



County of Orange
C a l i f o r n i a

Thomas G. Mauk
County Executive Officer

February 5, 2009

Sandra Hutchens, Sheriff-Coroner
Sheriff-Coroner Department
550 N. Flower Street
Santa Ana, CA 92703

Dear Sheriff Hutchens:

I have had the opportunity to review your February 4, 2009 letter to the Chair of the Orange County Board of Supervisors (cc'd to Thomas G. Mauk and Satish Ajmani) and wish to make a few comments regarding some of the suggestions in that letter.

First, as you know, the possession of the security recordings by CEO/IT is a common practice which is part of the ordinary operation of that particular facility and is not a variation from normal practice. As indicated to you by the Chair of the Board, the security of the recordings are within the control of CEO/IT and the copy that was made and is now in possession of County Counsel and also was made at the request of that department. The concern was that the recording is subject to a public records request, and that it not be lost, destroyed or otherwise misplaced (which is not an unusual expectation, given the recent problems within the Sheriff's Department – see BlackBerry and text message issue). I was asked to sign "an agreement" with you regarding the confidentiality of these recordings. I reminded those who asked that I worked for the Orange County Board of Supervisors and the Chair of the Board and not for the Sheriff of Orange County. The "agreement" suggested that the recordings were the property of the Sheriff's Department, when in fact, as the Board has suggested and I concur the recordings are the property of the County of Orange under the direction of the Board of Supervisors.

As respects the suggestion that somehow we would compromise the identity of undercover officers, I am highly offended by that allegation. The exposure of undercover officers, as a result of the January 13th Board meeting rests squarely on the shoulders of the command staff of the Sheriff's Department. I have remained silent on the undercover issue to date, but I've been around Police agencies for my entire 40 year career and I am astonished by the decision to put undercover officers in a public meeting which is recorded on both the internet and video, and also is the subject of private photos and news cameras within that same Board room. To suggest that anybody other than the Sheriff and your command staff are responsible for the lives and safety of these officers and their families is at best mistaken and at worst simply tries to absolve the command staff's extremely poor decision making as it relates to this issue.

Finally, your letter of February 4, 2009 falls short of allowing Board members the opportunity to view or receive all recordings including the January 13th Board meeting. Allowing access to all recordings should have occurred at the outset. Obviously, it is important to limit the number of copies and to have a chain of custody for each copy.

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Sheriff, this entire matter has been a major distraction and it is now escalating and continuing. All of it is unnecessary and a diversion from the important business of both the County and the Sheriff's Department. Your department has serious budgetary problems through June 30, 2009 and in Fiscal Year 2009-10, upon which little progress has been made. We have the overtime reform issue, the jail staffing issues, and a number of others which you and I should be, and in some cases are collaborating on. I look forward to working with you on these as we go forward and putting this issue of the security recordings behind us.

Again, however, I must tell you that I am highly offended by the suggestion that the security for the recordings is a problem to be addressed within CEO/IT. This problem was initiated by the Sheriff's Department, was a result of bad decisions by the Sheriff's command staff and continues to be escalated.

Let me know how I can help as you move forward in resolving this and all of the issues (particularly the budget problems) within the Sheriff's office. Please also let me know how I can help you and the entire Sheriff's Department be successful as we go forward. An important part of that success in our office is the acceptance of responsibility and accountability. I highly recommend that approach to you as well.

Regards,



Thomas G. Mauk
County Executive Officer

cc: ✓Members, Board of Supervisors
Nick Chrisos, Senior Assistant County Counsel
Rob Richardson, Assistant CEO
Satish Ajmani, Deputy CEO, CIO