

RENO MUNICIPAL COURT
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Matthew Fisk, Court Administrator



FILED

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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

October 29, 2009

The Honorable James W. Hardesty
Chief Justice of the Nevada Supreme Court
201 South Carson Street
Carson City, Nevada 89701-4702

ADKT 410

Dear Chief Justice Hardesty

Thank you for the opportunity to offer feedback on the proposed evidence storage, retention and destruction protocol document. I agree with Judge Howard's comments regarding the Municipal Court's limited scope of evidence handling as compared to that of the District Courts. I also agree that while limited jurisdiction courts do not deal with as much evidence as the general jurisdiction courts, that when they do, they would greatly benefit from the protocols for storage, retention, labeling and destruction.

Upon reviewing the said document, I was very pleased to see the guidelines for biological evidence handling because of my concern about the need for universally accepted protocols for the handling of alcohol and drug testing physical samples and their associated records. Your Honor may recall our conversation regarding the handling of drug and alcohol testing evidence during your presentation at the recent NACCA Conference. Perhaps one of the most frequently dealt with, as well as one of the most sensitive types of evidence which is handled by limited jurisdiction courts, is drug and alcohol testing evidence. This includes the samples themselves (urine, saliva and hair samples), photocopies of presumptive alcohol and drug test results lab-confirmed test results and electronic records of the same.

Now that this document is to be adopted, my concern regarding physical, biological evidence handling has been pacified but I still have concerns regarding the associated paper and electronic records. The Reno Municipal Court treats such records as 42 CFR Part II and HIPPA-protected medical records and, at this point, has a few cursory policies and procedures in place to regulate the management of the physical sample themselves, as well as their associated paper and electronic records. I do believe however, that many other limited-jurisdiction courts would benefit from guidance regarding these sensitive issues. There is confusion as to what may be released to the public and what is considered confidential. Unfortunately, the record retention schedule

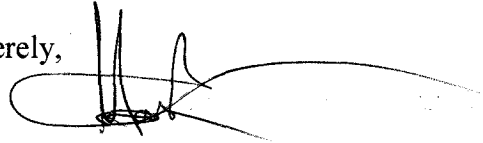
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does not address the issue of retention of such records nor what is public versus confidential. I believe that guidance in this area will become increasingly more important as more and more limited jurisdiction courts implement drug and alcohol testing programs.

I thank Your Honor for including the Reno Municipal Court in this important project and for accepting our feedback.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Fisk', with a long horizontal flourish extending to the right.

Matthew Fisk
Court Administrator

MSF/jb