



City of Grover Beach

Mayor John P. Shoals

Mayor Pro Tem Bill Nicolls

Council Member Karen Bright, Council Member Phyllis A. Molnar, Council Member Debbie Peterson

Bob Perrault
City Manager

August 21, 2012

The Honorable Barry T. LaBarbera
Presiding Judge, Superior Court
Superior Court of California
1050 Monterey Street
San Luis Obispo, CA 93408

SUBJECT: RESPONSE TO GRAND JURY REPORT - "A VITAL FUNCTION OF THE JUDICIAL SYSTEM: LAW ENFORCEMENT PROPERTY AND EVIDENCE ROOMS"

Dear Judge LaBarbera:

The Grover Beach City Council has reviewed the June 5, 2012 Grand Jury report regarding "A Vital Function of the Judicial System: Law Enforcement Property and Evidence Rooms" and has approved the following responses to the *findings and recommendations*:

Response to Findings

Finding 1. The Police Departments of Arroyo Grande, Grover Beach, and Paso Robles, and the Sheriff's Department are not in full compliance with their respective policies pertaining to evidence room inspections.

- **Respondent agrees in part with the finding.** *This agency agrees that adherence to our policies pertaining to evidence room inspections is important. This agency has been compliant with policies to the extent possible based on extenuating circumstances. According to the report, the two areas of concern were regarding our monthly inspections only occurring 75% of the time and no annual audit being completed. This agency reduced staffing with the retirement and elimination of the full-time Records/Property Supervisor position in December 2009. With the transfer in personnel, this agency began a very involved audit, inventory of all evidence and property, re-organization, and remodel of the evidence property room. Monthly inspections were not occurring only during the complete re-organization and audit of our evidence room. Inspections were done about 75% of the time. However, since completion of the entire inventory in April 2012, monthly inspections are being completed.*

Annual audits have been completed each year since 2005 while Chief James Copsey has been the Chief. When he took over, the previous Chief had an audit done from an outside agency and that audit was turned over to him. Since then, Chief Copsey has conducted random inspections and verifications of evidence and property on an annual basis. This was done until 2010 when the Department initiated internal improvements and a complete reorganization of the evidence room, at which time the annual audits were delayed until completion. Since this project has been completed, annual audits will be completed as per Department policy.

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Administrative Services/Water (805) 473-4550 ♦ City Council/City Manager (805) 473-4567 ♦ City Clerk (805) 473-4568
Community Development - Building, Planning & Economic Development (805) 473-4520 ♦ Human Resources (805) 473-4564
Parks & Recreation (805) 473-4580 ♦ Police/Non-Emergency (805) 473-4511 ♦ Public Works (805) 473-4520

Finding 3. The Grover Beach Police Department is currently conducting a full inventory of its evidence room.

- **Respondent agrees with the finding.** *This has been completed. The Property Room audit was completed in April 2012. This agency reduced staffing with the retirement and elimination of the Records/Property Supervisor position in December 2009. With the change in personnel, this agency began a very involved audit, inventory of all evidence and property, re-organization, and remodel of the evidence property room.*

Finding 9. Arroyo Grande Police Department and the Grover Beach Police Department do not have ventilated property/evidence rooms for storage of drugs/narcotics.

- **Respondent disagrees with this finding.** *This agency does have a ventilation system. At the time of the Grand Jury audit, the system was not working; however, it has since been repaired.*

Response to Recommendations

Recommendation 1. All law enforcement agencies in the County should adhere to their respective policies relating to property/evidence room inspections.

- **Respondent agrees with this statement.** *This agency agrees that adherence to our policies pertaining to evidence room inspections is important. This agency is now in full compliance.*

Recommendation 2. The Arroyo Grande and Grover Beach Police Departments should ventilate their evidence rooms containing drugs/narcotics.

- **Respondent agrees with this recommendation.** *This agency does have a ventilation system. The ventilation system of the property room has been repaired and is operational.*

Recommendation 9. All personnel assigned to property/evidence rooms in the county should continue their training and/or update their knowledge through professional organizations. It is also highly recommended that they join the county chapter of CAPE.

- **Respondent agrees with this recommendation.** *This agency's staff members who are assigned to the property/evidence room have attended 24 hours in the POST Property and Evidence Room Management Class, 40 hours in the Crime Scene Investigation Class and 40 hours at the International Association for Property and Evidence conference. They are members of the local county chapter of the California Association of Property and Evidence. Additionally, the assigned supervisor also has attended the POST Property and Evidence Room Management Class.*

Recommendation 11. The following police departments shall submit evidence of a full property/evidence room audit to the Grand Jury: Arroyo Grande, Grover Beach, Morro Bay, Paso Robles, San Luis Obispo, and the Sheriff's Department.

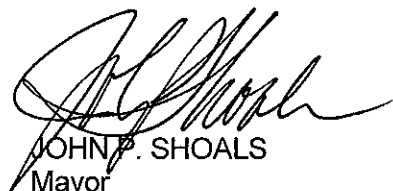
- **Respondent agrees with this recommendation.** *This agency completed a full audit and report in April 2012, which will be included with this response.*

Recommendation 12. The Grand Jury recommends that the police chiefs and County Sheriff explore the feasibility of a county-wide property/evidence room consolidation, possibly under a joint powers agreement.

- **Respondent disagrees with this recommendation.** *On June 13, 2012 the Sheriff discussed the idea of consolidation with the County Chiefs at the Criminal Justice Administrators Association meeting. As a result of that meeting, the Sheriff contacted the San Mateo Sheriff's Office. San Mateo Sheriff's Office was mentioned in the Grand Jury report as a County that was pursuing consolidation. It was determined that San Mateo County is only attempting to consolidate their property rooms with cities they contract with and they have no plans to consolidate with other agencies. On the surface this appears to be a logical plan; however, upon discussion with Police Chiefs in San Luis Obispo County, this idea would result in significant costs and logistical operational difficulties for the Cities and the County. The Police Chiefs and Sheriff will continue to look for opportunities to collaborate on evidence disposal and evaluate the possibility for the consolidation of long-term storage of refrigerated items of evidence.*

Please feel free to contact me should you have any questions or concerns regarding the responses contained herein.


Respectfully submitted,


JOHN P. SHOALS
Mayor
City of Grover Beach

Enclosure: Full audit and report (April 2012)

c: San Luis Obispo County Grand Jury
via first-class mail: Post Office Box 4910, San Luis Obispo, CA 93402
via email: GrandJury@co.slo.ca.us

Grover Beach Police Department
MEMORANDUM

Date: **04/12/2012**
To: **Chief Copsey**
From: **Lt. John Peters** 
Subject: **Property Room Audit**

BACKGROUND

On December 30, 2009, Records Supervisor Sandy Varley retired from the Grover Beach Police Department after over 20 years of running the property room. With the retirement of Ms. Varley's her duties were assigned to Records Technician Sybyl Hollis. In January 2010, Chief Copsey ordered an audit of the Grover Beach Police Department's Property Room. The audit was to include a complete inventory of the property and evidence under the department's control as well as a tracking of the current items taken into the property room and those items purged from the property room. The audit was to include records from 2009 to the present date.

In January 2007, the Grover Beach Police Department starting using the Executive Information Services, Inc PSNet Records Management System which also provided the recording of property and evidence. The system, though an improvement over the old card file system that was in place, was not an ideal system for this application. The main problem with the PSNet system is the ability to query for information in multiple report categories and receive different results every time. The queried information is not consistent, and at times inaccurate. Although the system had correct information the system provided reports to Property Room Supervisor that led her to believe the Property Room was in good shape.

As the Property Room Audit began it became evident that it was not going to be an easy task. It was realized that the expected short conclusion time to complete the audit was not going to be possible. It was discovered that a complete inventory of the property room and system procedures was needed.

DISCUSSION

During the audit we found items of property and evidence within the room that did not have labels or property cards attached to them. There were occasions when firearms, narcotics and currency were found unaccounted for within the property room. We also uncovered items that were previously logged as destroyed that were not actually destroyed yet and instead were still in the property room. Additionally, there were several items of property that should have been returned to the rightful owners, but were still sitting in the property room. When we queried the firearms in our property room we found none were entered into the CLETS system as required by law.

When these problems became evident shortly after January 2010, we took a proactive role on preparing Technician Hollis to take over these additional duties. Technician Hollis attended several training classes and corresponded with multiple property technicians' through-out the State to gain knowledge on how to properly operate a police department property room.

Technician Hollis was able to create a new categorizing procedure within the property room that was consistent with State of California standards and modeled after other agencies that had experienced similar problems.

This new procedures make it easier to track, store and recover items of property once they enter the property room. It also alerts the property technician when items are ready for release to the proper owner or when they can be destroyed. Another improvement was enrolling our department in the PropertyRoom.com website which allows our department to auction off items from the property room once they have met all legal standards. This creates a source of revenue that can be applied to the City's General Fund.

IMPROVEMENTS IMPLEMENTED

In July 2010, I met with Property Technician Hollis and we identified specific areas of improvement that could be made to our property room and how we process property in the field. These improvement areas included developing new property receipt forms for officers to issue in the field to people they take property from. The forms contain all the legal notifications that have to be made by the department when such property is taken into our custody. This immediate notification reduces the time that staff has to spend sending out notices after the property is booked into the property room. It also allows the department to start processing the property sooner for disposal thereby removing it from our control. In short, this process allows us to keep the property room inventory at a manageable level.

An additional improvement made included procedures for no longer accepting hypodermic needles into the Property Room; unless they are evidence, were used as a weapon, or need to be retained as evidence. Hypodermic needles are now collected and photographed by the officers then destroyed by taking them to a local pharmacy. This process was agreed upon with the San Luis Obispo County District Attorney's Office. We were able to obtain 100 free sharps containers from the County of San Luis Obispo which were then distributed to each patrol vehicle for the officers to safely store hypodermic needles. The containers can store about 25 needles and once they are full they are dropped off at a local pharmacy for free destruction.

In reference to our biohazard waste we were able to establish an agreement with the Arroyo Grande Medical Center for free disposal of the biohazard items. We will begin monthly transports of biohazard materials to Arroyo Grande Medical Center where they will be turned over to be destroyed by Sterile-Kleen. This process saves the city an estimated \$300 per month.

We were able to standardize our packaging materials and purchased appropriate storage boxes for firearms. The storage boxes allow the firearms a safe handling packing that presents well in court, but is also very functional when storing the firearms in the property room. In addition to the firearms boxes, we stocked the laboratory with proper packing materials such as currency envelopes, multiple size bags, red tamper proof evidence tape, biohazard bags and drug testing kits. The laboratory was also equipped with a laptop computer and property label printer. This technology allows the laboratory to be utilized as the sole property and evidence packaging location for the department.

Recently we were able to establish a finance account with the Grover Beach Administrative Services Department that will allow the property technician to deposit US Currency into specified accounts and not store the money in the property room. This will reduce the likelihood of money becoming lost within the room and will reduce liability to the department and city for funds that

must be returned to the rightful owner.

We have also implemented a new firearms processing procedure that requires the officers to register the firearm they seize with the dispatch center. The dispatch center then enters the firearm into the CLETS database and the firearm is on record with the Department of Justice as required by law. The firearms are then packaged accordingly and the property technician double checks their entry into the CLETS system for compliance.

RECOMMENDATIONS

As a result of the property room audit we discovered several areas of improvement that should be made to increase the efficiency of the property room and to further bring it into compliance with additional state standards. These recommendations are as follows;

New Property Room Procedures

New procedures need to be developed that will make it easier to track, store and recover items of property once they enter the property room. Procedures need to be in place that will alert the property technician when items are ready for release to the proper owner or when they can be destroyed. These procedures have been implemented.

Relocation of Property Room

Although the current property room is capable of storing all the Department's evidence and property, space should be considered in the future. I recommend we explore relocating the property room across the hall into the current detective area. The detective area would then move across the hall into the current file storage room that also acts as an overflow for the property room. The new location for the property room would allow for increased space needs. In order to move the property room, we will need proper storage containers and shelves installed as well as a new ventilation system. The two existing locked storage rooms in the new property room could adequately provide secure storage locations for both narcotics and firearms. The estimated cost is \$25,000.

Security of Property Room

Although the property and evidence room is adequately secured with locked doors and an electronic key that only the Property Technician has access to, there are improvements that should be considered. Currently the property room does not have an alarm system that monitors the entry door. This item was specifically inquired about during our recent San Luis Obispo County Grand Jury inspection of the property room. An alarm and CCTV video monitoring of the hallway/doorway should be installed. I also recommend that we consider alarming the immediate access to the outside basement entry door adjacent to the property room. The entry door to the property room can be accessed with an electronic FOB or key. Currently the only active FOB is Technician Hollis' and there are only two keys to the room. One set is kept with Technician Hollis while the other set is secured in the Administration Lieutenant's office for emergency entries. An updated protocol should be established for emergency or after hour entry into the property room. The estimated cost for alarm updates is \$750-\$1,000.

Adding Personnel

In light of what we found in the property room it became evident that a part-time (currently 8-12 hours per week) position is not sufficient for proper operations of our department's property system. After a careful review of the procedures, the amount of evidence and property requests made by prosecutors, Defense Attorney motions, and community members, coupled with the

digital evidence maintenance, it is suggested that a three-quarter time position (minimum of 24 hours per week) be allocated to the property room for proper operations.

Firearm Storage :

Although the firearms that are being stored in the property room are secure, I recommend they be stored and secured in a secure locked area within the property room. We have \$2,000 funding for this project and are in the process of identifying the proper storage container to purchase.

Air Ventilation

The property room has a ventilation system in place although it is not working. A ventilation system is required by state guidelines and OSHA standards. It is recommended we work with Public Works department to get the system functioning properly.

Narcotic Storage

Although the narcotics that are being stored in the property room are secure, I recommend they be stored and secured in a secure locked area within the property room. The property room does not have a secure internal narcotic storage as recommended by state guidelines. The narcotics are stored in file cabinets within the rear room of the property room. These cabinets do not provide secure storage as they do not lock. It is recommended that a safe or similar secure storage cabinet be acquired to secure the narcotics. The estimated cost is \$800.

Work Desk/Area

The property room is a small space that does not provide for proper work space or desk space for the property technician. A larger space is recommended to re-package items, process property inventories, and store paper files necessary for court and destruction processing. Additionally, a shredder capable of shredding papers, compact disks and credit cards is recommended for proper and secure destruction of such items. The additional room would be accomplished in the proposed new property room area. The costs for furniture and a shredder can be estimated at \$4,000.

Cold Storage

The cold storage capabilities of the property room are one large refrigerator. This refrigerator is holding sexual assault cases and biological evidence from homicide cases. The refrigerator holds cases that cannot be destroyed anytime soon. It is recommended to acquire additional cold storage; however the property room does not have the space to handle the additional equipment unless the room is expanded.

Flammable/Hazardous Materials Storage

Currently we do not have a flammable or hazardous materials storage area. Since we do not have this storage capability, we do not accept these items into the property room. The recommendation is to store those items in approved materials containers outside of the building. It would be ideal to purchase a container to store these items and put the container in the rear parking lot of the police department. This type of storage has an estimated cost of \$1,000.

Storage Shelves

There is industrial style shelving in the rear portion of the room and old wood shelves in the front of the room. The industrial shelving is working in its current configuration, but the wood shelving is not. I recommend we replace the wood shelving with adequate shelving that better suits our needs. The estimated cost for this improvement is \$4,500.

FISCAL IMPACT

Fiscally, there are two options to prepare for regarding the property room. The first option, which is the one I recommend, has an estimated cost of \$25,000. This option would be relocating the property room across the hall into the current detective area. This space already has two locking rooms that can be used to store firearms and narcotics. It also has an office space sufficient for the property technician to prepare all documents and re-packaging of materials as necessary. This space has a large open area that would provide sufficient space to install rolling shelves which utilize the space appropriately. The ventilation system could easily be installed near the outside retaining wall and the secured storage area that would be used for the narcotics storage. The final addition to this space would be a new set of temporary lockers located in the downstairs hallway that would deposit directly into the property room for more secure storage.

The second option is not the most advantageous option. This option would cost about \$16,050 - \$21,300. This option would include all the recommendations outlined above, but may not allow for proper completion of all of them. Completing this option would be limited to the size and layout of the current property room. The current layout will prevent an additional refrigerator unit, a proper work space area and no room for improved roller storage units.

CONCLUSION

During this audit, we determined the property room was not missing any items or evidence from our custody and control. The property for all cases on file was accounted for and the only problem we found was that we had more property than we showed in our records. This was attributed to the inadequate record keeping of the property through the audit process. All of the additional property was matched up with older case numbers and the property was properly disposed of or returned to the rightful owners. The audit results and inventory are on the last page.

Although the property room audit took a long time and had to scale several hurdles in its completion, Technician Hollis completed this audit professionally and with tenacity in order to bring the property room into better compliance than when she received it. It goes without saying the task was immense. As a result of her hard work, I can say the property room is operating within Department and State guidelines. The liability to the Department and the City has been greatly reduced, but still more work is recommended.

AUDIT RESULTS

Audit Results:

Total Cases Reviewed: 1,159
Total Items Reviewed: 7,368
Total Items Disposed of: 3,761
 Guns: 26
 Drugs: 432 cases

Current Property Inventory:

Total Items in Property: 4,716
Total Homicide Cases: 4
Total Firearms in Property: 104

BREAKDOWN OF YEARS 2009 thru 2011

	2009	2010	2011
Items Received	1579	1957	1450
Items Disposed of	816	494	983
Guns Received	44	12	16
Guns Disposed of	18	3	5
Drugs Received	214	301	271
Drugs Disposed of	87	41	134
Sexual Assault Kits Received	5	6	6
Sexual Assault Kits Destroyed	0*	0*	0*

* Due to time restraints and legal requirements involving the testing of SART's these items have not been destroyed.