



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

OFFICE OF THE SHERIFF

July 14, 2021

Honorable Erick L. Larsh, Presiding Judge
Orange County Superior Court
Central Justice Center
700 Civic Center Drive West
Santa Ana, CA 92701

RE: Response to 2020-21 Orange County Grand Jury report, *"Orange County Sheriff's Department Evidence Booking Issue- Has it Been Resolved?"*

Dear Presiding Judge Larsh:

In accordance with Penal Code sections 933 and 933.05, enclosed please find my response to the 2020-21 Orange County Grand Jury report, *"Orange County Sheriff's Department Evidence Booking Issue- Has it Been Resolved?"*

If you have any questions, please do not hesitate to contact my office. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Don Barnes".

Don Barnes
Sheriff-Coroner

cc: Grand Jury Foreperson
Members, Orange County Board of Supervisors
Frank Kim, County Executive Officer

Orange County Sheriff's Department
Response to Findings and Recommendations
2020-2021 Orange County Grand Jury Report
"Orange County Sheriff's Department Evidence Booking Issue-Has it Been Resolved"

FINDINGS

F2.

An audit of OCSO department reports submitted from March 2018 forward has not been conducted to confirm that current OCSO policies and procedures regarding evidence booking and reporting are being followed.

Response: *Disagrees with finding.*

Several mechanisms are in place to ensure policies regarding evidence booking and reporting are being followed. Monthly checks, supervisory approval, and improved procedures provide real time oversight of the evidence booking system.

F3.

There is no documentation confirming that OCSO lieutenants perform evidence booking spot audits consistently across all divisions, resulting in limited management accountability and weak internal controls.

Response: *Disagrees with finding.*

Both management accountability and internal controls are strong. It is the expectation that managers ensure personnel are performing their duties. The policies, procedures, and report mechanisms in place provide managers with the tools necessary to perform this critical oversight. For example, Policy 802.2.1 Property Booking Procedure states:

After all items are booked, the member shall attach the Evidence Case Items Report to the respective report within FBR. In the event FBR is offline, and a paper report will be generated, the Evidence Case Items Report should be printed and submitted to Records with the original paper report.

Supervisors shall check that all property or evidence has been booked prior to approving any related reports.

The documentation reflecting each item of evidence is booked and the subsequent check by the supervisor prior to the approval of any related reports assists managers in confirming that the employees under their purview are properly performing their duties.

F4.

Lack of system integration between Remedy and FBR necessitates duplicate data entry and reliance on manual oversight to reconcile the DR# and evidence list between the two systems.

Response: *Agrees with finding.*

The current Remedy and FBR systems are not digitally integrated, but the current procedures in place ensures proper data entry and oversight.

F5.

A tour of the Property/Evidence Central Booking Facility is no longer included during deputy training. This limits their understanding of the overall chain of custody process.

Response: *Partially agrees with finding.*

It is correct that physical tour of the Property/Evidence Central Booking Facility was not part of deputy training. There is substantial training on chain of custody processes and this is not limited by the absence of a physical tour.

RECOMMENDATIONS:

R1.

Conduct an independent third-party audit of OCSD department reports submitted from March 2018 forward, to be performed by either the Orange County Office on Independent Review or the Orange County Internal Auditor within 180 days from the date of publication of this report. (F1, F2).

Response: *This recommendation cannot be implemented by the Sheriff's Department.*

The Orange County Board of Supervisors directs the work of the Office of Independent Review and Orange County Internal Auditor. The Sheriff does not oppose a review of OCSD's evidence booking as recommended by the Grand Jury. OCSD previously supplied relevant historical documentation to OIR relevant to evidence booking concerns, including audit records, internal investigations, policy changes and implemented accountability measures.

R2.

Issue a department-wide directive within 90 days from the date of publication of this report, outlining a formal process for OCSD lieutenants to conduct and document evidence booking spot checks. (F3)

Response: *This recommendation will not be implemented because it is not warranted.*

An expectation already exists that supervisors and managers will perform the necessary oversight to ensure employees are performing their duties. Current policies and procedures for evidence booking provide the necessary documentation to assist supervisors and managers in performing their respective roles.

R3.

Move to a platform that will support the integration of data maintained in the CAD, Remedy, and FBR system within two years from the date of publication of this report. (F4).

Response: *This recommendation has not yet been implemented, but will be implemented in the future.*

The Sheriff's Department is planning to transition to an Enterprise Content Management System for the Department's databases/IT programs. The timeline for integrating the CAD, Remedy, and FBR systems will depend upon when the transition to the Enterprise Content Management System is completed.

R4.

Reintroduce a tour of the OCSD Property/Evidence Central Booking facility within 90 days from the date of publication of this report. (F5)

Response: *The recommendation has been implemented.*

A tour of the OCSD Property/Evidence Central Booking facility is now part of the Sheriff's Department Basic Training Academy.