

A MOUNTAIN OF EVIDENCE

A REPORT ON THE MENDOCINO COUNTY MAIN STORAGE EVIDENCE ROOM

JUNE 9, 2010

Summary

The main storage Evidence Room continues to be overcrowded due to the lack of communication between the Mendocino County District Attorney's Office, (MCDAO), and Evidence Room staff. Purging and disposition of evidence requires greater staff time than is currently available. At the time of the Grand Jury, (GJ), visit, there were approximately 90,000 items of evidence. Items may not be purged until notification from the MCDAO.

The Evidence Technician is a skilled position and there are no trained backup personnel in case of a loss of one of the two current employees.

The Evidence Technician has many other duties to perform besides disposition of evidence and property: crime scene investigations and photography; collection, preservation, and examination of property and evidence; transfer of property and/or evidence to criminal laboratories; courtroom testimony; review of evidence and/or property with MCDAO or defense attorney or authorized representatives; registration of sex and narcotic offenders; receipt, examination, and storage of evidence and/or properties from outside law enforcement agencies; fingerprint equipment; release and/or destruction of evidence and/or property; research of criminal case files within the Mendocino County Sheriff's Office, (MCSO), MCDAO, or County Clerk's Office; the securing of appropriate court orders for disposition of property and/or evidence; providing evidence pursuant to Discovery Orders.

With the current budget crisis the GJ realizes that the building upgrades will require creative alternative funding to accomplish the necessary tasks.

Methods

The GJ visited the MCSO's main storage Evidence Room on March 10, 2010.

Background

The GJ has inspected the main storage Evidence Room for several years and has previously reported numerous problems, which remain unresolved.

There continues to be a lack of communication between the Evidence room staff and the MCDAO resulting in a significant backlog of stored evidence.

Findings

1. The MCSO main storage Evidence Room has one full time and one part-time Evidence Technician and serves and assists all local law enforcement agencies, including the CHP, CAL FIRE, and the Department of Fish & Game.
2. In the past, four Evidence Technicians were employed. Evidence intake has doubled in the last 10 years.
3. It is estimated that a new Evidence Technician would require three years of supervised training.
4. Records detailing where the evidence is stored in the facility are kept manually in a card file. There is no back up in case of fire or other loss.
5. Finger prints are kept manually and digitally.
6. There was a strong odor of marijuana in the facility, which has very poor ventilation.
7. The facility requires and has a temperature controlled environment and an alarm system.
8. The GJ observed the forensics lab, weapons, and other evidence.
9. There are an estimated 96,000 items of evidence in the 5,000 square foot facility.
10. The GJ observed the facility to be at maximum storage capacity.
11. Evidence is returned or disposed of when the court determines it is no longer needed or upon notification by the MCDAO, or by staff, or claimed by the owner.
12. When a person makes a claim for their property, a *Property Release Form* is issued by the MCDAO. However, a court order is required for release of drugs or property seized with a search warrant.
13. If there is no court order for disposal, and property is not claimed, the evidence remains stored in the facility.
14. The MCSO form *Authorization for Release/Disposition of Property*, is approved by the Evidence Technician, but not utilized by the MCDAO. (See Appendix A)
15. A form, the *Mendocino County District Attorney Office Disposition-Evidence Memo*, has not been adopted or utilized by the MCDAO. (See Appendix B)
16. The lack of sufficient personnel assigned to the Identification Unit, and the lack of notification of adjudicated cases by the MCDAO, has resulted in an overburdened evidence and property system.
17. Purging and disposition of evidence requires that staff:
 - choose a container with an old date,
 - research the case number in the Sheriff's Arrest Records to find the name of the perpetrator; there are often several suspects on one report,
 - search for the names in the MCDAO and court records,
 - check the name of each individual to determine if there is an active arrest, bench warrant, pending felony, or litigation,
 - check the statute of limitations for the particular crime; some evidence must be held for as long as 99 years.

18. Refrigerated evidence is kept in energy efficient refrigerators that are maintained and checked according to schedule. There are two generators for back-up electricity.
19. The fire extinguishers were found to have current certification tags. There is no automatic fire suppression system in the facility. Such a system could contaminate or destroy evidence.
20. A bar-code evidence retention system, which will clearly show items intake and output, is being evaluated for use throughout the County.
21. There is a tripping hazard at the entrance to the office. No threshold is installed between the cement floor and the carpeted office.
22. The southwest corner of the property has a tree with a large branch that encroaches on the power lines.

Recommendations

The Grand Jury recommends that:

1. the Mendocino County Board of Supervisors add a position for an Evidence Technician intern, as soon as possible. (Findings 1-3, 16-17)
2. the Mendocino County Sheriff implement a part-time Evidence Room aide utilizing a student and/or volunteer. (Findings 1-3, 9-10, 16-17)
3. General Services install a fire suppression system in the office area to protect the paper records, which are not currently backed up. (Findings 3-5)
4. the Mendocino County Sheriff institute a bar-code system for evidence storage. (Findings 4-5, 8-10, 20)
5. the Mendocino County Sheriff work with the Evidence Technician to create a list of necessary upgrades for the Evidence Room. (Findings 4-6, 9-17, 19-20)
6. the Mendocino County Sheriff create a five year plan to achieve the Evidence Room upgrades, endorsed by Mendocino County Board of Supervisors. (Findings 4-6, 9-17, 19-20)
7. the Mendocino County District Attorney adopt either the *Mendocino County District Attorney's Office Disposition-Evidence Memo* or the *Authorization for Release/Disposition of Property*. (Findings 9-17)
8. General Services inspect and correct the tripping hazard. (Finding 21)
9. General Services contact the appropriate utility to have the encroaching tree trimmed. (Finding 22)

Discussion

The Evidence Room is organized but overcrowded with evidence from closed and adjudicated cases. The evidence is stored in various containers on 10 foot high shelving.

The facility reeks of marijuana which becomes moldy when stored, causing health hazards for employees.

The current manual record keeping system has no backup in case of fire or other loss.

Required Responses

Mendocino County Board of Supervisors (All Findings; All Recommendations)

Mendocino County Sheriff's Office (All Findings; All Recommendations)

Mendocino County District Attorney's Office (Findings 9-17; Recommendation 7)

Mendocino Department of General Services (Findings 3-5, 21-22;
Recommendations 3, 8-9)

Appendix A

MENDOCINO COUNTY SHERIFF'S OFFICE
951 LOW GAP RD
UKIAH CA 95482-3797

***AUTHORIZATION FOR
RELEASE/DISPOSITION OF PROPERTY***

To: District Attorney's Office Juvenile Probation Other: _____

Re: People vs _____

M.C.S.O. # _____ D.A. # _____ COURT # _____

Our records show that the above case may have been adjudicated. We would like to destroy/release all property presently held either by the Mendocino County Sheriff's Office or by the Court, as provided by law. Please indicate your requested disposition:

PROPERTY DISPOSITION	MISCELLANEOUS INFORMATION
Dispose of Property as Provided by Law	
Return Specified Property to Owner	
Photograph & Release Specified Property to Owner	
Continue to Hold Due to:	
Warrant Issued	
Appeal in Progress	
Court Case in Progress	
Other Disposition: (Specify)	

*Please complete this form and return it to
THE MENDOCINO COUNTY SHERIFF'S OFFICE*

Ukiah I.D. Bureau Willits Substation Fort Bragg Substation Other: _____

Additional Comments by Responding Agency: _____

Responding Agency's Representative: _____ Date: _____

***** **SHERIFF'S OFFICE USE ONLY** *****

Completed By Property Technician: _____ I.D.# _____ Date: _____

Appendix B

MENDOCINO COUNTY DISTRICT ATTORNEYS OFFICE

DISPOSITION-EVIDENCE RELEASE MEMO

Agency case no:

Name of suspect:

Court case no:

Case resolved by: Plea Trial Dismissal Reason _____

Status of case: Judgement Final
Appeal Filed **DO NOT RELEASE EVIDENCE**

Evidence disposition: You may release evidence seized.
You may destroy/forfeit contraband
P.C. 12028 Order attached.
P.C. 1536 Order needed from agency. See attachment
CO-DEFENDANT STILL ACTIVE (hold until disposition on co-defendant.
Check back in _____ months.

Dated: _____
Deputy District Attorney

D.A. File Closure
Close File Destroy per policy **DO NOT DESTROY**
WITHOUT D.A. APPROVAL

Case reviewed for co-defendant status by: _____

No adult co-defendant active No juvenile co-defendant active
 Adult co-defendant active Juvenile co-defendant active

Adult co-defendant name

Juvenile co-defendant name