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PROBATION DEPARTMENT

June 5, 2006

The Honorable Nancy Wiben Stock
Presiding Judge
Superior Court of California
County of Orange


Dear Judge Wiben Stock:

Enclosed is a copy of Probation's response to the findings and recommendations of the Grand Jury Report "City Cops are Sharing Information – Why not the County?" dated April 11, 2006 which has been submitted to the County Executive Office.

This response is being sent to you in compliance with Penal Code Section 933 and 933.05.

Should you have any questions, please do not hesitate to contact me.

Respectfully,



COLLEENE PRECIADO
Chief Probation Officer

CP:mmc

Enclosure

cc: Tom Mauk, Chief Executive Officer
Bill Mahoney, Deputy Chief Executive Officer
Greg Ronald, Chief Deputy Probation Officer



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PROBATION DEPARTMENT

April 11, 2006

Brian Wayt
CEO Budget Office

Following is the Probation Department response to the findings and recommendations of the Grand Jury Report "City Cops are Sharing Information – Why not the County?"

FINDING # 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 Orange County Sheriff's Department, the Probation Department, and the District Attorney are not currently sharing or using information via COPLINK®.

RESPONSE TO FINDING #6.2

Disagree partially with finding #6.2.

The Orange County Probation Department partially disagrees with the finding in that the 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.

The following are additional examples where the Probation Department both shares and uses criminal justice information.

Data Sharing Applications:

- ◆ **Adult Terms & Conditions of Probation for active probationers** – This is an Internet based application (www.ocprobation.com) that allows law enforcement and other criminal justice agencies to query and view the court assigned terms and conditions of probation. The database is refreshed daily. The application also allows the person performing the inquiry to send an email to the assigned DPO with information regarding the inquiry or contact with the probationer. The Orange County Probation Department administers access authorization to this application.

- ◆ Orange County Sheriff's Department – Adult Terms & Conditions of Probation for active probationers – This application is similar to item #1 with difference being that the data is transmitted to the Orange County Sheriff's Department via a daily transmission using the FTP protocol (file transfer protocol). The Orange County Sheriff then makes this information available to other law enforcement and criminal justice agencies as a query application via the Orange County Sheriff's Department "ELETE" network-based application. This application is available in the office environment or in patrol cars equipped with Mobile Data Terminals (MDT). Orange County Sheriff's Department administers access authorization to this application.
- ◆ Department of Justice (DOJ) Supervised Release File (SRF) – This application also shares the adult probationer terms and conditions of probation for active probationers via the DOJ "CLETS" network. The probationer information for new adult probationers or changes in the terms and conditions are transmitted to DOJ in an XML protocol format using a daily file transfer (FTP) transmission to DOJ. The SRF application also provides the capability for the SRF inquirer to send an email to the Orange County Probation Department when an active adult probationer has been encountered by another law enforcement or criminal justice organization. Access authorization to this application is administered via the DOJ policies and procedures that govern access to the CLETS network.
- ◆ PC 1210 Active Probationer Cases (Proposition 36) – This is an Internet based collaborative application that the Probation Department developed to meet both the Probation supervision and Health Care Agency (HCA) related activities as required by the legislation. The HIPAA regulations prevent Deputy Probation Officers supervising the probationer from viewing or having access to certain medical care related activities conducted by HCA and the HCA designated service providers. The HCA staff and/or the designated external private sector service providers update the medical case related activities via Internet access. The Probation Department access is limited to the information pertaining to attendance and or compliance action in accordance with the court order. This is a real time application that can be accessed on a 24/7 basis by HCA or service provider staff. The probationer data is updated on a daily basis via automated interfaces that have been developed with the Probation Case Management System (CMS) application.
- ◆ California Franchise Tax Board – Collection of Debts (COD) program – The Orange County Probation Department participates in this program via the electronic file transmission of case information pertaining to selected probationers that are delinquent in the payment of monies as ordered by the Court. The State of California then attempts to collect the monies owed on behalf of the Orange County Probation Department. When monies are collected, the Orange County Probation Department receives an electronic notification.
- ◆ California Franchise Tax Board – Tax Intercept Program – On an annual basis the Orange County Probation Department uses a file transfer process (FTP) to send

information regarding the monies owed by probationers to the State Franchise Tax Board. The Franchise Tax Board uses this probationer case information to "intercept" any tax refunds for the designated probationers. The tax refund amounts are then forward to the account of the Orange County Probation Department and the probationers receive notices from the Franchise Tax Board regarding the "intercept" activity.

External Data Accesses Available to Probation Department Staff:

- ◆ Orange County Sheriff's Department (OCSD) – network query access to the Automated Jail System (AJS), Automated Warrants System (AWSS), Local Arrest System (LARS), Juvenile Index System (CJI). The OCSD administers access.
- ◆ State of California Department of Justice (DOJ) – Criminal History Records via the CLETS network. The OCSD administers access.
- ◆ California Department of Justice (DOJ) – CAL Photo and DMV Photo databases. Query and print access for "mug shots" from various California counties and DMV. The Orange County Probation Department administers access.
- ◆ California Department of Justice (DOJ) – CAL Gang query access. Query access to extensive gang related information. The Orange County District Attorney administers access to this application.
- ◆ California Department of Justice (DOJ) – Megan's Law Web Site – Query access to an extensive database of sex offender case related individuals. The Orange County Probation Department administers access.
- ◆ State of California Parole – LEADS – Query access to the state case information related to individuals on parole. The Orange County Probation Department administers access.
- ◆ Los Angeles County Consolidated Criminal History Reporting System (CCHRS) – Query access to this criminal history database developed by the Los Angeles Criminal Justice Community. Formal training in the utilization of the query access is required prior to the granting of individual access. The Orange County Probation Department administers access.
- ◆ Orange County Superior Court – VISION web Site – Query access to court orders, court dockets, convicted charges, and the Register of Actions. The Orange County Probation Department administers access.
- ◆ Orange County Superior Court Juvenile Case Information – Query access to information related to juvenile offender cases. This data is received via a daily file transfer (FTP) from the Superior Court. The query application was developed by

Probation for staff use. The Orange County Probation Department administers access.

- ◆ State of California DMV – Query access to the State DMV databases to conduct research on individuals and vehicles. The Orange County Probation Department administers access.
- ◆ State of California Department of justice (DOJ) – Juvenile Court Probation Statistical System (JCPSS) – Real time Internet based data updating and report queries of Orange County Probation Juvenile Offender case information and statistics. The Orange County Probation Department administers access.
- ◆ Orange County District Attorney Case Management System (OCDA-CMS) – Intranet query access to probationer case information. The Orange County Probation Department administers access.
- ◆ Orange County Tax Collector – Query access by Probation Collections staff related to assets searched associated with collection activities.
- ◆ Orange County District Attorney (DA-TrackRS) – Query access to case information related to the collection of DNA samples in accordance with state mandates. The Orange County Probation Department administers access.
- ◆ The Department also has access to the County HR, and financial applications via the CAPS application. The Orange County Probation Department administers access.
- ◆ The Department also has access to the online CEO Budgeting application. The Orange County Probation Department administers access.

The Orange County Probation Department agrees with that part of the finding stating the Probation Department is not currently participating in sharing and using information via COPLINK®.

RECOMMENDATION #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.

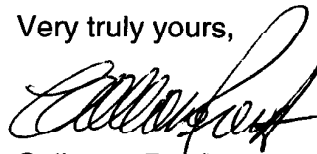
RESPONSE TO RECOMMENDATION #7.2

Recommendation #7.2 requires further analysis.

The Orange County Probation Department has reviewed the COPLINK® application software and believes it to be an effective and useful method for local justice system information sharing. Although criminal justice information can be shared between justice system agencies through other available systems, local RMS/CMS information may not be available and the user would be required to search multiple incompatible systems to obtain information significant to an investigation. COPLINK® application software offers the ability to consolidate local justice information from multiple sources that lack a common language or platform into one database. The software also provides tools that organize and rapidly analyze structured and seemingly unrelated information with the potential to significantly improve the investigative process. Future connectivity to tap into local information from other regions and states that use COPLINK® software would be an added benefit.

The Orange County Board of Supervisors must approve an agreement which a County agency wishes to execute with an outside vendor or agency, for the agreement to be legally binding on the County. County Counsel advises County agencies of any legal issues pertaining to an agreement, before agencies seek approval of the agreement by the Board of Supervisors. During a review of county participation in COPLINK®, County Counsel identified legal issues regarding the COPLINK® Service Level Agreement and concerns about security necessary to protect the county network. The Department is prepared to reconsider its participation in COPLINK® if and when those legal issues and concerns are resolved.

Very truly yours,



Colleene Preciado
Chief Probation Officer

CP:mmc

cc: Bill Mahoney, CEO
Greg Ronald, Probation