



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

**UNDERSHERIFF
JOHN L. SCOTT**

OFFICE OF SHERIFF-CORONER

**EXECUTIVE COMMAND STAFF
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February 4, 2009

Hon. Patricia C. Bates, Chair
Board of Supervisors of the County of Orange
Hall of Administration
333 West Santa Ana Blvd.
Fifth Floor
Santa Ana, CA 92701

Re: Security Recordings of Board of Supervisors meeting of January 13, 2009,
and other recent Board of Supervisors meetings

Dear Chair Bates:

It is my understanding that the County Executive Office, Information Technology Department has custody of the original security recordings of the Board of Supervisors meeting of January 13, 2009, and other recent Board of Supervisors meetings. I further understand that at least one back-up copy of these recordings has been made by that department and that those copies remain in the custody of that department. It is very important that these recordings remain confidential, that the status quo be maintained, and that these recordings are not to be given to any persons other than as agreed upon between the Board of Supervisors and my Department.

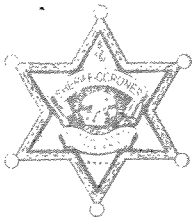
My Department has denied a Public Records Act request for these recordings, because public disclosure of the recordings would compromise the security of the Board Chamber, thereby jeopardizing the safety of the Board and those who attend Board meetings. In addition, public disclosure of the security video for the meeting of January 13, 2009 may enable individuals to identify undercover officers who were present in the Board Chamber and would put these officers and their families at risk of harm.

In further response to your letter dated February 2, 2009, regarding the disclosure of these recordings to individual Board members, except for the January 13, 2009 Board of Supervisors meeting, I have no objection to the disclosure of the recordings to individual Board members, so long as (1) each Board member acknowledges that his or her receipt of a copy of any such recording does not subject the recording to disclosure to the public pursuant to the Public Records Act, (2) no copies will be made of the videos by the Board member or their staff, (3) copies of such are not to be provided to any other person, including Board staff members, and (4) that any such copy will be returned to the custody of CEO-IT within five days. I believe it is important to limit the number of copies that are in existence and to maintain a chain of custody for each copy.

PROUDLY SERVING THE UNINCORPORATED AREAS OF ORANGE COUNTY AND THE FOLLOWING CITIES AND AGENCIES:

ALISO VIEJO • DANA POINT • LAGUNA HILLS • LAGUNA NIGUEL • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO
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With regard to the January 13, 2009 Board of Supervisors meeting, undercover officers were present at this meeting and are clearly shown on the security video. Were this video to be leaked to the press or any other member of the public, and should that person post the video on the internet or publicly disseminate it in other ways, the lives of the officers and their family members would be at risk. These officers and I are relying upon you, the Board of Supervisors, and the CEO-IT Department to our detriment to make certain that this particular recording is protected from disclosure to anyone outside CEO IT, including individual Board members, pending the resolution of the issue between the Board members and me regarding the manner in which it may be disclosed. (I have offered to permit individual Board members to view the recording of the January 13th meeting that is in my custody while a member of my Department stands by.)

On behalf of undercover officers whose safety is in danger of being compromised, I request that you, in your capacity as Chair of the Board, direct the County Executive Officer, Thomas Mauk, and the Chief Information Officer, Satish Ajmani, to ensure that the status quo be maintained and that no copies of the security recordings, other than as outlined above, be released from the custody of CEO-IT. It would give me great comfort to receive confirmation in writing that this directive has been given to County staff. Absent written confirmation of such a directive, I am compelled to seek relief from the Superior Court, a course of action I would prefer not to take. Had a joint Board-Sheriff policy been in place for the handling of these recordings, perhaps this dispute could have been avoided. I would enjoy the opportunity to work with you to develop a satisfactory policy for future use Thank you for your anticipated cooperation in this regard.

Sincerely,

Sandra Hutchens
Sheriff-Coroner

Cc: Thomas Mauk, CEO
Satish, Ajmani, CIO

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