



ORANGE COUNTY
SHERIFF'S DEPARTMENT

NEWS RELEASE

SHERIFF-CORONER DON BARNES

NEWS FOR IMMEDIATE RELEASE

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Update regarding evidence audits

SANTA ANA, Ca. (Dec. 4, 2019) – In 2016, the Orange County Sheriff's Department became aware of an individual instance in which evidence was booked outside of Department policy. The Department immediately conducted an internal criminal investigation on the deputy, and submitted reports for filing consideration to the Orange County District Attorney's (OCDA) Office in August 2017. At that point, there was no reason to believe it was anything other than an isolated incident by a single deputy.

In January 2018, the Department was made aware of a second instance where evidence was booked outside of Department policy. Again, an immediate criminal investigation was conducted on the deputy and reports for criminal filing consideration were submitted to the OCDA.

After the second instance, the Department went well beyond any legal obligation and immediately launched an initial audit to examine if there were additional individuals booking evidence outside of Department policy. The initial audit examined two years, February 2016 to February 2018, consisting of more than 98,000 reports, more than 27,000 evidence bookings, and more than 1,500 deputies. The audits determined there were systemic problems with evidence being booked outside policy, which states evidence must be booked prior to the end of the deputy's shift. **The majority of the evidence booked outside of policy was digital evidence, consisting of items such as photographs, surveillance video, and/or audio recordings.**

Fifteen internal criminal investigations, which were initiated and investigated by the Sheriff's Department, were conducted and submitted to the Orange County District Attorney's Office as recent as July 2019. No criminal charges were filed by the District Attorney. In criminal cases that were adjudicated before evidence was booked or without evidence being booked, the OCDA issued letters to the attorneys of record. To date, we are aware of more than 50 letters sent to either the public defender, the alternate defender, or the defendant when they represented themselves.

Following the refusal of criminal charges against the deputies who violated policy, the Department conducted internal affairs investigations into the actions of the deputies involved. To date, four deputies have been terminated, seven have been issued discipline, and four investigations are ongoing.

A secondary audit examined a sampling of cases from the initial audit. The secondary audit identified cases where the deputy's report indicated evidence was collected, but the evidence tracking system indicated that the evidence may not have been received. Results from the secondary audit indicated, just as the initial audit showed, that the system for booking digital evidence was lacking.



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The Department has conducted further review of the findings from the secondary audit. The secondary audit incorrectly identified items as “missing” that had in fact been booked into and remained in evidence the whole time. Some items were booked into evidence under another report number, some evidence was booked by Crime Lab staff under a Crime Lab report number, and some was located by conducting a physical search in the property and evidence warehouse. The Department is continuing to conduct further review of the remaining items. The majority of the remaining items are digital evidence such as photographs or audio recordings, and one is a debit card. Of the remaining items, none of the cases associated were filed for criminal charges by the OCDA.

“Our Department alone identified this issue, conducted two internal audits, and held accountable individuals who violated Department policy, including submission to the District Attorney for their consideration to prosecute the individuals involved,” said Sheriff Don Barnes. “This is an issue of policy that we identified, we addressed, affected parties were notified, and we have remedied with safeguards to ensure this does not happen in the future.

“In only one case have we received a request for evidence that we have been unable to produce. That instance prompted our immediate investigation that has since resulted in the termination of the deputy involved. Additionally both the District Attorney and defenses’ counsel through the OCDA were notified. To date, there have been no additional instances where evidence has been requested for a criminal case that we have not been able to produce.

“The Public Defender’s office has recklessly attempted to paint a picture that is inaccurate and misleading. Neither of these audits, nor any factual circumstances, have indicated or implied that there are ‘thousands’ of cases affected, that there was ‘evidence tampering’ or that ‘hundreds of deputies lied.’ Any baseless accusation to the contrary is a thinly-veiled attempt to discredit law enforcement and is their blatant attempt to allow people accused of crimes to go free and not be held accountable for their actions.

“As the Sheriff, I am elected by the people to serve as their chief law enforcement officer. It is my duty to represent the best interests of the public and ensure their Sheriff’s department is operating at a high level. Just as we have in this case, I will continue to identify areas that need correction, implement necessary change, and hold accountable employees who do not meet my or the public’s expectations.”

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