



OFFICE OF THE  
**DISTRICT ATTORNEY**  
ORANGE COUNTY, CALIFORNIA  

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TODD SPITZER

July 2, 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 2020-2021 Orange County Grand Jury Report, "*Orange County Sheriff's Department Evidence Booking Issue – Has it Been Resolved.*"

Dear Presiding Judge Larsh:

Please find enclosed a copy of the Orange County District Attorney's response to Finding F1 of the 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.

Respectfully,

  
Todd Spitzer  
District Attorney-Public Administrator

cc: Andrew Do, Chairman, First District, Orange County Board of Supervisors  
Doug Chaffee, Vice Chairman, Fourth District, Orange County Board of Supervisors  
Katrina Foley, Second District, Orange County Board of Supervisors  
Don Wagner, Third District, Orange County Board of Supervisors  
Lisa Bartlett, Fifth District, Orange County Board of Supervisors  
Sergio Perez, Executive Director, Orange County Office of Independent Review  
Orange County Grand Jury, Foreperson  
Don Barnes, Sheriff, Orange County Sheriff's Department

Enclosure

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

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**Orange County District Attorney-Public Administrator**  
**Response to Findings**  
**2020-2021 Orange County Grand Jury Report**  
*“Orange County Sheriff’s Department Evidence Booking Issue – Has it Been Resolved.”*

**FINDING**

**F1. “The OCDA and OCPD question whether current OCSD policies and procedures related to evidence booking and reporting are being followed.”**

Partially disagree with finding.

The OCDA’s review of more than 40,000 cases (DRs) over a 2-to-3 year period revealed that evidence booking related policies and procedures had not been followed in certain cases. As to those discoveries, the OCDA has taken appropriate action. The OCSD has assured the OCDA that it took remedial action effective March 22, 2018 to address the evidence booking deficiencies that were discovered in the course of the OCDA and OCSD reviews. OCSD has represented that new protocols and safeguards have been implemented, including supervisory verification that evidence has been properly booked prior to report approval; the issuance of training bulletins and memos regarding evidence booking and the modification of OCSD policy and procedure (Policy 802) regarding evidence booking. As of the date of this response, OCDA has not seen any significant evidence booking issues or problems on cases since March 22, 2018 and the OCSD has not notified the OCDA of any further failures of policy or procedure of the nature that produced the evidence booking issues in the first instance.