



County of Orange

County Executive Office

August 27, 2019

Honorable Kirk H. Nakamura
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "Your Call May Be Recorded"

Dear Judge Nakamura:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Lala Oca Ragen of the County Executive Office at 714-834-7219.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Kim", written over a horizontal line.

Frank Kim
County Executive Officer

Enclosure

cc: Orange County Grand Jury
Lala Oca Ragen, Assistant Deputy Chief Operating Officer, County Executive Office



Responses to Findings and Recommendations 2018-19
Grand Jury Report:

"Your Call May Be Recorded"

SUMMARY RESPONSE STATEMENT:

On May 31, 2019, the Grand Jury released a report entitled: "Your Call May Be Recorded." This report directed responses to findings and recommendations to the Orange County Board of Supervisors (Board) and the Orange County Sheriff's Department (OCSD). OCSD filed its response separately; below is the response from the Board.

FINDINGS AND RESPONSES:

F9. Lack of OCSD verification of the contractor's transfer of telephone numbers from the old to the new system is resulting in significant costs to the County of Orange.

Response: **The respondent partially disagrees with the finding.** The Board has always been committed to protecting attorney-client privileged telephone conversations from being recorded by the inmate telephone system. On September 11, 2018, the Board issued a directive to OCSD to return to the Board by November 6, 2018, with options for the provision of inmate telephone services. On November 6, 2018, the Board approved a six-month extension (November 25, 2018 to May 24, 2019) to the Global Tel* Link Corporation (GTL) contract, in order to continue providing inmate telephone services while developing a new Request for Proposals (RFP) process. The Board delegated authority to OCSD to execute two additional six-month extensions of the GTL contract, if needed. The new RFP would take into account all of the new technologies available in the Correctional/Institutional communications field. On April 23, 2019, the Board approved a contract with Praeses LLC (Praeses) for consulting services to assist in the oversight and management of inmate telephone services and in the development of a scope of work for a subsequent RFP for Correctional/Institutional communications and technologies. Although the Board took various actions to provide direct oversight of the inmate telephone system, OCSD is the better department to determine the results of such oversight. Therefore, the Board will defer to OCSD on that part of the finding.

F11. Available features of the current system are not being utilized by the OCSD to generate all available reports in order to support oversight.

Response: There is not enough information provided for the Board to properly respond.

F12. OCSD does not currently require its telephone system contractor to provide a systems engineer on site to resolve *technical issues*.

Response: The respondent agrees with the finding. The GTI contract does not require the provision of an onsite systems engineer to resolve technical issues.

RECOMMENDATIONS AND RESPONSES:

R1. By September 30, 2019, the OCSD should create an onsite unit within the Inmate Services Division (OCSD/Inmate Phone System Oversight Management) to provide direct oversight of the inmate phone System. (F1, F2, F7, F8, F9, F13, F14)

Response: This recommendation will not be implemented because it is not warranted. The Board already took action on April 23, 2019, to provide direct oversight of the inmate telephone system by approving the contract with Praeses for "Consulting Services for Inmate Telephone System." Praeses assists the County in the oversight of the inmate telephone service provider, including: (i) ongoing vendor compliance with terms, services and conditions of the current inmate telephone services contract; (ii) best practices in the industry; and (iii) auditing and report review. Although the Board took various actions to provide direct oversight of the inmate telephone system, OCSD is the better department to determine the results of such oversight. Therefore, the Board will defer to OCSD's response.

R2. By October 31, 2019, the OCSD/Inmate Phone System Oversight Management should assign:

A. *One or more persons to:*

Handle all phone number input and deletion actions, produce lists for audit, complete the audits, produce lists for management, manage regular communications to internal and external users and provide periodic in person training to internal users, and

Response: This recommendation has been implemented.

B. *One or more:*

systems engineers to handle all nonproprietary hardware, software and systems problems independently and other proprietary changes directly with the phone call Recording System contractor. (F1, F2, F5, F7, F8, F12, F14)

Response: This recommendation will not be implemented because it is not reasonable. The existing contract with Praeses already provides the expertise for proper oversight of the program as well as the financial, accounting and auditing tools needed for proper monitoring and reporting. At the same time, Praeses will assist the County through the entire RFP process. Once an inmate telephone provider is selected, Praeses will coordinate the transition to the new provider and conduct training for County employees on the new products and services.

R5. By September 30, 2019, the OCSD/Inmate Phone System Oversight Management should acquire all available system features required to have complete control of user level software settings and report generation. (F4, F11).

Response: This recommendation has been implemented.

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
August 27, 2019

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2018-19 Grand Jury Report "Your Call May Be Recorded." - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) STEEL: Y (3) WAGNER: Y (4) CHAFFEE: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 39

Special Notes:

Copies sent to:

CEO – Lala Ragen
Superior Court
Grand Jury

8/28/19



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: 
Deputy



AGENDA STAFF REPORT

ASR Control 19-000943

23 F6

MEETING DATE: 08/27/19
 LEGAL ENTITY TAKING ACTION: Board of Supervisors
 BOARD OF SUPERVISORS DISTRICT(S): All Districts
 SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
 DEPARTMENT CONTACT PERSON(S): Frank Kim (714) 834-6200
 Lala Oca Ragen (714) 834-7219

RECEIVED
 2019 AUG 13 PM 12:43
 CLERK OF THE BOARD
 ORANGE COUNTY
 BOARD OF SUPERVISORS

SUBJECT: "Your Call May Be Recorded" Grand Jury Response

CEO CONCUR
Concur

COUNTY COUNSEL REVIEW
No Legal Objection

CLERK OF THE BOARD
Discussion
3 Votes Board Majority

Budgeted: N/A

Current Year Cost: N/A

Annual Cost: N/A

Staffing Impact: No

of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: N/A

County Audit in last 3 years: No

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2018-19 Grand Jury Report entitled, "Your Call May Be Recorded."
2. Direct the Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2018-19 Grand Jury no later than August 28, 2019.

SUMMARY:

Approval of proposed response to FY 2018-19 Grand Jury Report entitled, "Your Call May Be Recorded" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On May 31, 2019, the Orange County Grand Jury released a report entitled, "Your Call May Be Recorded." The report directed responses to findings and recommendations to the Board of Supervisors (Board). Attachment B is the County's proposed response to the Grand Jury findings.