to specified/authorized personnel (guideline 4.4). Agencies should be aware that due to the potential health hazards associated with the storage of narcotics/controlled substances, as well as hazardous/biohazardous material, complaints to OSHA could result in OSHA inspections and fines.

R16. The storage of narcotics shall be updated to meet POST Guidelines to protect the health of its officers from health issues caused by narcotics and controlled substances and other hazardous/biohazardous materials, as well as to avoid OSHA inspections and fines

F17. Storage of Marijuana does not meet Health Code standards. Prior to packaging, Green, wet, or fresh plant material is dried within a Conex container with minimal ventilation, leading to mold growth and unhealthy conditions (potential Health and Safety Code and OSHA violation). The Conex storage facility does not meet POST guidelines 3.1 with respect to High-Efficiency Particulate Air (HEPA) filters suggested for use in the venting of narcotics storage areas.

R17. A secured, well-ventilated area should be provided for drying plant material (Guideline 4.4). Review and provide the required ventilation and HEPA filters for the storage of marijuana per POST guidelines 3.1- protecting the Department against potential OSHA violations (consult OSHA as necessary) of the Health and Safety Code.

F18. The main storage facility does not meet POST guidelines 3.2, 3.4 and 3.5 with respect to:

- a. A service counter or window should be provided for internal transactions. A separate, secure counter or area for public interaction should be provided.
- b. Individual, locked storage compartments inside the temporary refrigeration unit
- c. A separate area should be provided for the processing and storage of evidentiary vehicles. The vehicles should be protected from the elements for evidentiary purposes.
- d. The storage and handling of evidence containing blood (POST 3.5)

R18. Review and update the storage facility/property room to meet POST guidelines 3.2, 3.4 and 3.5.

F19. The storage and disposal of some controlled substances, such as prescription medication and steroids (schedule III), is not codified in the Policy Manual.

R19. Update the Policy Manual to include specific procedures and policies for the handling and storage of controlled substances, such as prescription medications and steroids.

F20. Storage of paraphernalia does not meet POST standards (as defined in Health and Safety §11364) or County Policy 801.6.7. – The Detective Division is not currently responsible for the storage of all paraphernalia, such as marijuana pipes.

R20. A review of POST standards (as defined in Health and Safety §11364) or County Policy 801.6.7 shall be conducted and corrections made for the storage of all paraphernalia, such as marijuana pipes.

F21. Firearms stored for destruction, specifically those used in the commission of suicide, are not stored in an orderly manner.

R21. Firearms that are stored for destruction shall be stored in an orderly manner.

F22. Ammunition is stored en masse in a box on the floor and does not meet POST Guidelines 4.2: *Ammunition must be removed from firearms and stored separately in a fireproof locker.*

R22. A review of POST Guidelines 4.2 shall be conducted and proper storage lockers shall be provided for the storage of ammunition.

F23. Narcotics and dangerous drugs shall not be “packaged” with other property. The use of the narcotics storage container commonly places narcotics and other evidentiary items together in bins.

R23. The detectives division shall store evidence as outline in the Department policy manual. Only narcotics and dangerous drugs shall be stored in the narcotics container. Any other evidence shall be stored in the Evidence Property building as outlined in the Department policy manual.

F24. No specific plans currently exist for upgrading the evidence/property storage facility

R24. To the degree possible, the Department should develop plans to update the evidence/storage facility in conjunction with the development of plans for the new jail facility.

### **Purging/Disposal**

F25. The disposition of firearms has not been reviewed by managerial staff for some time. The current disposition of firearms is limited to an arrangement with Olde West Gun and Loan Inc in Redding, California for store credits used by the Department to procure ammunition.

R25. A review of the disposition of firearms shall be conducted to include the research and comparisons of other potential options to be sure the county is getting the best value available.

## **COMMENDATIONS**

The personnel of the Trinity County Sheriff’s Office should be commended for their continuing dedication and service to the people of this county. With a difficult job, limited budget, and a challenging geography, these individuals exemplify service and commitment to their communities.

To their credit, some individuals recognized the need to address deficiencies prior to the Grand Jury inspections. Individuals highlighted past innovations and improvements to

practices and procedures and alluded to plans for both training and improvements to the existing facility. The Department is seeking evidence/property training opportunities for the Evidence Technician and the Undersheriff. Although no specific plans currently exist for upgrading the evidence storage facility in conjunction with plans under development for the new jail facility, there was discussion of possibly utilizing the old jail for evidence storage in the future.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Bruce Haney, Sheriff
  - Findings 1 through 25
  - Recommendations 1 through 25
- Trinity County Board of Supervisors
  - Findings 1 and 25
  - Recommendations 1 through 25

### **Invited responses**

- Sergeant Don Richer, Evidence Technician
- Undersheriff Michael Rist

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.
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