

# **SAN DIEGO POLICE DEPARTMENT PROPERTY & EVIDENCE ROOM REVIEW OF OPERATIONS**

## ***SUMMARY***

The 2014/2015 San Diego County Grand Jury investigated the operation of the San Diego Police Department (SDPD) Property and Evidence Room facility at the SDPD Headquarters. This investigation resulted from published concerns about the manner in which the property room is maintained, how valuable property evidence is accounted for, and whether property is promptly returned to citizens or disposed of when no longer needed.

The Grand Jury found that there is little communication between the Office of the District Attorney or Office of the City Attorney, as prosecutors, and the SDPD, as the custodian of the evidence, regarding the retention or disposal of evidence. This lack of communication has resulted in property/evidence being retained after cases have been closed and beyond the statute of limitations, causing the need to rent storage space.

Better communication and disposition of unnecessary evidence could solve or reduce the scope of this problem.

The Grand Jury also found other problems such as:

- there are no security cameras inside the property evidence storage area;
- the weapons storage area was in disarray and lacked security cameras;
- there is no procedure or protocol for when files are to be reviewed for disposal of evidence;
- the facility manager and clerks are not certified by California Association of Property and Evidence or Peace Officers Standards and Training in their fields;
- there is no logbook documenting entry/exit from safes; and
- there are no annual audits of the operation.

The Grand Jury recommends that the offices of the District Attorney and City Attorney work with SDPD to develop a Memorandum of Understanding that includes a standard procedure for proper and timely disposal of evidence. The Grand Jury also recommends that a management review be conducted to identify deficiencies in the operation of this facility and that action be taken to correct any deficiencies found.

## ***INTRODUCTION***

The purpose of this investigation was to determine if the SDPD Property and Evidence Room operation was being conducted in a professional and efficient manner in light of recent news reports regarding property/evidence items being lost, stolen, or unaccountable. The Grand Jury determined that this operation was not up to standard as

compared to other property rooms in the County and the standards set by the Peace Officers Standards and Training manual.

## ***PROCEDURE***

- The Grand Jury inspected three Property and Evidence Room operations:
  - El Cajon Police Department;
  - San Diego County Sheriff's Department; and
  - San Diego Police Department.
- The Grand Jury interviewed senior Property and Evidence Room staff at SDPD.
- The Grand Jury investigated what government agencies regulate Property and Evidence Room operations.
- The Grand Jury reviewed the Peace Officer Standards and Training publication *Law Enforcement Evidence & Property Management Guide* from the [www.post.ca.gov](http://www.post.ca.gov) website.
- The Grand Jury reviewed the proper storage procedures from: <http://www.propertyevidencestorage.com>
- The Grand Jury interviewed senior staff from the District Attorney's office
- The Grand Jury interviewed senior staff from the City Attorney's office.

## ***DISCUSSION***

### **BACKGROUND:**

The Grand Jury investigated which government agencies regulate Property and Evidence Room operations and what government regulations or standards exist by which to judge the performance of these organizations. The Grand Jury found that none exists. This leaves it up to each individual police department to set the standards for security, chain of custody, and operation of a professionally run and cost-effective program.

There are organizations such as the California Association for Property and Evidence (CAPE) and Peace Officer Standards and Training (POST) that provide recommended standards for Property and Evidence Room operations and offer training and certification for property clerks and managers. The Grand Jury found the SDPD has not availed itself of these resources.

The Grand Jury found that neither the District Attorney's office nor the San Diego City Attorney's office provide guidance or assistance in the timely disposal of property evidence. In addition, there is no dedicated attorney in these offices who oversees the disposal process of evidence when a case is adjudicated. The Property & Evidence Room Facility manager has to rely on the case detective to notify their office of this action.

### **INSPECTIONS:**

The operations of Property & Evidence Room facilities in San Diego County are unique and the public is generally not aware of their existence. Ten law enforcement departments in the County maintain an evidence storage facility:

<b>San Diego Sheriff Dept.</b>	<b>El Cajon PD</b>
<b>San Diego PD</b>	<b>Chula Vista PD</b>
<b>Coronado PD</b>	<b>Oceanside PD</b>
<b>La Mesa PD</b>	<b>National City PD</b>
<b>Carlsbad PD</b>	<b>Escondido PD</b>

Since there are no governing regulations or standards for Property and Evidence Room operations, the Grand Jury decided to conduct an investigation of the SDPD Property and Evidence Room at the main headquarters by comparing it to:

- the POST publication *Law Enforcement Evidence & Property Management Guide* and
- the next two largest Property and Evidence Room operations in San Diego County (San Diego County Sheriff's Department and El Cajon Police Department.)

The Grand Jury reviewed policies and procedures, general housekeeping, security measures and effectiveness of the operation at the San Diego County Sheriff's Department, El Cajon Police Department and the SDPD. The Grand Jury interviewed senior Property and Evidence Room staff from the SDPD.

Issues found for El Cajon Police Department and San Diego County Sheriff's Department are reported in the Appendix and are not included in the Recommendations section of this Grand Jury report. In general, the operations of the El Cajon Police Department and the San Diego County Sheriff's Property and Evidence Rooms were professional and well run.

The San Diego Police Department has nine storage locations used for Property and Evidence Room Operations. The facilities are 95% full.

SDPD has a temporary warehouse facility leased from a private owner. Temporary rental of privately owned space will require multiple moves of property/evidence, significant staff time to preserve chain of custody safeguards, and added security for the facility. The Grand Jury believes this is a waste of taxpayer money.

The inspection was performed at the main storage facility located in the Police Headquarters Building. Part of this facility was converted from its former use as a parking garage and does not appear to meet building codes for an indoor workplace.

The Grand Jury's inspection of the SDPD property storage area found:

- No security cameras in the property storage area. The POST guide recommends that security cameras be used and both El Cajon Police Department and the San Diego County Sheriff's Department have good security camera coverage of their Property and Evidence Room facilities.
- The weapons storage area was in disarray and lacked security cameras. Security cameras are recommended by the POST guide. El Cajon Police Department and

the San Diego County Sheriff's Department weapons storage is orderly and has security cameras.

- No procedure or protocol for when files are to be reviewed for disposal.
- No logbook documenting entry/exit from safes and no security cameras to record access. Having a record of access to safes is recommended by the POST guide and was available at the El Cajon Police Department and the San Diego County Sheriff's Department.
- No annual audit is conducted as recommended by the POST guide.

### ***FACTS AND FINDINGS***

**Fact:** The SDPD Property and Evidence Room consists of nine separate facilities including a portion of the main headquarters, part of a converted parking garage, and a warehouse facility leased on a temporary basis from a private owner.

**Fact:** Use of a privately owned facility for temporary storage purposes costs money for the lease, relocation, additional staff time and security.

**Finding 01:** Use of a temporary private facility is an inefficient use of taxpayer money.

**Finding 02:** The SDPD Headquarters facility property room does not appear to be in compliance with building codes.

**Fact:** Property in the SDPD property room, suitable for disposition, is accumulating.

**Fact:** The Grand Jury did not find written procedures or protocols for reviewing files to determine property disposition by SDPD.

**Fact:** Often, at the request of the property room manager, SDPD Detectives decide when evidence in the property room can be disposed of or returned to its rightful owner.

**Fact:** Generally, the offices of the City Attorney and District Attorney do not initiate the process for obtaining an "order for release of evidence" or for disposing of the evidence when a case is closed.

**Finding 03:** The offices of the City Attorney and District Attorney usually do not take a proactive role in deciding when to dispose of evidence.

**Finding 04:** The offices of the City Attorney and District Attorney are best qualified to determine if evidence will be needed in the future.

**Finding 05:** Establishing procedures and protocol for reviewing files of property for disposal will make the process more effective and potentially save money used to lease additional storage facilities.

**Fact:** At the time of the Grand Jury visit SDPD did not have security cameras in the property/evidence storage area.

**Fact:** The facility manager and clerks are not CAPE or POST certified in their fields.

**Fact:** There is no documentation of the property placement in or removal from the property room safe.

**Fact:** There is no indication annual audits are being conducted, as recommended by the Peace Officers Standards and Training publication: *Law Enforcement Evidence & Property Management Guide*.

**Finding 06:** A management review of security and evidence-handling procedures could insure the integrity of the evidence.

**RECOMMENDATIONS:**

**The 2014 /2015, San Diego County Grand Jury recommends the San Diego Police Department:**

- 15-50:** Perform a management review to identify deficiencies in the Property and Evidence Room operation and implement corrective action.
- 15-51:** Establish written procedures and protocol for when SDPD will review files for disposal of evidence.
- 15-52:** Initiate annual audits of the Property and Evidence Room operations as outlined in the Peace Officers Standards and Training publication: *Law Enforcement Evidence & Property Management Guide*.
- 15-53:** Determine the amount of space needed for permanent Property and Evidence Room storage and work with the San Diego Mayor and City Council to build new facilities or relocate into existing city owned property.
- 15-54:** Perform a review of the Headquarters Property and Evidence Room facility addition to insure it meets building code standards.

**The 2014/2015 San Diego County Grand Jury recommends the Office of the District Attorney:**

- 15-55:** Implement a Memorandum of Understanding with SDPD to include a standard procedure for proper and timely disposal of evidence.
- 15-56:** Develop uniform guidelines and standards for all San Diego County Property & Evidence Room facilities.

**The 2014 /2015, San Diego County Grand Jury recommends the San Diego City Attorney:**

- 15-57: Implement a Memorandum of Understanding with SDPD to include a standard procedure for proper and timely disposal of evidence.**

***REQUIREMENTS AND INSTRUCTIONS***

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some

decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

<b><u>Responding Agency</u></b>	<b><u>Recommendations</u></b>	<b><u>Due Date</u></b>
<b>San Diego Police Department</b>	<b>15-50 through 15-54</b>	<b>08/31/15</b>
<b>Office of the District Attorney</b>	<b>15-55, 15-56</b>	<b>07/31/15</b>
<b>Office of the City Attorney</b>	<b>15-57</b>	<b>08/31/15</b>

**APPENDIX**  
**INSPECTION OF PROPERTY AND EVIDENCE ROOM**  
**FACILITIES**

**SAN DIEGO COUNTY SHERIFF'S DEPARTMENT**  
**PROPERTY & EVIDENCE ROOM FACILITY**

***SUMMARY***

**FACILITY OPERATIONS:**

The current manager of the San Diego County Sheriff's Property and Evidence Facility has been employed by the county for over 30 years. This operation was relocated twice during the tenure of the current manager and will relocate again to a larger facility in the future. The manager will be involved in the design and planning of the new facility.

Individuals entering the facility are greeted by a receptionist and are required to sign a logbook. There are approximately 30 security cameras in this secure area. The facility is staffed with twenty personnel, three investigators and a supervisor.

When evidence is received, it is logged, bar coded, and entered into the computer system. The evidence is numbered, labeled, stored in a box, and placed in a bin. With this system, evidence can be easily located.

The facility is divided into eight categories: disposition, receiving, armory, drugs, money, freezers, pallets and hazardous storage. Each section is enclosed by a floor to ceiling chain-link fence. Security cameras are mounted in a manner to maximize effectiveness.

The section containing narcotics is secured with an electric gate, which requires two individuals to scan their identification cards for access. Narcotics are stored according to case number. Five security cameras provide coverage of the area. Narcotics from adjudicated cases are disposed every six months at a facility in Long Beach. The narcotics are transported by armed escort to ensure security.

There is another secure room for currency and jewelry storage for which only the manager has access. A security camera provides coverage. According to the manager, nothing has been lost from this area.

The weapons armory is enclosed with a chain link fence from floor to the ceiling. Only two personnel have access. The area also has security cameras.

All weapons are logged and stored in boxes, annotated on the outside for easy reference. The two armory personnel have received training from the California Association for



Property & Evidence<sup>1</sup> and are certified in their field of work. They have also received training from the Department of Justice regarding weapon identification.

Each Sheriff's substation has a Property & Evidence Specialist for convenience of the officers in the field. When the court needs certain evidence, a request is submitted to the appropriate station and the location of the evidence is confirmed. The evidence is then given to the requesting officer. The manager from the Headquarters facility conducts biannual visits and quarterly audits at each sub-station.

During these audits inventory is taken and items needing disposal are tagged and identified for proper disposition. Items are stored until final resolution of the case.

### **RELOCATION**

This facility will be relocated within two years. The manager is involved in the design process.

The new facility will feature a newly developed system of recording referred to as Records Management System. The automated Records Management System provides for better accountability and efficiency. Currently, most staff is receiving advance training with this program.

With the new system all computers are backed-up daily. Some computers are outdated and need to be replaced during, if not before, the move.

### **AUDITS**

The Sheriff's Department Policy and Procedures Manual calls for unannounced semiannual inspections as directed by the Captain of the Central Investigations Division. The purpose of this inspection is to ensure that procedures are followed in accordance with the Policy & Procedure Manual.

The Division of Inspectional Services schedules an annual audit with the property manager. This audit covers inventory control and procedures to determine effectiveness and compliance with department policy.

### **DISPOSITION OF PROPERTY/EVIDENCE**

The Policy and Procedures Manual addresses the method for conducting the annual review of all cases. The manager then notifies the case detective to review their case. The process also calls for the case detective to review their case evidence on a quarterly basis.

After the review the case detective provides a notice to the Property Manager to dispose of or retain said evidence. The District Attorney's office provides no direct guidance or assistance in the proper and timely process for disposing of property room evidence.

---

<sup>1</sup> www.CAPE-INC.US

No Deputy District Attorney from the District Attorney's office oversees the disposal process of evidence after a case is adjudicated. The Property & Evidence Facility Manager has to rely on the case detective to notify the District Attorney's office of this action.

## **EL CAJON POLICE DEPARTMENT** **PROPERTY & EVIDENCE FACILITY**

### ***SUMMARY***

The El Cajon Police Department opened a new facility in August 2011. This building contains a Property & Evidence Room, Crime Lab, and a temporary detention area. The current Property and Evidence Room manager has been at this facility for 18 months and oversees the Crime Lab. The staff for the Property and Evidence Room consists of three clerks, one of whom is certified.

Visitors sign a logbook. There is a window reception area for people entering from the outside to pick up their personal belongings when released from detention. There is a secured room with an armed officer when weapons are released.

There is a series of pass-through wall lockers for the transfer of evidence. This newly implemented system allows the officer to place their evidence in one side of the locker and the clerks to remove the evidence from the other side.

There is a bulletin board in the evidence processing area listing the steps for documenting and logging evidence. There is a separate storage locker area for larger items. There is one security camera.

A 40-inch monitor provides a visual display of everyone entering the facility. The open bay area includes "Mobile Shelving," designed to maximize the storage capacity.

There are separate secured rooms for money and narcotics. A fingerprint and security code is required for access. Narcotics are individually sealed, packaged, and labeled with the case number and bar code. Narcotics evidence tied to closed cases is disposed of annually and transported under armed escort to a facility in Long Beach. Money is counted, logged and transported to a financial facility.

There is a storage room for DNA, blood, and other biohazards and walk in freezers for storage of larger items of evidence. Vehicles are brought into a secure carport area for evidence processing. Once the vehicle is processed, the carport area is washed down.

Once cases are resolved, items not destroyed or returned to the property owners are auctioned. The money collected is deposited in a City of El Cajon account.

## **EVIDENCE DISPOSAL**

When a case is adjudicated, the case officer is responsible for notifying the Property & Evidence Room manager of the case status and the evidence. In some cases a court order is required for proper disposal.

The El Cajon Police Department is establishing a “standard operating procedure” outlining the process for future cases. There is a need for better communication between the El Cajon PD and the District Attorneys’ office so that disposal of property can occur in a timely manner.

## ***DISCUSSION***

The El Cajon Police Department has a state-of-the-art facility for the storage of evidence. It has modern storage bins referred to as “Mobile Shelving.”

The Property and Evidence Room Department uses the Records Management System, which utilizes a bar code system.

When cases are adjudicated sometimes, there is a problem with the timely disposition of evidence, resulting in several lawsuits. The El Cajon Police Department and the Office of the District Attorney’s office often fail to notify the Property and Evidence Room of the results of their case causing a delay in the release of evidence.