



Commitment to  
Community

## NAPA COUNTY OFFICE OF SHERIFF-CORONER

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# FILED

JOHN R. ROBERTSON  
Sheriff - Coroner

FEB - 7 2014

Clerk of the Napa Superior Court

By: C. Brennan  
Deputy

Mr. Alan Galbraith, Foreperson

February 4, 2014

Re: Response to *Review of Responses to the 2012-2013  
Grand Jury Reports*

This document was prepared in response to your Napa County Grand Jury 2013-2014 Final Report, Dated January 17, 2014 – Review of Responses to the 2012-13 Grand Jury Reports. This document will address the issues and concerns of the Grand Jury as it relates to the Napa County Sheriff's Office.

**R1:** I agree with this recommendation. The Coroners Division will develop a process to enter older cases into the database and eliminate the step of typing an index card. The index card system has been maintained strictly as a backup should the computerized database fail. All data has been entered in the database for the past several years. The index card system has been discontinued as of January 1, 2014.

**R2:** I agree with this finding. The NSO will begin the process immediately with the Napa County Executive Office to secure an agreement with the third party credit/debit service to allow the NSO to accept credit/debit cards for payment of fees and services. The Napa Sheriff's Office has implemented a credit/debit system of accepting payments of Fees and Services that passes related costs to the customer. Heartland Payment Systems, a current Napa County vendor, installed the system on October 3rd, 2013. There is a credit/debit machine at the front counter for the Coroner/Civil Process Division on the first floor and the Records Division on the second floor.

**R3:** I agree with this finding. We recognize that the CD storage system is not ideal, but it does provide a secure and stable storage system for photograph files for the time being. We are currently researching various systems and vendors providing digital evidence storage, and are already using server based storage for some video evidence. This is a growing field with technology improving and changing on almost a daily basis. We are striving to find a long term, sustainable and secure system with backups that will provide a method of storing this type of evidence in a manner compliant with the evidence code. The Napa Sheriff's Office implemented a system to store, index, manage, and retrieve crime scene photographs on a secure server on January 1, 2014.

**R4:** I agree with this finding. It has always been the policy of the Department Crime Lab to use the most current and up to date procedures for the collection and preservation of DNA evidence. A formal Lab policy Manual is currently being prepared which will include recommended procedures by California DOJ and the Journal of Forensic Identification for handling DNA evidence. The procedures for DNA and evidence collection have been completed; however these types of procedures are regularly updated due to new standards of collection and preservation every year. We have attached a copy of those procedures. This was completed January 3, 2014. A copy of the procedure will be submitted with the supplemental response.

**R5:** I agree with this finding. The backlog of destruction orders waiting approval witnessed by the members of the Grand Jury during their investigation has been cleared and the items are being processed out of the Property/Evidence room at this time. Working with the District Attorney's Office, we have gone to a more streamlined process of smaller orders over time instead of large orders a few times a year. The current turnaround time for an order is 2-3 weeks. The District Attorney's Office is working on a process that should dramatically reduce the need for processing these orders through their office. The NSO will continue to work with the District Attorney's Office to develop a procedure by December 31, 2014.

The District Attorney's Office created a form for all Law Enforcement agencies to request destruction. Once the form is submitted to the DA the Chief Deputy District Attorney will review, and if appropriate, sign the form and request a court order to proceed with destruction. The order and process will be integrated into CJNET, the county's case management system that is accessible to both the NSO and the DA. The Napa Sheriff's Office and the District Attorney implemented the procedure, prior to December 31, 2013. A copy of the form will be submitted with the supplemental response.

The integration into CJNET will take a significant amount of time to complete as it involves the prioritization of other major county projects that are currently being worked on by the ITS Department. The ITS department will not be able to start this endeavor until those major projects are completed. Because of this a time element is not available for this part of the process, but we can say that it will be at least a year.

**R6:** I disagree with this finding. We are currently developing procedures which will help with time management of the property room. We have also determined some procedures are redundant and those procedures have been eliminated. The procedure was completed on January 30, 2014. A copy of the procedure will be submitted with the supplemental response.

Respectfully,

  
John R. Robertson  
Napa County Sheriff-Coroner

(Attachments)

cc: County of Napa, County Counsel



## NAPA COUNTY OFFICE OF SHERIFF-CORONER

### EVIDENCE LABORATORY PROCEDURE

### COLLECTION AND PRESERVATION OF BIOLOGICAL EVIDENCE:

#### Overview:

This procedure contains information on the detection, collection, and preservation of biological evidence.

Biological evidence is often in the form of liquid or dried samples. Physiological fluid evidence typically originates from blood, semen, vaginal secretions, saliva, perspiration, urine, and other secretions from the body. Other biological evidence may be in the form of hair, feces, bone, teeth, tissues, and at times located on other items such as fibers and fabric.

Biological evidence may lead to the identification of individuals involved in a crime, or assist in the elimination of individuals. It is important to consider this evidentiary value when detecting, collecting, and preserving biological evidence, and it is imperative that this evidence be collected and preserved for DNA analysis.

Proper detection of this type of evidence includes the collector possessing the knowledge of current techniques and equipment that is generally accepted in the forensic community. Detection techniques include visible searching, the use of forensic light sources such as an alternate light source, and general swabbing using appropriate presumptive tests.

Proper collection of this type of evidence includes the collector possessing the knowledge of current techniques and equipment that is generally accepted in the forensic community. Collection techniques include swabbing, scraping, cuttings, and the collection of the item itself.

Proper preservation of this type of evidence includes the collector possessing the knowledge of current techniques and equipment that is generally accepted in the forensic community. Proper preservation includes preventing contamination from extraneous sources such as crime scene personnel and other samples from the crime scene, prevention of degradation due to bacteria, humidity, high heat, and other environmental factors, proper handling, proper packaging and sealing, and

proper storage of the evidence, including maintaining the chain of custody of the item.

## **I. Protective Clothing:**

### **A. Gloves:**

Nitrile or latex gloves should be worn at all times while handling items of evidence as well as equipment used in the collection process. Gloves should be changed frequently and with the collection of each new item of evidence. Consideration should be given as to the retention of the gloves to be examined for transfer evidence.

### **B. Particle Mask:**

Particle masks should be worn during the handling and collection of the evidence. Without a particle mask in place, conversation should be kept to a minimum to prevent cross contamination.

### **C. Eye Protection:**

Safety goggles should be worn to protect the eyes.

### **D. Other Protective Clothing:**

Other protective clothing should be considered such as, lab coats, jumpsuits, disposable lab coats, disposable jumpsuits, disposable aprons, disposable sleeves, hair nets, and shoe covers. These items may be examined for transfer evidence prior to removal or disposal. Consideration should be given as to the retention of these items for the examination of transfer evidence.

## **II. Detection:**

### **A. Visual Examination:**

Examine the area or item visually to look for the presence of biological evidence. Adequate lighting is mandatory.

### **B. Lighting:**

A high intensity flashlight should be the first tool used to assist with the detection process. Consideration should be given to the use of other forensic light sources, such as an ALS (Alternate Light Source) with a spectrum of varying wave lengths, laser lighting, or other similar light sources.

\*Avoid the use of UV lighting, as certain wave lengths may be destructive to DNA.

### **C. Magnification:**

Examine the area or the item with a handheld eye magnifier to assist with the visualization process. Other magnification tools, such as a microscope, may be useful.

### **D. Enhancement Chemicals:**

Enhancement chemicals may assist with the detection of trace amounts of biological evidence. Enhancement chemicals include, but are not limited to, Luminol, Fluorescein, and Leucomalachite Green.

\*It is mandatory to have knowledge of, and consider the risk to the evidence itself, and to the health and safety of the collector, when using chemical reagents.

### **E. Presumptive Tests:**

Presumptive chemicals may assist with the evaluation of evidentiary potential. Consideration must be given to the use of presumptive tests when the evidence sample is limited. Presumptive chemicals include, but are not limited to, Hemastix Reagent Strips (blood detection), Phenolphthalein (a.k.a. Kastle-Meyer-blood detection), Ortho-Tolidine (blood detection), and Acid Phosphatase (semen screening).

\*It is mandatory to have knowledge of, and consider the risk to the evidence itself, and to the health and safety of the collector, when using chemical reagents.

## **III. Collection:**

**\* Prior to collection, the evidence must be documented in notes, with photography, and in a diagram.**

### **A. Collection Of The Item:**

When at the scene, consideration should be given that when feasible, the item containing the biological evidence should be collected for retrieval of the DNA in a laboratory environment.

## **B. Swabs:**

Cotton tipped sterile swabs should be used with distilled water or one-time use sterile water packets. Other commercial products may also be used. When distilled or other sterile water is not available, an outside water source, such as from a faucet or indoor plumbing may be used, however it is mandatory that separate water standards of this source be collected for submission with the evidence. Blank swabs, control swabs, and water standards must be collected.

## **C. Scrapings:**

Scrapings of the evidence should be considered. Equipment used to collect scrapings may include a scalpel, single-edged razor blades, utility knife, scissors, or other commercial products. Control samples should be collected. Swabs may be collected after scraping.

## **D. Cuttings:**

When the item itself cannot be collected, cuttings may be considered, such as with the collection of carpet sections, carpet fibers, fabric from upholstery, and sections of drywall. Equipment used to collect cuttings may include a scalpel, single-edged razor blades, utility knife, scissors, putty knife, and saws. Other commercial products may also be used. Control samples should be collected. Swabs and scrapings may be collected prior to cutting.

## **E. Collection Of Hairs And Fibers:**

Loose hairs and fibers should be collected. Follow procedures for the collection of trace evidence when collecting and packaging this type of evidence. Equipment used to collect loose trace evidence may include plastic or metal disposable tweezers and forceps, adhesive lifters, or trace evidence vacuums. Other commercial products may also be used.

## **IV. Preservation:**

**\* Prior to performing any examinations that may alter the evidence in any way, the evidence must be documented in notes, with photography, and in a diagram.**

**\* Future processing and examination must also be considered.**

#### **A. At The Scene:**

Scene security must be maintained at all times to ensure the integrity of the evidence. Involvement at the scene, and with the handling of the evidence, must be kept to a minimum, and only individuals necessary for the examination and collection should be involved. Follow departmental guidelines for the security of the scene, evidence, and the body as a crime scene.

#### **B. Packaging:**

Biological evidence must be packaged in porous paper. Packaging materials include paper bags, envelopes, bindles, sheets for wrapping, and cardboard containers. Consider a preventive packaging process of wrapping the evidence in a bindle or sheets of paper, to prevent the loss of trace evidence from the item, and to prevent the transfer of stains from one location on the item to another. Evidence items should be packaged separately, in clean, previously unused, packaging materials.

#### **C. Labeling:**

The packaging should be marked prior to placement of the evidence within. The packaging should be marked in permanent ink. Thoroughly complete the information template stamped on the outside of the evidence packaging. If the packaging does not have an information template stamped on it, use a department authorized evidence information template label, or hand write the information on the packaging.

Information contained in the evidence information template may include the agency name, the agency case number, additional cross-reference case numbers (if applicable), laboratory number (if applicable), item number, name of individual who collected the item, name of individual that transferred the item (if applicable), date the item was collected, time the item was collected, description of the item, the location where the item was collected from, and a chain of custody.

Consider warning labels, or hand written warnings on the outside of the packaging when health and safety issues such as biohazards, sharps, needles, and broken glass are contained within the package.

#### **D. Sealing:**

The evidence packaging must be sealed with a tamper resistant evidence tape, across the entire manufacture opening of the package. It may be necessary to seal across manufacture seals, and other manufacture

openings in the package as well. Other tapes such as packaging tape, and staples, may also be used, but the final seal, must be of tamper resistant evidence tape. After placement of the evidence tape seal, initials and the date of sealing should be placed on two edges of the tape (half on the packaging itself, and half on the tape).

#### **E. Chain Of Custody:**

A written chain of custody must be placed on the outside of each evidence package. If the chain of custody is not stamped on the information template, then an adhesive label containing a chain should be used. The chain may also be hand written on the packaging. The chain of custody chart must be thoroughly completed at all times, and there should be no voids in the chain. Information documented on the chain of custody should include the individual or location the item was received from, the individual or location the item was transferred to, the date of transfer, the time of transfer, and any other pertinent information about the possession of the item.

#### **F. Storage:**

Wet or damp biological evidence should be naturally air dried prior to final packaging and submission to a storage location. It may be necessary to transport the evidence in paper with an outer layer of plastic, to prevent stains from soaking through the paper packaging. However, the evidence must be removed from the plastic as soon as possible and all evidence, as well as the packaging, allowed to air dry. All packaging and paper placed beneath the evidence during the transfer and drying process, should be retained as evidence for future examination for trace evidence transfer. All original packaging that may have been replaced because of damage, must always be retained as evidence as well.

Air drying of the items is to take place in department drying rooms, the Evidence Laboratory (when drying rooms are not available), and in some situations, the department vehicle bay. Consider the placement of more than one item in a location for drying, when cross contamination may be an issue. Upon air drying and final packaging, the evidence will be stored in the Property Division, and retained as evidence. The evidence may be stored at room temperature, in a climate controlled indoor facility.

#### **V. References:**

The Napa County Sheriff's Office Evidence Laboratory strives to follow the procedures outlined by accredited crime laboratories in the state of California, as well as national standards, when relevant to state law and legislation. Procedures regarding forensic related topics are a constant work in progress.



The following references were used in the development of this procedure:

Guidelines outlined by the Commission on P.O.S.T.-Police Officer Standards and Training-California, (2014) "P.O.S.T. Basic Academy Learning Domain #30".

National Crime Scene Planning Panel (NCSPP), and also consisting of The Bureau of Justice Assistance-U.S. Department of Justice (BJA), The National Institute of Justice (NIJ), and The National Institute of Standards and Technology (NIST), (September, 2013) "Crime Scene Investigation-A Guide For Law Enforcement". Original guide developed and approved by the Technical Working Group on Crime Scene Investigation, January 2000. Updated guide developed and approved by the Review Committee, September 2012.



NAPA COUNTY DISTRICT ATTORNEY'S OFFICE  
CRIMINAL DIVISION

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GARY LIEBERSTEIN  
District Attorney

June 7, 2013

The Honorable Mark S. Boessenecker  
Supervising Judge  
Napa County Superior Court  
825 Brown Street  
Napa, CA 94559

SUBJECT: Response to the Grand Jury 2012-2013 Final Report on the Napa County Sheriff/Coroner

Dear Judge Boessenecker,

As Napa County District Attorney, I have reviewed the findings and recommendations contained in the 2012-2013 Final Report. The Grand Jury is to be commended for its work on behalf of the citizens of Napa County. This letter is intended to respond to Recommendation 5 on page 16 of the report as requested by the foreman of the Grand Jury.

**Recommendation No. 5:** That no later than December 31, 2013, the NSO and District Attorney's office develop a joint policy and procedure which effectively obtains and enforces proper court orders for appropriate destruction of evidence in NSO custody in cases either fully adjudicated, dismissed or beyond the statute of limitations.

RESPONSE: I agree to implement this recommendation this year. Our office has already created a form for all law enforcement agencies to request destruction. Once the form is received by our office, our Chief Deputy District Attorney reviews and, as appropriate, signs the form and requests a court order to proceed with evidence destruction. This order and process will be integrated into CJNET, the county's case management system accessible by both NSO and the District Attorney. We will develop a joint policy and procedure within this framework by December 31, 2013 as requested.

Thank you for assistance in working with the Grand Jury with the evaluation of designated Napa County departments. If you have any questions regarding my responses, or if I can provide any further information, please feel free to contact me at (707) 253-4292 or [gary.lieberstein@countyofnapa.org](mailto:gary.lieberstein@countyofnapa.org).

Respectfully,

A handwritten signature in black ink, appearing to read "Gary Lieberstein".

Gary Lieberstein  
Napa County District Attorney

R-5.1

**REQUEST FOR RELEASE/DESTRUCTION OF PROPERTY**

DATE: \_\_\_\_\_

AGENCY REQUESTING DESTRUCTION OF PROPERTY:

- Napa Police Dept: 257-9580
- Napa Sheriff's Office: 253-4318
- California Highway Patrol: 253-4906
- Napa Special Investigations Bureau (NSIB): 253-4458
- Calistoga Police Dept: (707)942-2810
- St. Helena Police Department: (707)967-2850
- American Canyon Police Dept: 253-4318

|                               |                 |
|-------------------------------|-----------------|
| People v. (defendant's name): |                 |
| Agency Case No:               | DA Case No:     |
| Crime(s) Charged With:        | Date of Arrest: |
| Description of Property:      |                 |
|                               |                 |
|                               |                 |
| Person Requesting Property:   |                 |
| Address:                      | Phone:          |
|                               |                 |

**DISTRICT ATTORNEY STATUS**

- RELEASE – CASE ADJUDICATED
- DO NOT RELEASE:
  - CASE STILL PENDING
  - CASE ON APPEAL
  - CONTRABAND – DESTROY
  - PER COURT ORDER
  - ASSET FORFEITURE SEIZURE
  - DESTROY PER PENAL CODE SECTION \_\_\_\_\_
- PROPERTY IS NO LONGER NEEDED FOR PROSECUTION PURPOSES.
- RETURN PROPERTY UNDER FOLLOWING CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_
- OTHER \_\_\_\_\_

Court No.: \_\_\_\_\_  
On Appeal:  Yes  No  
Co-Def:  Yes  No

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
(Attorney's Name)



# NAPA COUNTY OFFICE OF SHERIFF- CORONER

1535 AIRPORT BLVD • NAPA, CALIFORNIA 94558-6292  
707-253-4501

JOHN R. ROBERTSON  
Sheriff - Coroner

## Memorandum

**To: Sheriff's Office Personnel**

**From: Jean Donaldson, Undersheriff**

**Date: January 30, 2014**

**Subject: New Property/Evidence Procedure**

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### **Purpose of this procedure:**

There are currently two data bases used to track property and evidence that is taken into the custody of the Property/Evidence Bureau. This process is redundant and interferes with the efficiency of the Bureau. The purpose of this procedure is to improve eliminate redundancy and improve the efficiency of the Property/Evidence Bureau.

### **Procedures:**

New evidence and property delivered to the Property/Evidence room will no longer be entered into the "TRAQ" data base. We now will only be using the "Ileads" system to document and track property/evidence that is stored in the Property/Evidence room.

Additionally, the Evidence Technician assigned to the Crime Lab may be temporarily reassigned to the Property/Evidence room when one of the Evidence Technicians assigned to the Property/Evidence room is off on extended leave or vacation.

R.6