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May 8, 2006


The Honorable Judge Nancy Wieben Stock
Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: Orange County Grand Jury Report of March 14, 2006
"City Cops are Sharing Information – Why not the County?"

Dear Judge Stock:

Our office is in receipt of the above referenced Grand Jury Report. Please find attached the Orange County District Attorney's Office response to the specific Grand Jury Report.

Sincerely,


Tony Rackauckas
District Attorney

TR:ru
Attachment

RESPONSE TO GRAND JURY REPORT 2005 – 2006
“CITY COPS ARE SHARING INFORMATION – WHY NOT THE COUNTY?”

INTRODUCTION

In accordance with the requirements of law, the Office of the District Attorney herewith submits its responses to the findings and recommendations of the Grand Jury.

RESPONSE TO FINDINGS

FINDING NO. 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 TO FINDING NO. 6.2:

The Orange County District Attorney (OCDA) is constantly and consistently involved with sharing critical criminal justice information with all law enforcement agencies in Orange County and throughout the state, as illustrated by the following examples:

- **Law & Justice System Partners:** The ability to work with and communicate with Law & Justice partners, including the Court, police agencies, the Probation Department, the Public Defender, as well as county, state and federal agencies which refer cases for prosecution are critical to the success of the Office.

A key initiative facilitating partner communication is the **Integrated Law and Justice System for Orange County (ILAJOC)**.

This project represents an unprecedented level of collaboration between all members of the Orange County Law and Justice Community. Police agencies in the County are receiving automated electronic subpoenas from the District Attorney's Case Management System. The next major phase of technological integration is automating the data exchange between the Office of the District Attorney and the Superior Court. This process will automate over 500,000 transactions (case filings, hearings, trial dates, courtroom changes, etc.) that occur annually between the Office of the District Attorney and the Superior Court. The first phase involves electronically transmitting the case filing data from the District Attorney to the Courts. This phase is in testing and is anticipated to be implemented Spring 2006. Subsequently, the project will include all phases of case activity through case sentencing and final disposition.

The next phase of automation will establish a secured internet protocol and data exchange schema to support electronic transmission of police

reports and related documentation from police agencies to DA for criminal case filing consideration.

With each step along the way, the efficiency and effectiveness of communication within the criminal justice system is improved.

- **City, County, State and Federal law enforcement agencies** can access the DA Case Management System (CMS) to look up pending criminal cases filed by the Orange County DA. This external system averages approximately 1,800 hits a day.

Additionally, our FY 2006-07 budget request includes funding a project to establish a secured internet protocol and data exchange schema to support electronic transmission of police reports and related documentation from police agencies to DA for criminal case filing consideration. This system will bolster efficiencies for both the DA and police agencies.

- The **TrackRS Unit** (Taskforce Review Aimed at Catching Killers, Rapists, and Sex Offenders) provides investigative and coordinating efforts to local Law Enforcement agencies to assist peace officers in the investigation of homicides and sexual assaults resulting in successfully solving crimes and apprehending suspects.
- Through successful collaboration, OCDA is a statewide leader in the implementation of Proposition 69 (The DNA Fingerprint Initiative). OCDA, in conjunction with the Attorney General's Office and the California District Attorneys Association, developed the **Cold Hit Outcome Project (CHOP)**, a program designed to document the status and disposition of all Cold Hits in California. Orange County is the only county to use data verification submission procedures, a process developed by the District Attorney's Office TrackRS Unit. Since its implementation in January, Orange County has 35 "cold hits" or DNA crime scene evidence matches to an identifiable person. By 2007, expect to see over 200 "cold hits" annually, growing to over 1,000 annual "cold hits" by 2010.
- The **TARGET Unit** is comprised of anti-gang teams which include a police officer, a probation officer, and a prosecutor. These teams are housed in police departments throughout the county. TARGET prosecution is focused on the eradication of gang crime and violence by targeting the gang's "serious offenders." The district attorney employees on these teams collaborate with local law enforcement personnel on a daily basis to investigate and prosecute gang crimes.
- **OCDA Gang Investigators and Investigative Assistants** have frequent and ongoing contact with local law enforcement agencies via telephone, email, personal contact, and by attending various law enforcement related meetings held throughout the county on a monthly basis. These meetings include, but are not limited to the Orange County Gang Investigators

Association, Asian Gang Investigators Association, and Orange County Fraud Investigators Association.

- **The Intelligence–Organized Crime/Anti–Terrorism Unit** is responsible for gathering intelligence on subjects suspected of being involved in criminal activities related to terrorist groups (both domestic and international) and various organized crime groups (traditional organized crime, Russian/Eurasian organized crime, outlaw motorcycle gangs, prison gangs, etc.) The supervisor and each investigator assigned to the unit is responsible for attending different law enforcement multi agency monthly meetings focused on criminal intelligence related to organized crime and terrorist groups. These meetings are attended by law enforcement personnel from local, state and federal agencies from both Orange County and adjoining jurisdictions. Information is shared among investigators at the meeting and often results in joint agency cases. When appropriate, the intelligence information is shared with other law enforcement units.
- **The High Tech Unit** is made up of forensic investigators that work with all Orange County law enforcement agencies on a daily basis. The purpose of this unit is to provide computer forensic examinations on suspects/defendants computers and digital medias before, during and after charges are filed. Our Office also hosts a bi-monthly Orange County Hi-Tech Investigators' meeting for local law enforcement agencies as well as other county/state agencies.
- The OCDA works collaboratively with the Probation Department on the **Juvenile Serious Sexual Offender Program**.
- The OCDA is an active participant in the **multi-agency narcotics enforcement** efforts.

COPLINK®, an apparently effective medium for criminal justice information sharing, is not the only way information can be shared between law enforcement agencies. Also, if existing legal issues cannot be resolved regarding the COPLINK® system the value of the information sharing is negated.

For the reasons indicated above, the Office of the District Attorney disagrees wholly with the first part of the finding that states that *county criminal justice agencies do not participate in sharing and using critical criminal justice information*.

The Office of the District Attorney agrees only with that part of the finding that states *the District Attorney is not currently sharing or using information via COPLINK®*.

RESPONSE TO RECOMMENDATIONS

RECOMMENDATION NO. 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. (see Finding 6.2)

RESPONSE TO RECOMMENDATION NO.7.2:

The Orange County Board of Supervisors is responsible for approval of county participation with an outside vendor such as COPLINK®. As such, County Counsel advises the Board of Supervisors as to the existence of any legal issues when contracting with outside vendors. Currently there are legal issues with the contractual documentation regarding the levels of security with the COPLINK® system. Protecting the county network and the data contained therein is critical. The District Attorney's Office is ready to reconsider its participation in COPLINK® if and when those legal issues are resolved.

For the reasons indicated above the recommendation to *reconsider participation in COPLINK®* has not been implemented, but may be implemented in the future if all legal issues are resolved.