

# **San Benito County Sheriff's Office: Property Room Inspection**

**Conducted by  
Law and Justice Committee**

**Issued July 31, 2008**



**County of San Benito  
Civil Grand Jury  
2007-2008**



# SAN BENITO COUNTY SHERIFF'S OFFICE: PROPERTY ROOM INSPECTION

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## SUMMARY

Proper and secure preservation of physical evidence is important for the successful solving and prosecution of criminal cases. The San Benito County Sheriff's Office maintains a Property Room in which all physical evidence collected at a crime scene is kept for safeguarding. The Property Room also handles any abandoned or found property brought in by the Deputy Sheriffs.

## PURPOSE OF INQUIRY

The 2007-08 San Benito County Grand Jury examined the Sheriff's Office Property Room to determine whether the agency is properly processing, maintaining, and disposing of physical evidence and other property. The last inspection of the Property Room was completed by the 2003-2004 Grand Jury.

## METHODOLOGY

Grand Jury members of the Law and Justice Committee conducted an inspection of the Property Room and interviewed staff members of the Sheriff's Office. The Sheriff's Office Web site at <http://www.sbcsheriff.org> was also visited.

## DISCUSSION

The Property Room is located in the Sheriff's administrative building at 451 Fourth Street. This building was originally the County Jail. It became the Sheriff's administrative building when the current jail was constructed in 1992. The Sheriff's Office has plans to build a new administration building next to the San Benito County Jail on Flynn Road. It is not known when construction will begin.

The Property Room is located in one part of the building. It is not a contiguous room. Because of the layout of the building, several rooms are used for the processing and storage of most evidence and found property. The rooms are adjacent to each other and locked when not in use by staff. Each room has its own lock and key.

The firearm evidence is stored in a locked room in another part of the building. Evidence for old homicide cases has been moved offsite to a storage facility in the Bay Area, which is specifically devoted to storing evidence for law enforcement agencies.

### **Staffing**

A non-sworn officer with the title of Multi-Service Officer (MSO) is responsible for the daily management of the Property Room. This officer's duties include the processing,

maintenance, and disposal of evidence and property that is brought in each day. This officer must ensure all procedures comply with state laws and regulations as well as with the policies and procedures of the Sheriff's Office.

In addition to overseeing the Property Room, the MSO has other major responsibilities, including:

- handling vehicle maintenance
- overseeing the maintenance of computers and communications equipment
- maintaining the inventory of equipment for Deputy Sheriffs

The MSO works Monday through Thursday. This officer often works overtime to complete tasks in the Property Room.

Sheriff's staff remarked that this position is a two-person job.

### **Processing and Maintenance of Evidence and Found Property**

Deputy Sheriffs package, seal, and label all items of evidence before putting them into evidence lockers where they are temporarily kept until the MSO can process them. Once these lockers are closed, officers cannot access the evidence in them. The MSO removes all evidentiary items from these secure lockers, processes them, and finds a storage location for them.

Although homicide evidence is retained indefinitely, the Sheriff's Department keeps other evidence for a certain number of years after a case is closed. For example, evidence items for domestic violence cases are kept for at least 10 years. Staff returns all personal items to their owners when identification is available.

With found property, staff keeps items for 30 to 60 days, and disposes of them if unclaimed. The Sheriff's Office channels unclaimed property through PropertyRoom.com, (<http://www.propertyroom.com>), an online auction site specifically utilized by law enforcement agencies. All contraband, drugs, and guns are properly disposed of, according to law.

At the time of the inspection, the MSO was in the midst of a major purging of evidence for cases that have already been adjudicated. This officer had been recently hired. It was unclear when the last major purging had occurred. The Property Room had evidence for cases from the 1970s.

During the tour of the various storage areas, jurors observed and/or learned of the following:

- Jail inmates, under the supervision of the Sheriff's staff, perform custodial maintenance of the evidence processing area that officers use.
- The main area where the MSO processes evidence is poorly lit and poorly ventilated. This can be a health hazard, particularly when the MSO handles odorous or flammable substances such as drug evidence.
- Firearms that have been classified as "found property" are lying out in the open on the floor in the storage room where large found property items are kept.
- The door to the storage room for large found property items does not appear secure (see Figure 1). The top part of the door is constructed of wooden slats. This space is covered with wire. A bulletin board partly covers the wire barrier. During the tour, a Grand Jury member was able to slip her hand completely through part of the wire barrier.
- Drug evidence is kept out in the open among other types of evidence in the storage area for current cases, rather than being stored in a locked storage cabinet.

## FINDINGS

- F1.** Evidence and found property are stored in several rooms. The rooms are not all connected to each other. Each of these rooms has its own lock and key.
- F2.** Some evidence is stored off-site in a storage facility located in the Bay Area.
- F3.** The Property Room is run by only one staff member. This staff must also handle several other major responsibilities for the Sheriff's Office.
- F4.** Inmates, under supervision of the Sheriff's staff, perform custodial maintenance of the evidence processing area that officers use.
- F5.** Firearms, which have been classified as found property, lay open on the floor.
- F6.** The door to the storage room for large found property items does not look secure (see Figure 1).
- F7.** Drug evidence is boxed and grouped together, but kept out in the open among other evidence within a locked room.
- F8.** The room and storage area where the MSO processes evidence and stores evidence for current cases are poorly ventilated and poorly lit.
- F9.** The Sheriff's Office has plans to construct a new administration building in the near future.

## COMMENTS

The MSO is new to the position, having been on the job for a few months. Grand Jurors were impressed with the officer's enthusiasm, energy, and dedication for taking on the monumental tasks of organizing the property room and purging many years' worth of evidence from it. Those interviewed noted this is a two-person job.

## RECOMMENDATIONS

- R1.** Consider design aspects for the Property Room in the new Sheriff's Administrative Building that would allow for all evidence and found property to be organized in a single, central area rather than various spaces separated from each other (based on Findings F1, F2, and F9).
- R2.** Hire another staff person to assist the MSO with duties in the Property Room and/or other responsibilities (based on Finding F3).
- R3.** To ensure the integrity, security, and safety of evidence, inmates should not be involved with custodial maintenance in the area in which evidence is processed by Deputy Sheriffs (based on Finding F4).
- R4.** All firearms (evidence and found property) should be stored in a locked storage space (based on Finding F5).
- R5.** Install a solid door to the storage room where large found property items are stored (based on Finding F6).
- R6.** Store drug evidence in a more secure and safe area (based on Finding F7).
- R7.** Provide proper lighting and air ventilation for staff members in the Property Room (based on Finding F8).

## RESPONSE REQUIRED

To comply with the Penal Code, including sections 933 and 933.03 (see page viii of this document), the following affected agency (or agencies) shall respond to all relevant findings and recommendations, especially, without limitations, to the findings and/or recommendations specified below.

- San Benito County Board of Supervisors shall respond to the recommendations R1 through R7.
- The San Benito Sheriff's Office is requested to respond to recommendations R1 through R7.

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**Figure 1 Storage Room Door**

This is the door to the storage room where large found property items are kept.  
Note: This is the room where Grand Jury members noticed firearms (found property) were laying on the ground.

Source: Photo taken by Grand Jury Member, April 2008.

