

PROPERTY ROOMS: A LOOK INSIDE

SUMMARY

Careful securing of physical evidence in criminal cases provides an essential basis for trial. The San Luis Obispo County 2008-2009 Grand Jury studied the evidence handling procedures of all law enforcement agencies in the county. Those procedures appeared secure with careful attention to logging in evidence, sealing it in envelopes and preventing tampering. City police departments maintained particularly secure property rooms. The Sheriff Department's policy and procedure directives for evidence handling are dated, however. In addition, the Sheriff's property room procedures at the North County Patrol Station in Templeton and the Coast Patrol Station in Los Osos were initially found to be lax in regard to the use of their security lockers. Re-inspection found those lapses corrected. The Grand Jury is recommending that the sheriff's property room policies and procedures be updated to meet current industry standards and evidence handling procedures in all Sheriff's facilities be regularly monitored.

INTRODUCTION

In the event of a crime, law enforcement agencies must collect evidence. In order to protect the rights of the accused and to preserve the integrity of the legal proceeding, this evidence must be held in a manner that preserves the "chain of custody". Extreme care must be taken to document the seized evidence and trace its path from the crime scene to the courtroom. It must be accounted for and stored in a secure manner at all times. "Property" refers to evidence of crimes, lost possessions and items held in safekeeping.

METHOD

The Grand Jury was specifically interested in the documentation and storage of property after it has been collected by the various law enforcement agencies in the county. As part of its investigation, the Grand Jury did the following:

The Grand Jury reviewed the following documents:

- Peace Officer Standards and Training Property Management Guide
- California Penal Code Sections 1407-1422, 11108 and 12028-12030
- International Association of Property and Evidence Standards
- Commission on Accreditation for Law Enforcement Agencies (CALEA) Handbook
- San Luis Obispo County Grand Jury Report of 2007-2008 regarding the Pismo Beach CALEA accreditation
- San Luis Obispo County Code 2.68.020

The Grand Jury conducted inspections at the following facilities:

- A. San Luis Obispo Police
- B. Atascadero Police Department
- C. Paso Robles Police Department
- D. Morro Bay Police Department
- E. Grover Beach Police Department
- F. Arroyo Grande Police Department
- G. Pismo Beach Police Department
- H. Sheriff's Department North County Patrol Station
- I. Sheriff's Department Coast Patrol Station
- J. Sheriff's Department South County Patrol Station
- K. Sheriff's Main Property Room
- L. District Attorney's Evidence Room
- M. Superior Court Evidence Room

Each inspection included an interview with on-duty staff concerning policies and procedures of obtaining, documenting and storing evidence. The Grand Jury also reviewed the policies of each department with regard to evidence collection and storage.

NARRATIVE

After the commission of a crime, evidence is collected and transported to the respective police departments, Sheriff patrol stations or the main Sheriff station. The Grand Jury found that each department operated following industry standards to secure the evidence and preserve it for trial. Evidence is described precisely, including weights and dimensions. This information is entered into a computer database along with corresponding information about the case and suspect. A case number is assigned and a bar code label is printed. Once it is entered into the database, this information cannot be altered. The bar code is attached directly to large items. Smaller items are sealed into an envelope, and the bar code sticker is attached. They are then sealed with special tape which would reveal any tampering. Then the arresting deputy or police officer signs across the tape. Evidence is then locked into secure storage in the property room. Only authorized personnel have access to the property room. When a case is brought to trial, the prosecuting attorney will routinely ask the arresting officer if the envelope appears to have been tampered with and if he recognizes the evidence as the same that which he logged into the computer immediately after the arrest.

Of compelling interest is the storage of DNA evidence. Without exception, local law enforcement is cognizant of the challenges of storing DNA. DNA evidence must be stored under refrigeration. All departments are well aware of this requirement and have made the necessary arrangements. However, in the foreseeable future, the sheer volume of DNA evidence collected could overwhelm the limited storage facilities available. The Sheriff's Department, especially, is aware of space limitations and recently added a second large refrigerated storage locker.

The city police departments, the District Attorney and the Superior Courts all comply with all applicable laws and industry standards. The police departments are challenged by budget and space constraints. Property officers can be either sworn law enforcement officers or civilian employees, depending on the police department. In either case, we found the property officers to be extremely knowledgeable.

The written policies and procedures varied from department to department. Morro Bay, Grover Beach and Pismo Beach all use policy manuals from Lexipol, a California Risk Management

Firm specializing in law enforcement and public safety. Lexipol continually monitors Federal, State and local laws, court decisions and best practices and updates their member departments. Arroyo Grande, Atascadero, Paso Robles and San Luis Obispo have well written policies prepared in house. San Luis Obispo, in particular, has a very current and concise policy manual. Atascadero's policy of Evidence and Property was revised last fall and was the only written policy to spell out advanced training for property officers. The District Attorney and Superior Court manuals detail their part of the process.

At the Sheriff's Coast and North County patrol stations we did observe problems with the storage of evidence after the property had been logged in, bar coded and sealed into tamper-evident packaging. The Grand Jury found that, behind locked gates, some of the evidence lockers were left open with evidence inside. We did not find this problem at the South County Patrol Station. A Sheriff's spokesman indicated that this situation was against policy and has been corrected. The Grand Jury conducted surprise re-inspections of these stations and found the problems corrected.

The Sheriff's Operational Directive stands in place of a written policy manual and the most current complete set of directives dates back to 1993. The Grand Jury found no evidence, in any station, that the security of evidence had been compromised.

CONCLUSIONS

The Grand Jury found no indication of compromise of the chain of custody.

The Police Departments and the Sheriff's Department all followed set industry standards for evidence processing and storage. All had written policies and procedures for logging in evidence, though the Sheriff Department's policy and procedure directive was dated. They all had a full or part time property manager, and restricted access to locked evidence. All had some form of refrigerated DNA storage. The Grand Jury commends the Arroyo Grande Police Department, the Atascadero Police Department, the City of Grover Beach Police Department, the City of Morro Bay Police Department, the City of Paso Robles Police Department, the Pismo

Beach Police Department and the San Luis Obispo Police Department for the security of their property rooms.

We also commend the San Luis Obispo Superior Court and the District Attorney for their Evidence Storage rooms.

FINDINGS

1. The Police Departments all follow California Peace Officer Standards and Training (POST). Some also comply with the more rigorous International Association of Property and Evidence standards. Property officers, both sworn and civilian, were well trained.
2. The Sheriff's Department complies with the POST Standards and all legal statutes. Officers are all well trained and disciplined in their recording of evidence. Corrections in the storage of evidence has made it more secure from theft or intermingling with other cases. Policy and procedure directives are dated and supervision of patrol station property rooms was lax until after Grand Jury inspections.

RECOMMENDATIONS

1. The Sheriff should update property room policies and procedures to meet industry standards, especially those pertaining to the temporary storage of evidence to make it more secure.
2. The Sheriff's Department should conduct regular, independent monitoring of patrol station property rooms.

REQUIRED RESPONSES

The San Luis Obispo County Sheriff is required to respond to Findings 1 and 2 and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by **August 21, 2009**. Please provide a copy of all responses to the Grand Jury as well.

The San Luis Obispo County Board of Supervisors is required to respond to Findings 1 and 2 and Recommendations 1 and 2. The responses shall be submitted to the Presiding Judge at the San Luis Obispo Superior court by **September 20, 2009**. Please provide a copy of all responses to the Grand Jury as well.

The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Martin Tangeman Superior Court of California 1035 Palm, Room 385 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403