

DA Response to Free!!! Get Your GED Here!!!

## RESPONSE PROCEDURE TO GRAND JURY REPORTS

The governance of responses to Grand Jury Final Report is contained in Penal Code § 933 and § 933.05. Responses must be submitted within 60 or 90 days. Appointed officials and governing bodies (e.g., school boards or the Board of Supervisors) must respond within ninety (90) days; elected officials must respond within 60 days.

**Please submit responses as e-mail attachments to:**

- **The Grand Jury Foreperson at:** grandjury@co.mendocino.ca.us
- **The Presiding Judge:** grandjury@mendocino.courts.ca.gov
- **The Chief Executive Officer:** milledkm@co.mendocino.ca.us

**Mail one signed hard copy to the Grand Jury at P.O. Box 629, Ukiah, CA 95482.**

*Report Title:*

**"FREE!!! GET YOUR GED HERE!!! Mendocino County Jail, Holding Cells and Sheriff's Evidence Room"**

**Report Date:** June 24, 2008

**Response by:** Meredith Lintott, District Attorney

**Date Due:** August 24, 2008

**Findings**

X I (we) agree with the Finding numbered:

48

X I (we) disagree wholly or partially with the Findings numbered:

45, 46, 47

*(attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons therefore.)*

**Recommendations**

Recommendations numbered: \_\_\_\_\_  
have been implemented.  
*(attach a summary describing the implemented actions.)*

X Recommendation numbered: 8  
have not yet been implemented, but will be implemented in the future.  
*(attach a time frame for implementation)*

X Recommendations numbered: 7 & 9 do not apply to my department  
*(attach an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed. This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)*

Recommendations numbered: \_\_\_\_\_

DA Response to Free!!! Get Your GED Here!!!

will not be implemented because they are not warranted and/or are not deemed reasonable. (*attach an explanation.*)

Date: August 8, 2008

Signed: *Meredith J. Lintott*

Meredith J. Lintott,

DISTRICT ATTORNEY OF MENDOCINO COUNTY

Number of response pages attached: 3

District Attorney's Response to: **"FREE!!! GET YOUR GED HERE!!!"**

**Recommendation number 7 states that: "Board of Supervisors budget funds for a bar coding system for the sheriff's main evidence room."**

This recommendation is directed to the Board of Supervisors and Sheriff.

**Recommendation number 8 states that: "Mendocino County District Attorney's office notify the Sheriff's main evidence room when there is final disposition of a case."**

In accordance with District Attorney policy, our office will/does notify the Sheriff's Department when a case is "final." Due to our inadequate case management system, this task is problematic and difficult. For example, there is no way to track cases on appeal, except by hand. Similarly, in our case management system there is no way to track the cases for the appeals time to run.

To be able to achieve the ability to consistently provide reliable information to the Sheriff's Department, we need additional personnel and a new case management system. We would need another clerk to pull files daily for review to determine whether an appeal has been filed.

Importantly, the District Attorney has no way of tracking cases for which no case has been filed with the court (i.e. rejected cases, cases for which no suspect has been identified, etc.) Consequently, the District Attorney's Office is not capable of providing all final disposition of cases, because we do not have any information upon which to make a determination.

DA Response to Free!!! Get Your GED Here!!!

**Recommendation number 9 states that: "Mendocino county sheriff investigate the use of asset forfeiture funds for the bar coding system, refrigerator/freezer replacement and a generator for back-up power."**

This recommendation is directed to the Sheriff.

District Attorney's Response to: **"FREE!!! GET YOUR GED HERE!!!"**

**Finding number 45 states that: "All records of evidence are kept by hand on paper."**

Without further information I can neither agree nor disagree with this finding. The tracking systems used at the Sheriff's Evidence & Property facility are the responsibility of the Sheriff.

**Finding number 46 states that: "Purging of evidence is a laborious task. Evidence may not be disposed of until there is final disposition of a case, which means the inmate must complete their sentence. Determining when the final disposition has taken place requires intensive investigation by the Evidence Clerk."**

I disagree in part with this finding.

I agree that purging of evidence is a laborious task and requires intensive investigation by the Evidence Clerk.

I do not agree that final disposition of a case means that the inmate must complete their sentence. Many defendants are not sentenced to the jail, or once they have completed their sentence, remain on probation; consequently, the case is not "final."

To determine final disposition of a case for evidence retention/destruction purposes, many different circumstances determine the outcome, such as:

1. Post conviction
2. Post dismissal
3. Case not filed
4. DNA/Biological evidence
5. Sexually Violent Predators (SVP cases)
6. Domestic Violence/Elder Abuse/Child Abuse
7. Juvenile case
8. Drug diversion cases
9. Bench warrant vs. arrest warrant

DA Response to Free!!! Get Your GED Here!!!

10. Search warrant
11. General purge considerations
  - A) Statute of limitations considerations
  - B) Agency may initiate
  - C) Currency
12. Photograph and release option

**Finding No. 47 states: “Depending on what it is and how it was obtained, items held at this facility must be kept until the court orders its disposal or it is released by the District Attorney.”**

I disagree with this finding.

Some evidence may be released by court order or released by the District Attorney. For other matters, the statute of limitations or the type of crime (Domestic Violence/Elder Abuse/Child Abuse) may guide evidence destruction. Also, the nature of the evidence (DNA/Biological) may determine how long the evidence must be retained.

**Finding number 48 states that: “Evidence room operations, including purging and disposition of evidence, require greater staff time than is presently available.”**

I agree with this finding.