County of Orange
California

Thomas G. Mauk
County Executive Officer

June 22, 2006

Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report: "City Cops are Sharing Information – Why Not the County?"

Dear Judge Stock:

Per your request, and in accordance with Penal Code 993, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Theresa Stanberry at (714) 834-3727 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

Thomas G. Mauk
County Executive Officer

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2005 – 2006 Grand Jury Report
"City Cops are Sharing Information – Why not the County?"
Responses to Findings and Recommendations

Response to Findings 6.1 – 6.2

6.1 **County agencies have not signed an Integrated Law & Justice Joint Powers Agreement**: The County Executive Office and the OCSD have not supported a JPA model for governing the Integrated Law & Justice effort within Orange County

Response: Agree with finding

While it is true that County agencies have not signed an Integrated Law & Justice (ILJ) Joint Agreement, there are reasons why this is the case.

First, For almost five years, the County Executive Office as well as other County agencies requested a budget for ILJ. However, not until the Grand Jury began to review the ILJ, did the County receive a budget for what it will cost the County and OCSD to participate in ILJ.

Second, It is questionable whether the County and OCSD actually need to sign the ILJ Joint Agreement to participate in the ILJ programs such as COPLINK®, which the OCSD, the Probation Department, and District Attorney are currently in the process of evaluating.

Third, There are Information Technology (IT) security matters that still need to be addressed as far as how County agencies can participate and share data. It should be understood that the County IT system receives approximately 150,000 cyber-terrorism hits per day, and 1,000 – 2,000 new types of viruses and "worms" per month, and must be absolutely confident that the methodology used to access data under the ILJ programs does not compromise the County's IT security.

Fourth, County Counsel has had concerns about the ILJ, JPA and COPLINK® documents and processes, including concerns about the enforceability of contract documents already executed without prior governing body approvals, the lack of an executed security agreement for the system, the failure to make the COPLINK vendor a party to the security agreement, the need to address the County's security needs in the agreement, and the lack of an adequate audit trail for release of COPLINK data that existing case law indicates is restricted criminal history information. Until these and all of the other concerns are addressed to County Counsel's and CEO IT's satisfaction, the CEO will not recommend participation in ILJ or COPLINK® to the Board of Supervisors.

As far as the CEO not supporting a JPA model for governing the ILJ effort, the CEO offers the following:

First: the current CEO under the leadership of Thomas G. Mauk has not taken a position for or against supporting a JPA model for governing the ILJ.

Second: Back in the early 1990's, the County and all of the Orange County cities entered into an agreement to develop a new 800MHz County-wide Coordinated Communications System (800MHz system), which had a development cost of approximately ten times that of the ILJ. This system is used by all law enforcement agencies, fire and paramedic departments, public works departments, lifeguards, OCTA, Harbor Patrol, and John Wayne Airport, not just law enforcement like ILJ. The 800MHz governance is done using a form of agreement that does not create another public agency, as does a JPA, and operates with a seven (7) member Governance Committee. It has worked very well for the past ten years.

The ILJ is being created as a Joint Powers Authority (JPA), (another separate public agency; the same structure used to operate the Orange County Sanitation District, a Two Billion Dollar operation), with a fifteen (15) member Governance Committee. Not only is the JPA structure excessive, the cost to operate the JPA will likewise be more expensive. This fact is born out by reviewing the budget, which when the ILJ was first discussed, was going to cost little to nothing, while today, the cost to the County would be $215,000 for 2006 (total budget of $641,006) growing to $584,000 in 2008, (total budget of $1,761,008).
Therefore, the CEO needs to further assess the cost-benefit of belonging to the ILJ, compared with merely participating in COPLINK® which is substantially less expensive, and accomplishes the same outcome - information sharing.

6.2 **County criminal justice agencies do not participate in sharing and using critical criminal justice information**: Although information made available through COPLINK®would enhance the safety of the public and law enforcement officers, the OCSD, the Probation Department, and the District Attorney are not currently sharing or using information via COPLINK.

Response: Disagrees partially with the finding

The Probation Department is extensively involved in sharing and using critical criminal justice information between law enforcement agencies throughout the county and the state. Further, as a member of the Orange County Integrated Law and Justice (OCILJ) Steering Committee the Chief Probation Officer partners with all local justice system agencies including the Court, police, District Attorney, Public Defender, and Sheriff to improve information sharing and processes. The Probation Department is currently participating in an automated electronic subpoena process, which is an OCILJ initiative.

Response to Recommendations 7.1 – 7.2

7.1 **County inclusion in a JPA:** The County Executive Office and the OCSD should

reconsider and revisit the issue of becoming listed members of a JPA for Integrated Law & Justice by the second quarter. 2006.

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

The County Executive Office will reconsider and revisit the issue of becoming listed members of the JPA for the OCILJ by the end of the second quarter of 2006. However, unless or until the issues addressed in the CEO's response to Finding 6.1 have been satisfactorily addressed, the CEO's position will remain the same.

7.2 **County participation in COPLINK®:** The OCSD, the Probation Department, and the District Attorney should determine whether the concerns given for not participating in COPLINK® still exist and if not, reconsider their participation in COPLINK® by the fourth quarter, 2006

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

The Probation Department has been evaluating its participation in COPLINK®. However, until all of the issues addressed in the response to Finding 6.1 have been satisfactorily addressed, the Probation Department will not be able to participate in COPLINK.