

KERN COUNTY SHERIFF'S OFFICE PROPERTY & EVIDENCE FACILITY

Due for an Upgrade

SUMMARY:

On February 2, 2021, the 2020-2021 Kern County Grand Jury (Grand Jury) visited the Kern County Sheriff's Property and Evidence Facility (Property Room). The investigation identified fire suppression concerns including: no fire inspection report, poor ventilation in the narcotics storage areas, lack of adequate security cameras throughout the facility, and an aging building that is near capacity that lacks stand-by power, has minimal air conditioning and an outdated elevator.

PURPOSE OF INQUIRY:

The Grand Jury visited the Kern County Sheriff's Property and Evidence Facility to inquire into the operation, condition and management of the facility pursuant to Cal. Penal Code § 925(a). Prior Grand Jury reports of 2009-2010, 2011-2012 and 2012-2013, on the Property Room identified areas for improvement.

METHODOLOGY:

The Grand Jury reviewed prior Grand Jury reports identifying areas for improvement in the Property Room located at 1501 L Street, Bakersfield, CA 93301, behind the Central Receiving Facility. The building was constructed in 1936, remodeled in 2002, and is maintained by Kern County General Services (General Services).

- A. The tour included the elevator, refrigeration storage room, narcotics storage room, gun room, homicide evidence room, evidence receiving, and the general evidence areas.
- B. Policies and Procedures for the Property and Evidence Room were reviewed.
- C. Contact was made with the City of Bakersfield Fire Department, Kern County Fire Marshall, California State Fire Marshall, and General Services to locate the last building fire inspection report.

DISCUSSION OF FACTS:

The Property Room is responsible for receiving, securing, releasing, and storing a variety of evidence and property. In addition, safeguarding law enforcement evidence for the Kern County Sheriff's Office, District Attorney's Office, County Probation Department, Kern High School District Police Department, Bear Valley Police (for destruction of firearms only) and the Kern County Parks and Recreation Department related to various crimes. Many pieces of evidence are preserved and protected indefinitely in compliance with statutory mandates. Property Room

personnel are accountable for security and evidence retrieval ensuring proper chain-of-custody for potential court proceedings. Additionally, they are responsible for returning lost-and-found property surrendered to law enforcement agencies to the rightful owner.

- A. All evidence is bar coded upon arrival and audited annually. Property Room Sheriff's Aides conduct more frequent audits on weapons, cash, and narcotics. There are approximately 150,000 pieces of evidence in the facility; the oldest dates back to the 1930s.
- B. Many storage areas of the facility use security card access, however, coverage is not complete. Access to firearms, narcotics, and money require two authorized personnel at all times. The sergeant assigned to the facility audits the access records.
- C. The first and second floors are not covered by a fire suppression system.
 - The sprinkler system in the basement has visibly corroded pipes. It is unclear if the basement system is functioning.
 - Staff expressed concern that a water-based system would likely damage or destroy evidence stored in the basement.
 - The Sheriff's Office previously agreed to research the feasibility and cost of installing a fire suppression system in 2012. The Sheriff's FY 2020-2021 budget did not include funding for a fire suppression system.
 - Fire inspection reports are not available for the building. However, the 2019 California Fire Code requires every sprinkler system be maintained in an operable condition in accordance with Cal. Code Regs. Title 24, Part 9, §901.6 per their intended use.

901.6 Inspection, testing and maintenance.

Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed.

All fire alarm systems, fire detection systems, automatic sprinkler or extinguishing systems, communication systems, and all other equipment, material or systems required by these regulations shall be maintained in an operable condition at all times in accordance with this code and California Code of Regulations, Title 19, Division 1. Upon disruption or diminishment of the fire protective qualities of such equipment, material or systems, immediate action shall be instituted to effect a reestablishment of such equipment, material or systems to their original normal and operational condition.

<https://codes.iccsafe.org/content/CFC2019P1/chapter-9-fire-protection-and-life-safety-systems>

- In the event of a fire in the Property Room a sergeant, lieutenant or commander of the Property Room would have to access the facility before the fire department could enter without damaging the facility.
 - It might take 15 minutes or more for staff to arrive.
 - No emergency key system is currently available.
- E. In 2017, General Services performed a project-specific building inspection only for the rolling shelves in the basement.
- F. The evidence freezer contains biological evidence, e.g., swabs, blood, and spit samples.
- Refrigerated evidence destruction may occur in the event of a significant power loss.
 - The majority of this evidence relates to old cases from homicides, deaths, and sexual assaults.
 - In 2012, the Sheriff's Office agreed to contact General Services and a local contractor to determine the cost and feasibility of installing power connections for a generator for the evidence freezer. A backup generator is on the Sheriff's departments request for capital asset list and has been on this list since 12/15/2014.
 - The loss of evidence can influence the outcome(s) of affected cases.
- G. Evidence is rarely lost or misplaced, however:
- The Grand Jury learned of only one incident of evidence mishandling in 2020.
 - A pest infestation in the basement compromised marijuana evidence.
- H. The camera security system does not cover all areas of the facility. Additional cameras would add a higher level of security for evidence. A request has been submitted for an additional 72 waterproof, vandal proof cameras. The Sheriff's Office submitted the quote for budget consideration in the overall budget FY 2020-2021.
- I. There are approximately three years of storage space remaining in this building. The staff adds approximately 20,000 pieces of new evidence to the Property Room annually. Management expects increasing amounts of evidence collection.

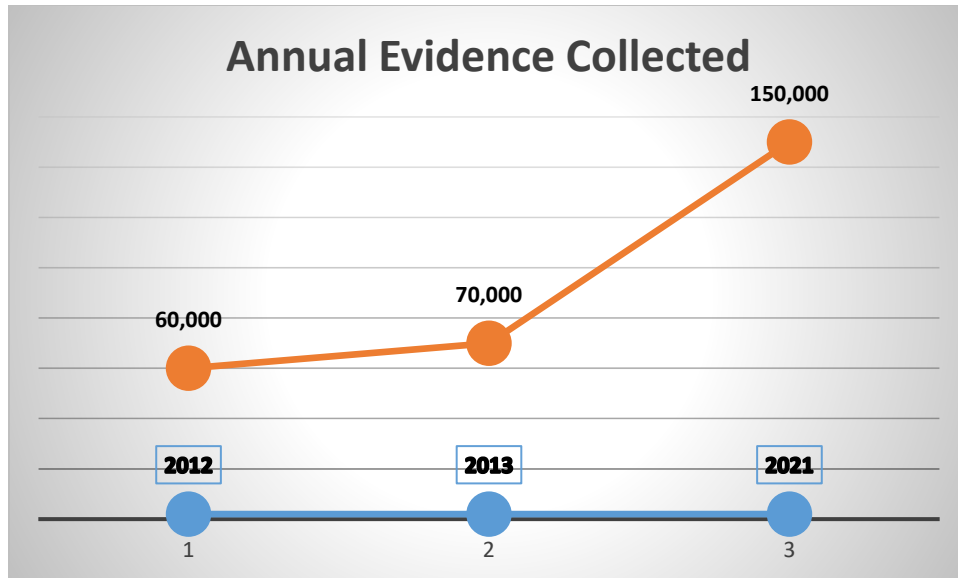


Chart created by the Grand Jury from prior Grand Jury reports and Property Room data

- The basement rack system for homicide evidence does have some remaining storage.
 - This rack system is in the basement due to its weight.
 - The column supports in the basement enhance the building structure.

- The sexual assault storage area is nearing capacity and is not adequately air conditioned.
 - Sexual assault evidence degrades over time.
 - Sexual assault evidence must be stored in excess of 20 years; however, the Property Room has never removed any from storage.

- The staff regularly destroys, returns or discards other evidence, as allowed by statute. The Sheriff’s Office is considering the transfer of some evidence to an offsite location.
 - This frees up storage space.
 - The FY 2020-2021 budget allows \$3,500 for miscellaneous property disposal.

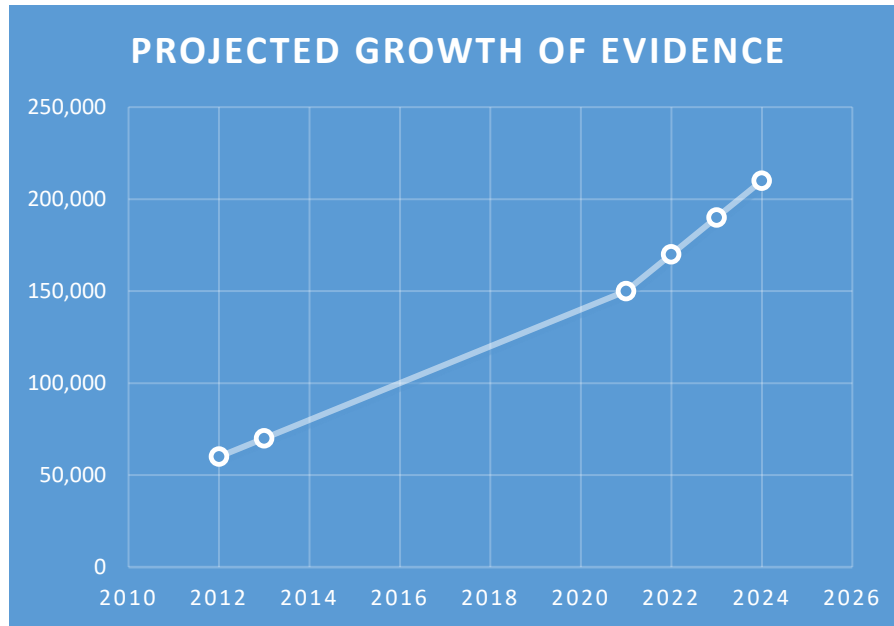


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J. Marijuana and narcotic storage:

- The vapors emanating from the spaces are pungent and profuse. Property Room staff must restrict their duration of exposure time due to the vapors in the affected areas.
- Vapors are present in the hall outside and adjacent to storage rooms. According to Cal. Reg. Code §66261.4, the air in a room housing narcotics must have an exchange rate of seven to ten times per hour.
- The Marijuana Concentrate, a.k.a. Honey Oil, is stored in 5-gallon pails labeled ***Flammable***.

K. The elevator traverses from the basement to the second floor. Its use is important for transporting heavy or large pieces of evidence. It has a history of erratic operation and expensive service and repair.

- The elevator has a water based hydraulic system, an old technology.
- Water based hydraulic systems are prone to pressure loss and increased maintenance costs.
- The elevator was serviced eight times in 20 months; three service calls were due to elevator malfunction.
- Routine elevator maintenance is \$98 per month. This does not include the cost of elevator repairs (that number was unavailable). These costs are borne by General Services.
- The replacement or upgrade of the elevator has been on the departments' capital asset request list since 10/7/2014.

L. The Property Room is currently at full staff, which includes:

- One Division Commander
- One Lieutenant
- One Sergeant
- Six Sheriff's Aides

FINDINGS:

- F1. The first and second floors lack a fire suppression system. The basement system is outdated and appears inoperable.
- F2. Annual fire inspections of the building are not done. The sensitivity of the evidence stored in the property building should dictate these inspections.
- F3. Quick access by the Fire Department in the event of a fire needs improvement.
- F4. There is a need for installation of electrical connections for an emergency power generator and the acquisition of a unit for the Property Room capable of providing power to the entire building.
- F5. Securing and retaining evidence is the primary focus of the Property Room and is of vital interest to Kern County's justice system.
- F6. The Sheriff's Office needs additional security cameras covering all areas.
- F7. The facility needs additional space to accommodate the increasing evidence. The Property Room has never removed any sexual assault evidence from storage. The current location may be full in three years.
- F8. This building has inadequate ventilation and air conditioning, offering a sub-par work environment. The fans in the narcotic storage do not adequately remove the vapors adversely affecting staff that may lead to Workers' Compensation claims resulting in additional cost to the County.
- F9. The Marijuana Concentrate pails should be isolated in a flammable storage cabinet.
- F10. The elevator offers poor service reliability leading to repeated repairs. Elevator repairs are costly and time consuming. The Grand Jury found that employees are concerned about being trapped in the elevator. The anxiety caused by service disruption is stressful. Higher insurance or Workers' Compensation claims might occur after employees carry heavier items to storage locations when the elevator malfunctions.
- F11. Property Room staffing currently appears adequate. It is likely additional staff will be needed to handle the projected workload as evidence volume increases.

- F12. The current Property Room rack system offers some improvement in evidence storage and retrieval. The manual labeling and shelf system are outdated.
- F13. Modernization, technology and/or robotics could improve evidence storage and retrieval of anticipated increased evidence.

COMMENTS:

This Grand Jury would like to thank the commander, lieutenant, sergeant, and staff for the professional tour and information provided supporting our investigation. The Property Room is clean, organized and efforts to optimize the space is obvious. The Grand Jury recognized the staff is doing their best to maintain irreplaceable evidence but only so much can be done in a building that is past its usefulness.

RECOMMENDATIONS:

- R1. Install a fire suppression system on all floors. Apply for funding in next year's capital expenditure budget. (Finding 1)
- R2. Request an annual fire inspection by the appropriate agency. General Services should schedule periodic inspections of the fire suppression system. (Finding 2)
- R3. Develop an emergency key system. Apply for funding in next year's capital expenditure budget. (Finding 3)
- R4. The Sheriff's Office should develop a policy allowing after-hours access to the Property Room in the event of a fire. The Central Receiving Facility on-duty shift supervisor should issue the key(s). The key(s) should be designated as emergency access response only and on a restricted basis. (Finding 3)
- R5. Install an emergency power generator system and its connections. Apply for funding in next year's capital expenditure budget. (Finding 4)
- R6. Identify and acquire a larger facility to accommodate all current and anticipated evidence for the next five years with the option for future expansion. Accelerate the process of the return or destruction of evidence to free up space. Apply for funding in next year's capital expenditure budget. (Finding 7)
- R7. Install an enhanced ventilation system in the marijuana and narcotics storage areas. Apply for funding in next year's capital expenditure budget. (Finding 8)
- R8. Acquire a flammable storage cabinet to contain all flammable items. (Finding 9)
- R9. Due to the elevator requiring significant repair or replacement, consider relocating to a new building. (Finding 10)

- R10. Estimate the increase workload and personnel needed for annual increases in evidence storage. (Finding 11)
- R11. Seek funding to relocate the Property Room to a larger, more modern building that addresses all of our concerns. In addition, consider the possibility of working with General Services and the Sheriff's Office to repurpose the current building. (Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13)

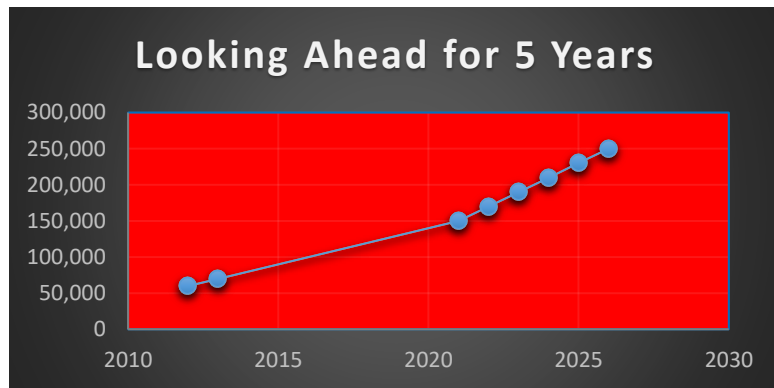


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- R12. Investigate the application of robotics, technology, or automated rack systems to expedite the labeling, storage, handling, and retrieval of evidence. Investigate Infrastructure Grants or grants for technology that might be available to accomplish this improvement. (Findings 12 and 13)

NOTES:

- The Kern County Sheriff's Office should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury.
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury.

REQUIRED RESPONSES WITHIN 60 DAYS TO:

- **PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301**

- **FOREPERSON**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX: Reference Website links:

<https://kernsheriff.org/>

https://www.kernsheriff.org/Property_Evidence

<https://www.kerncountyfire.org/en/>

<https://www.bakersfieldcity.us/233/Fire>

<https://osfm.fire.ca.gov/>

<https://www.kerncounty.com/government/county-administrative-office/general-services>

<https://www.justice.gov/grants>

<https://govt.westlaw.com/calregs/Document/IA1C01820D4BA11DE8879F88E8B0DAAAE?contextData=%28sc.Default%29&transitionType=Default>

<https://www.justthinktwice.gov/facts-about-marijuana-concentrates>

https://post.ca.gov/Portals/0/post_docs/publications/Evidence_and_Property_Management.pdf

<https://leginfo.legislature.ca.gov/faces/home.xhtml>

<https://leginfo.legislature.ca.gov/faces/home.xhtml>

<https://www.osha.gov/laws-regs/standardinterpretations/2010-07-14>

<https://www.fireandburn.org/prevention/honey-oil-danger>

<https://codes.iccsafe.org/content/CFC2019P1/chapter-9-fire-protection-and-life-safety-systems>

<https://www.kerncountyfire.org/en/fire-prevention/inspections.html>

<https://www.globalindustrial.com/c/storage/flammable-osh-cabinets/flammable>