



County of Orange
California

Thomas G. Mauk
County Executive Officer

August 31, 2010

Honorable Kim G. Dunning
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, "DNA:
Whose Is It, the Orange County Crime Lab's or the District
Attorney's?"

Dear Judge Dunning:

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. Respondents are: Board of Supervisors, the County Executive Officer, and the County Internal Auditor. If you have any questions, please contact Kathleen Long at (714) 834-7410 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Mauk".

Thomas G. Mauk
County Executive Officer

Enclosure

cc: 2009-10 Orange County Grand Jury

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2009-2010 Grand Jury Report
DNA: Whose Is It, Orange County Crime Lab's or the District
Attorney's?
Board of Supervisors/County Executive Officer/Internal Audit
Responses to Findings and Recommendations

Response to Finding F.4

F.4 Because of political unrest in the Sheriff's Department in 2007-08, the management structure of the Orange County Crime Lab changed from being solely the Sheriff's responsibility to a temporary shared management structure, known as the Cooperating Department Head Structure, composed of the Sheriff, the District Attorney, and the County CEO. Despite the unsettled management structure and the recent loss of the OCCL lab director, resulting in lowered morale, the crime lab has been able to meet its overall goals of reducing backlogged DNA requests and turnaround times while remaining the leader in submitting the largest number of DNA cold hits than any other California crime lab.

Response: Disagrees partially with the finding.

The cooperating department head structure was established by the Board of Supervisors on October 28, 2008, based on recommendations made by the Stakeholders Panel on DNA Testing, to act as the head of the County's forensic services operations. The Board of Supervisors requested future updates related to the CEO recommendations adopted, but did not indicate that the approved recommendations were temporary.

The crime lab has been able to meet its overall goals of reducing backlogged DNA requests and turnaround times due to the creation and implementation of the DNA case triage system. The DNA triage system maximizes communication among the County's law enforcement partners and allocates the limited DNA resources of the forensic laboratory, law enforcement, and the prosecution to effectively reduce the crime lab's DNA backlog. In addition, the 2008 National Institute of Justice (NIJ) DNA Backlog Reduction grant provided resources contributing to the reduction of the backlog of DNA property crimes awaiting analysis and lowered turnaround times.

Responses to Recommendations R.2 through R.5

R.2 The County Internal Auditor should conduct an annual cost analysis as to what it would cost for the Orange County Crime Lab to analyze the DNA samples collected by the Orange County District Attorney that are now being sent to Bode Technology Group, Inc. of Virginia.

Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for an annual cost analysis as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

- R.3** Annually review the costs associated with collection, analysis, and uploading DNA profiles in the Orange County District Attorney's database with a view toward instituting or raising fees from individuals, cities, or any others who request access to the database.

Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for an annual review as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

- R.4** The County of Orange Internal Audit Department should review the District Attorney's DNA unit to determine the actual costs associated with this specialized unit, including the collection and processing of the DNA samples, and the operation and maintenance of the database, including updating of the software.

Response: The recommendation requires further analysis.

The Internal Audit Department currently does not have the audit resources to allow for a review as recommended. Funding availability for a cost analysis could be considered during the Strategic Financial Plan process in the fall of 2010.

- R.5** The management of the Orange County Crime Lab should revert to its prior status under the Orange County Sheriff-Coroner.

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

The cooperating department head structure was established by the Board of Supervisors on October 28, 2008 to act as the head of the County's forensic services operations. This structure has improved communication and cooperation while maintaining accreditation status. The County recommendation is that the cooperating department head structure should remain in place.