

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title : A MOUNTAIN OF EVIDENCE
A REPORT ON THE MENDOCINO COUNTY MAIN
STORAGE EVIDENCE ROOM

Report Dated : June 9, 2010

Response Form Submitted By:

BOS
c/o Executive Office
Attn: Steve Dunncliff
501 Low Gap Road
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than:

September 1, 2010

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:

- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
1-22 (See Attached) _____

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
8,9 _____
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:
1 (See Attached) _____

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- The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
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- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:
2,3,4,5,6,7 (See Attached)
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I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 3

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov
- The County's Executive Office: ceo@co.mendocino.ca.us

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

ATTEST:

Carmel J. Angelo, Clerk of the Board
Mendocino County Board of Supervisors



DEPUTY

Printed Name: CARRE BROWN

Title: Chair, Mendocino County Board of Supervisors

Signed: 

Date: AUG 31 2010

ATTACHMENT:

REPORT: A MOUNTAIN OF EVIDENCE

FINDINGS:

FINDINGS 1-22: The Mendocino County Board of Supervisors has no specific information regarding Findings 1-22 and therefore incorporates by reference herein, the responses to findings prepared by the Mendocino County Sheriff's Office, Mendocino County District Attorney and Mendocino County General Services Agency.

RECOMMENDATIONS:

Recommendation 1: The Mendocino County Board of Supervisors supports these recommendations to the extent the budget allows for the positions and upgrades.

Recommendation 3: The Mendocino County General Services Agency will not install a fire suppression system in the office area of the Evidence Room. In addition to this being a leased facility, no funds are available for this improvement. The Mendocino County General Services Agency will approach the landlord to determine whether or not the landlord would be willing to install a fire suppression system.

Recommendations 2, 4, 5, 6, 7: The Mendocino County Board of Supervisors has no legal authority to direct the Mendocino County Sheriff's Office or Mendocino County District Attorney to implement this recommendation.

Recommendations 8 – 9: The Mendocino County Board of Supervisors incorporates by reference herein the response from the Mendocino County General Services Agency.

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. Purgings 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)
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