



PATRICIA C. BATES

CHAIR, ORANGE COUNTY BOARD OF SUPERVISORS
SUPERVISOR, FIFTH DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION
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February 5, 2009

Sandra Hutchens
Sheriff-Coroner, County of Orange
550 N. Flower Street
Santa Ana, CA 92703

Dear Sheriff Hutchens:

I am in receipt of your letter of February 4, 2009 regarding security recordings. This response is specifically directed to the portion of that letter dealing with the security recordings of the January 13, 2009 Board meeting.

It is my understanding that recordings of the two security cameras placed in the Board room are made on two DVR-like recording devices located in the Sheriff's kiosk on the first floor of the Hall of Administration. In the normal course, no copies of these recordings are made for any purpose. CEO/IT was directed by County Counsel to coordinate with your department to preserve the original recordings. Your office subsequently requested that an additional copy of the recordings be placed on a hard-drive for your use. Management personnel from CEO/IT arranged for two copies of the hard-drive to be produced.

The process began on January 28, 2009 by downloading the information to the Sheriff's external drive. Present in that room were Brandon Boren from the Orange County Sheriff's Department and Kurt Kennedy and Mark Reardon from CEO/IT. I have been informed that this process is slow and cumbersome. The backup was finished and verified on January 30, 2009. One copy of the backup was downloaded to Brandon Boren's hard-drive on January 30, 2009; the other copy was made for CEO/IT. The drives were placed in a locked room by CEO/IT personnel. Mr. Boren was unable to retrieve his hard-drive until February 3, 2009. The hard-drive was given to him that morning. The other was retained by CEO/IT in a locked cabinet on the third floor of the Hall of Administration.

On February 5, 2009, the hard-drive in the possession of CEO/IT was delivered by Satish Ajmani, County Chief Information Officer to the office of Senior Assistant County Counsel Nick Chrisos. Mr. Chrisos placed the hard-drive in a locked cabinet in his office. I am informed that Mr. Chrisos is unable to view the recordings because he does not have the appropriate software on his computer. He has assured me personally that he will not allow the hard-drive to be removed from his office.

I am informed by CEO/IT that no other copies of the hard-drive exist and that no other copies in any medium have been produced by or at the direction of CEO/IT. Therefore, any other copies of the hard-drive which exist, or any copies in any other medium which exist, were presumably produced by your department and/or its employees.

The Board appreciates your position that the security recordings from the January 13, 2009 Board meeting depict undercover officers, as well as your position that public dissemination of the recordings might prove a threat to them and/or compromise criminal investigations. While reasonable minds may differ

regarding the underlying facts, and also as to whether release of the recordings to the Board would actually endanger any law enforcement personnel or compromise any ongoing criminal investigations, the Board continues to desire to expeditiously resolve this controversy.

As Chair, I continue to share your desire to protect the identity of any undercover officers who were present at the January 13, 2009 Board meeting. To that end, the Board requests that you provide, to each requesting Board member, a copy of the security recordings from the January 13, 2009 Board meeting, in which you may blacken out or otherwise obscure all camera views of the audience. This further addresses your concern that merely blurring individuals in the audience will potentially reveal their location and identity of undercover officers present during this Board meeting. This will ensure the protection of your undercover officers while allowing the Board members unsupervised access to review the recordings of their personal documents.

Consistent with my letter of February 2, 2009, the Board acknowledges that the receipt by Board members of these recordings does not subject the recordings to disclosure to the public pursuant to the Public Records Act. No copies will be turned over to any member of the public or to any county employee.

Additionally, pursuant to discussion with the County Executive Officer and County Counsel, the policy going forward will be that you and all officers and employees of your department, from this date forward, will provide to the Office of County Counsel unedited video and audio copies of all security recordings from installed apparatus in the Board of Supervisors Hearing Room and its chambers to properly preserve the original recording, the chain of custody of each recording and to protect confidentiality and anonymity when warranted. These recordings must be delivered, in DVD format, by the close of business of each meeting date. This policy will eliminate the possibility of this issue, and ensuing litigation, from occurring in the future. Any objection to this new procedure should be communicated to the Board as soon as possible.

As Board Chair it is my duty to ensure that Board meetings are safe and also conducted in an environment in which the Board and the public are free to express their thoughts, ideas and opinions. All my actions in this matter have been done with that spirit and goal in mind.

Thank you for your cooperation.

Sincerely,



PATRICIA C. BATES

Chair, Board of Supervisors

c: Members, Orange County Board of Supervisors
Ben De Mayo, County Counsel
Nick Chrisos, Senior Assistant County Counsel
Thomas Mauk, CEO
Rob Richardson, Assistant CEO
Satish Ajmani, CIO
Darlene Bloom, Clerk of the Board