

## The State of Orange County Jails

### 1. Summary

Section 919(b) of the California Penal Code requires the Grand Jury to inquire into the condition and management of jails in the county. In Orange County these facilities fall within three jurisdictions—the county Sheriff’s Department, the county Probation Department and local police departments in 21 of the county’s 34 cities.

The 2004-2005 Orange County Grand Jury reached the following conclusions regarding the state of the county’s adult jails and juvenile detention facilities:

- Jail populations continue to increase and, in the eyes of the state Board of Corrections (BOC), overcrowding continues in Orange County jails. (The BOC is responsible for continual reevaluation of minimum standards for local juvenile and adult detention facilities.)
- The need for a permanent sheriff’s holding facility in south Orange County remains an open question. The facility is needed so the sheriff’s department can more efficiently serve communities in that part of the county, many of which contract with the department for police protection.
- As to juvenile detention facilities, the grand jury concluded that several are showing their age and need upgrading as soon as money for these projects can be found.

#### Some Acronyms and Abbreviations in this Report

<b>OC</b>	Orange County
<b>BOC</b>	Board of Corrections
<b>IRC</b>	Intake and Release Center
<b>The Farm</b>	James A. Musick Correctional Facility
<b>ICE</b>	Federal Bureau of Immigration and Customs Enforcement

### 2. Introduction and Purpose of Study

Each year, the grand jury examines the state of facilities where adults and juveniles are incarcerated. The purpose of this study is to report what the 2004-2005 Orange County Grand Jury found or observed as it carried out this mandate.

The grand jury is not the only agency or body that examines these facilities. They are routinely inspected by representatives of the state Board of Corrections, the state Fire Marshal, state health inspectors, and representatives of various other oversight agencies.

### **3. Method of Study**

The grand jury developed and asked a standard list of questions to assess each facility it visited. The jury was concerned primarily with the security at each facility, the quality of its staff, its management procedures, the condition of the facility, and the welfare of its inmates.

Visits to juvenile facilities and large county jails were made by appointment to insure appropriate security measures were in place for a large group of grand jurors. In some cases, only members of the grand jury's Criminal Justice Committee toured the facilities. Visits to city operated jails and holding facilities were made unannounced on a random basis, usually by two-member teams of grand jurors.

In all cases, jury members saw what they asked to see and were treated with respect and courtesy by facility personnel. The staffs at all of the county's adult jails continue to do excellent work under difficult circumstances. The grand jury also noted the professionalism and dedication of the probation department staffs at all of the juvenile detention facilities.

### **4. Background**

#### **4.1 Sheriff's Department Jail Operations:**

The adult facilities operated by the Orange County Sheriff's Department include:

- Central Men's Jail
- Central Women's Jail
- Intake and Release Center (IRC)
- James A. Musick Correctional Facility (The Farm)
- Theo Lacy Jail

The 2004-2005 budget for operating these facilities is more than \$135 million, according to the sheriff's department. This figure does not include a host of indirect costs such as transportation that involves moving up to 500 prisoners each day between the jails and courts in Santa Ana, Fullerton, Westminster, Newport Beach, and Laguna Niguel. Also not included is the cost of inmate medical services provided by the county Health Care Agency.

There are three jail sites, but five separate jails in the Orange County system. The men's and women's jails and the IRC are housed in the Central Jail Complex in Santa Ana. The Musick facility is at the edge of Irvine near the former El Toro Marine Corps Air Station. The Lacy Jail is across the street from the Block of Orange in that city.

The Orange County adult jail population increased 15.5 percent from the third quarter of 2003 (5,040 inmates) to the third quarter of 2004 (5,820 inmates), according to the "Jail Profile Survey" published by the state Board of Corrections. With an average daily population of more than 5,700 prisoners, Orange County's jail system ranks as the second largest county jail system in California and the 11th largest in the U.S. On any given day, roughly 5,000 prisoners are male, 700 female.

All of these figures stand a good chance of being eclipsed in 2005. For example, during the weekend of April 16 and 17 of 2005, there were 6,233 prisoners in Orange County jails. According to jail administrators, the average daily headcount likely will jump during 2005 from 5,700 to 6,000.

The current inmate to staff ratio in the Central Jail Complex averages 30 to 1, compared to the national average of 14 to 1. The sheriff's department acknowledges that it is short-staffed in the jails because of budget restrictions, but points out this average can be misleading. The number of sworn sheriff's deputies assigned to jails may vary depending upon the situation. For example, it takes fewer deputies to watch over some cellblocks than it does to oversee other groupings of prisoners simply because of different cellblock designs. As a general rule, modern designs in newer or remodeled parts of the jails require fewer deputies.

Another example: If there is a need to move a large group of prisoners, without a sufficient number of deputies to do it safely, the large group would be broken into smaller groups, and the prisoners would be moved one small group at a time. Safety is not compromised in such a scenario, but it does take longer to get everybody moved.

The Central Jail Complex in Santa Ana currently is allotted 370 sworn personnel (deputy sheriffs) and 251 professional staff members (such as records personnel and technicians). Budget restrictions have cut those numbers to 353 sworn personnel and 220 professional staff.

Housing of prisoners is not just a math problem because they must be housed safely. This means prisoners must be segregated by a variety of standards. For example, rival gang members cannot be housed together. Some prisoners (sexual predators, some witnesses) must be isolated. Because of segregation issues, there are between 70 and 80 beds at any one time in the Central Jail Complex that are unusable. For example, a sexual predator cannot be allowed in the general jail population and so is assigned to a cell that normally would hold two or three prisoners. Because this inmate must be isolated, he, in effect, is taking up more than one bed.

Almost 65,000 bookings were recorded at the IRC in fiscal 2003-2004. That is an increase of almost 5 percent over 2002-2003. Until the previously mentioned April 16-17 headcount, the highest one-day population in the county jails was 5,953 on August 1, 2004. This year, the jails appear to be on track for a much higher booking count.

In August 2004, 665 inmates, on average, per day, were jailed with "immigration holds" ordered by the Federal Bureau of Immigration and Customs Enforcement (ICE). These are not merely illegal aliens. They are illegal aliens who have committed a crime or are suspected of committing a crime but have not yet been tried.

From July to September of 2004 the adult jails held an average of 326 inmates awaiting transfer to state prisons, an increase of 57 percent over the same period a year earlier. The reason: state prisons are full, too, and will not take prisoners from county jails until they have enough beds to do so. In addition, some state prison inmates have been transferred

to the county jail because they are witnesses in Orange County trials. According to sheriff's officials, the state pays \$59 per day for those prisoners sentenced to state prisons but housed in county jails. The actual cost to the county is about \$150 per day.

The capacity of Orange County's five jails, as determined by the state BOC, is 4,703. Thus, with an average population of 5,700 or more per day, overcrowding by state standards is obvious. But no prisoner is forced to sleep on the floor due to the lack of a bed. The sheriff's department says the actual capacity is 6,359. The difference lies in how capacities are counted. The sheriff counts actual beds, while the BOC rates capacities on the basis of cubic feet per inmate.

Some agency has to set the standards, and overcrowding is overcrowding in the eyes of the state Board of Corrections. Among the beds not counted by the state board are the 360 in four commercial grade tents at Musick. These are considered "temporary overflow housing" by county jail officials, but have been used since 1985. The tents are on cement floors, have steel frames, are heated and air-conditioned, and contain toilet facilities.

Overcrowded jails have been a problem in Orange County since the 1970s, and, in 1978, a federal court ruled (*Stewart vs. Gates*) that the county must provide a bed for each inmate. The court also set forth a list of specific standards for the treatment of prisoners. In April 2005, a federal judge vacated the 1978 ruling, noting it had been superseded by state law (Title 15 of the California Code of Regulations).

Overcrowding is alleviated on a day-to-day basis as prisoners who have served their time are released, and others are transferred from one jail to another. One problem is the type of inmates in today's world. A decade or so ago, 75 percent of the prisoners in county jails were there because they had committed misdemeanors, while about 25 percent had committed felonies. Sheriff's department officials say that, today, those figures have been reversed.

Although the sheriff's department policy is that no prisoners will be released early in order to free up beds, early release does, in fact, happen from time to time when necessary to comply with Title 15. The prisoners who are released are within three days of completing their sentences, have earned time off for work performed and good behavior, and are not considered threats to the community, according to the sheriff's department.

#### **4.1.1 Central Jail Complex**

It is located in Santa Ana's Civic Center and houses the men's and women's central jails and the IRC. It is a maximum security complex. The current Central Men's and Women's jails opened in 1968. The IRC opened in 1988. The BOC rated capacity of the Central Jail Complex (combined) is 1,902. That includes rated capacities of 1,219 in the men's jail, 275 in the women's jail, and 408 in the IRC. Its actual combined capacity, according to the sheriff's



Central Jail Complex

department, is 2,543. That figure includes 1,433 in the men's jail, 358 in the women's jail, and 752 in the IRC.

The staff includes 353 sworn deputy sheriffs who are in charge of the prisoners 24 hours per day, seven days per week. Prisoners are confined in dormitory-like settings, modular cellblocks, or in individual cells, depending upon their evaluations at intake.

Generally, the IRC is responsible for booking, classification (including health screening), and release of inmates. It includes the Inmate Records Unit, which is responsible for statistical data, as well as keeping records on all inmates in custody. The records unit also processes hundred of thousands of legal and court documents each year.

#### **4.1.2 Theo Lacy Jail**

Named for a former Orange County sheriff, it is on 11 acres in the City of Orange. It opened in 1960. It has a rated capacity of 1,888 inmates, but can house 2,560 adult males and up to 56 juvenile males for the probation department. About 80 percent of the adult prisoners at Lacy are kept under maximum security, while 20 percent are considered medium and minimum-security prisoners. Some of the latter are in programs that allow them to do community work outside of jail during the day. The staff at Lacy includes 250 sworn deputy sheriffs.

A recent expansion at Lacy will bring actual capacity there to about 3,000 adult prisoners. Although the added facility is almost ready to occupy, currently there are not enough sheriff's personnel to staff it. Because of some construction difficulties and the staff shortage, it likely will not open until 2006 or 2007, according to sheriff's department officials.

#### **4.1.3 James A. Musick Correctional Facility**

Also named after a former Orange County sheriff, the Musick jail opened in 1964. It is the county's minimum-security jail and is known as "The Farm" because it supplies fruits and vegetables and about 8,000 eggs per day to all jail kitchens. Because Musick is on about 100 acres, it likely will evolve into Orange County's next major jail. Expansion plans call for an eventual 7,500 beds, although the number might be held to less than that depending upon evaluations at stages of growth.

Musick's capacity as rated by the BOC is 713 beds. Its actual capacity, according to the sheriff's department, is 1,256. Its facilities include the aforementioned tents that can house up to 360 inmates. On the day the grand jury visited, 814 males and 152 females were in residence at Musick. The jail staff includes 106 sworn sheriff's deputies and 30 civilians.

Men and women prisoners are housed at Musick for an average length of stay of 63 days. They are there for crimes such as driving under the influence, possession

of minor amounts of drugs, burglary, failure to pay child support, and prostitution. More than 90 percent of them admit to drug or alcohol abuse.



Musick tent interior

Prisoners who have committed violent crimes are not eligible for transfer to Musick. This creates a problem, according to sheriff's department jail administrators, because they are seeing more and more violent types of prisoners. Musick is a minimum-security jail, but there are fewer minimum-security prisoners these days. As one sheriff's official put it, "We don't have enough of the right kind of prisoners to send there anymore."

Because of overcrowding at the central jail, Musick is now taking prisoners held for ICE and some prisoners requiring higher security.

At Musick, emphasis is placed on rehabilitation through vocational programs, education, and work programs. Inmates themselves pay for many of the education programs offered through the Rancho Santiago Community College District. Some of the work programs involve off-site projects for various public agencies such as the county Fire Authority. If inmates refuse to work while at Musick, they lose some privileges.



Musick tent exteriors

#### **4.1.4 Court holding facilities**

On any given day, more than 500 inmates are transported for court appearances back and forth from jails to the county's five justice centers by secure bus or van. At the Central Justice Center (county courthouse) in Santa Ana, for example, 200 to 300 prisoners per day are brought in by bus for court appearances. They are seldom, if ever, seen outside of a courtroom because they are brought there via a labyrinth of sub-basements, tunnels, elevators, and holding cells in the interior of the high-rise courthouse. The sun never shines in these facilities. There are holding cells on several floors near courtrooms. Sheriff's deputies assigned to court operations are in charge of getting each prisoner to the correct courtroom at the appointed time. The job begins early in the day and continues until the last prisoner is sent back to jail that evening. Contrary to an old urban myth, there is no tunnel through which to move prisoners across the street from the Central Jail

Complex to the Central County Courthouse. Prisoners scheduled for appearances in central court are brought in by bus. The same is true for branch courts and Fullerton, Westminster, Newport Beach, and Laguna Niguel. This is a costly endeavor.

## **4.2 Probation Department Juvenile Operations**

The juvenile detention facilities operated by the Orange County Probation Department include:

- Juvenile Hall
- Theo Lacy Juvenile Annex
- Joplin Youth Center
- Los Pinos Conservation Camp
- Youth Guidance Center

The budget to operate these five juvenile correctional facilities in fiscal 2004-2005 totals \$57.7 million. Their combined state rated capacity is 744. The department also leases 64 secure beds at Santa Ana's City Jail for high security minors who are being tried in adult criminal courts. The annual net cost for housing a minor at Juvenile Hall, or at Joplin or Los Pinos is more than \$37,000. If they can afford it, parents of juvenile offenders pay part of the cost of incarcerating their minor children.

Juvenile Hall and the Theo Lacy Juvenile Annex are considered detention facilities where minors remain while their cases are processed through the Juvenile Court nearby. When the court process is completed the minor may be transferred to a treatment facility—Joplin, Los Pinos, or the Youth Guidance Center.

At all of its facilities, the county Probation Department views its job as the rehabilitation of each minor in its custody. The goal, admittedly not always met, is to return the minors to the community with the ability to make good choices about their lives. The minors housed in its juvenile facilities are more likely than ever before to have mental health problems, belong to a gang, abuse drugs, and to have committed one or more felonies.

Education is a high priority and work programs are part of the overall approach to rehabilitation. Accredited high schools with classrooms and libraries manned by credentialed instructors are located at all of the facilities. Incarcerated juveniles who have not completed high school are required to attend classes. In addition, juveniles in custody are counseled in such things as basic social skills, anger management, and self-discipline. Mental health therapy, medical, and dental services are available to them, as are religious services and recreation programs.

### **4.2.1 Juvenile Hall**

Situated on 17 acres between Theo Lacy Jail and the Betty Lou Lamoreaux courthouse in Orange, Juvenile Hall is a 374-bed secure detention facility for juvenile offenders and serves as the intake and release center for young law violators. Its rated capacity will grow to 434 male and female juveniles in 2005.

Females make up about one-third of the population. On the day of the grand jury's visit, 448 juveniles were held there.

On that same day, 44 juveniles were in custody in a maximum-security module of "The Hall," as it is also known. Of that number, 14 were facing allegations of murder or attempted murder, most in connection with gang activity.

A multi-million-dollar rebuilding program will double Juvenile Hall's capacity over the next 10 years. Old, single-story buildings are being replaced by modern, two-story structures. A 120-bed Youth Leadership Academy is scheduled to open at Juvenile Hall in July 2006.

#### **4.2.2 Theo Lacy Juvenile Annex**

The annex is in a cellblock of the adult Theo Lacy Jail with a capacity of 56. The 28 male juveniles in custody there on the day the grand jury visited were 17- to 19-year-olds serving juvenile commitments in this secure detention facility. On that day, another 20 wards of the probation department housed in the facility were receiving vocational training at Los Alamitos Military Reserve Training Center. The goal is to help older male wards, who are 18 or near their 18<sup>th</sup> birthday, prepare for law-abiding lifestyles through vocational and educational programs. They have no contact with adult prisoners at Lacy.

#### **4.2.3 Joplin Youth Center**

The center opened in 1956 at the base of Saddleback Mountain near what is now Santa Margarita and for its first 24 years was a working ranch. The original property was donated to the county by a family of ranchers as a place to rehabilitate "troubled" boys. The county later expanded the site. The buildings were constructed by the original staff and many of the first boys sent there.



Joplin Youth Center

Joplin is a non-secure detention facility for 64 boys, 13- to 17-years old, serving commitments ordered by Juvenile Court. Boys sent to Joplin typically remain there 30 to 120 days. Many are first-time offenders. Many are gang members. All are housed in a single barracks-type building. There are no cells.

The thrust of the program at Joplin is that the boys must learn to eat, sleep, work, play, and go to school together and put any gang rivalries behind them. The boys are given different colored T-shirts based on their behavior and progress. They receive or lose privileges as they move up or down through the colors. Those who

cannot get along with others, or cannot follow the rules are sent back to confinement at Juvenile Hall.

**4.2.4 Los Pinos Conservation Camp**

This detention facility is in a remote portion of the Santa Ana Mountains reached via back roads off Ortega Highway. It houses 125 boys, usually 16- to 18-year-olds, in buildings leased from the U.S. Forest Service. In general, juveniles at Los Pinos are serving commitments of three months to one year.



Los Pinos facility

Many of the boys at Los Pinos have extensive criminal records, but their good behavior, while in custody, has made them eligible for assignment to the camp. Again, school, work, recreation, and job training programs focus on working together and making good life decisions. Los Pinos is expected to house up to 32 girls beginning in July 2005.

**4.2.5 The Youth Guidance Center (YGC)**

Opened in 1969, this 125-bed facility (100 boys, 25 girls) is located on just under 10 acres in Santa Ana. Its focus is rehabilitation programs for substance abusing minors 11-18. Most of the minors assigned there are 16 or 17 and will be there between six months and a year. Many have family issues. Many are gang members. About 80 percent have committed felonies.

**4.3 City Jails**

The 2004-2005 grand jury inspected 19 of 21 city jails. These included jails in Anaheim, Brea, Buena Park, Costa Mesa, Cypress, and Fountain Valley. Also inspected were jails in Fullerton, Garden Grove, Huntington Beach, Irvine, La Palma, and Los Alamitos. Jails in Newport Beach, Orange, Placentia, Santa Ana, Seal Beach, Tustin, and Westminster were examined as well.

Not inspected this year were jails or holding facilities in Laguna Beach and La Habra.

Most of the city jails are holding facilities where prisoners are housed for short periods of time before being transferred to the county's central jail in Santa Ana or, in the case of juveniles, sent to Juvenile Hall or released to their parents. An exception is the Santa Ana City Jail, which has the capacity to house up to 420 prisoners ranging from pay-to-stay to maximum-security inmates. Jail administrators in Santa Ana say contracts to house prisoners under the jurisdiction of other agencies, federal and local, have allowed them to turn their jail into a profit center for the city.

For example, the county probation department houses up to 64 prisoners at the Santa Ana jail. These are juveniles who have been remanded to adult court in connection with violent felonies, including homicide. Unlike the county jail system, which is under a mandate to take whatever prisoners come its way, Santa Ana is not under such a restriction and can be selective about what kind of prisoners it will take.

Some city jails operate under contracts with private firms that provide trained jail personnel. Others are staffed by police department employees who are trained correctional personnel, but are not sworn police officers. In both cases, these jails are supervised by senior police officers, usually a lieutenant or captain.

Some city jails offer “pay to stay” programs. These court-ordered arrangements allow an individual to serve his sentence while keeping his job. He goes to work in the morning and reports back to jail in the evening. He pays a fee for this, usually in the neighborhood of \$75 per day. These programs are limited to nonviolent individuals deemed by the courts as unlikely to flee. In this way, individuals can continue to support their families while serving their time.

A few city jails will house inmate workers, prisoners who can be trusted to work with limited supervision while serving their time.

The grand jury noted that most jails now have defibrillators and that jail staff members are trained to use them. However, city paramedics usually are the first ones called in the event of serious medical problems in local jails.

## **5. Observations and Discussion**

### **5.1 Drugs, Gangs, Women, Mental Health, and Aging Infrastructure**

Five general observations stood out during the grand jury’s inspection of the county’s jails and juvenile facilities:

- The high percentage (75 percent to 95 percent, depending upon the facility) of those in custody because of substance abuse and/or crimes associated with substance abuse
- The high percentage of those in custody who are members of or associated with the more than 300 known criminal street gangs in Orange County as of 2004
- That females make up the fastest growing segment of jail and juvenile facility populations in Orange County and that females, in line with national trends, are committing more felonies, including violent crimes, than ever before
- The rising rate of mental health problems among those in custody
- That many buildings at juvenile correctional facilities are showing their age

#### **5.1.1 Substance abuse**

The grand jury asked what rehabilitation efforts are made in jails and juvenile facilities to counter substance abuse.

All of these institutions have educational and counseling programs aimed at helping inmates overcome substance abuse. The county Probation Department's Youth Guidance Center is devoted entirely to this goal through its various programs for juveniles who are assigned there because they have histories of drug or alcohol dependencies.

Another example is a relatively small rehabilitation effort established by the sheriff's department at Theo Lacy Jail in 2002. In January 2005, a new contractor, Phoenix House, was brought in to conduct the program, which is funded with what is known as "tobacco settlement money" administered by the county Health Care Agency.

The program is available to 64 nonviolent male inmates who must volunteer and pass a stringent assessment to determine if they have a good chance of breaking the cycle of abuse. Those selected undergo 52-55 hours per week of training and education during an intensive three-month in-custody program. After their release, they are asked to live for up to six months in a sober living environment in a halfway house.

Because the relationship with Phoenix House is so new, there are not yet meaningful statistics regarding the success of the program. It will be important to follow the program to see if the goal of returning these inmates to useful roles in the community is achieved.

### **5.1.2 Gangs**

It is unnerving to realize that in affluent and progressive Orange County there are more than 300 criminal street gangs preying upon their neighborhoods, the unsuspecting, and each other. The gangs are identified by law enforcement agencies as chiefly Hispanic, Asian, black, or white supremacist. Their total membership in 2004 was more than 13,000, according to countywide law enforcement figures compiled by the Orange County District Attorney's Office.

There is among these gangs an entire subculture that must be taken seriously because of the serious crimes committed by gang members.

For example, gang homicides in the county were on the rise again in 2004, accounting for 30 deaths, compared to 20 in 2003. The primary instruments of death are handguns. Over the past five years, the highest annual number of gang homicides was 36 in 2002. In the same five-year period, gang members in Orange County killed 120 people.

In contrast, there has not been a homicide in an Orange County jail for 20 years. Much of the credit for this, according to sheriff department officials, goes to the sheriff's gang teams assigned to the jails. The teams consist of specially trained deputies who develop detailed intelligence regarding gang members in the jails. As one sheriff's jail commander put it: "They know who's who inside the zoo." This is

important, sheriff's officials maintain, because many Orange County gangs are run by gang members who are in jail.

### **5.1.3 Women**

To accommodate the rising number of women being jailed in Orange County, two modules of the IRC at the central jail now house women. At any given time, 12 to 15 percent of the women in the central jail are pregnant. In 2004, 32 women gave birth to babies while in custody. The births take place at a local hospital where the women are taken to deliver.

The county Probation Department reports a 25 percent increase over 2003 in the average daily population of females detained at Juvenile Hall in 2004.

### **5.1.4 Mental problems**

The grand jury heard from staff members at jails and juvenile facilities that they are seeing a rise in mental problems among those in custody. The number of adults in county jails suffering from some sort of mental health problem doubled from 417 in March of 2004 to 898 in February of 2005. In the first three months of 2005, the cost for psychotropic drugs to treat prisoners in the Central Jail Complex was more than \$400,000.

Jail commanders point out that Orange County's jails, like jails elsewhere in California, have become, in effect, mental health facilities. They are not sure about the causes of mental health problems they are seeing but suspect substance abuse is one. The rise also could be attributed in part to greater awareness on the part of jail staff members who are trained to identify such problems. It also could reflect a tendency to err on the side of caution when admitting prisoners. This approach perhaps contributes to Orange County having what jail authorities said is the lowest per capita suicide rate among county jails across the U.S.

The rise in mental health problems among jail inmate affects jail staffing because these prisoners require close supervision. So the ratio of jailers to inmates in this situation is likely to be much lower than the 30 to 1 average in the central jail.

### **5.1.5 Aging Juvenile Facilities**

The buildings at most of these facilities date back to the 1950s or 1960s and are showing their age. This is particularly evident at Joplin Youth Center and Los Pinos Conservation Camp. There is a growing need to address the matter of aging facilities, especially those that do not meet current building codes. The grand jury also is aware that recent cutbacks in federal funding for new juvenile facilities in counties throughout California make renovating and expanding these facilities more difficult. The county probation department, which is responsible for these facilities, is acutely aware of these matters and has plans to deal with them, provided money becomes available. Additional recognition of this problem is needed at the highest levels of county government.

## **5.2 The NIMBY Factor**

The term “not in my back yard” certainly applies to opposition to jails and similar facilities in rapidly urbanizing Orange County. Locating a new jail somewhere in the county has been debated for a long time without result. A proposed holding facility sought by the sheriff’s department in connection with a new south county courthouse in Laguna Niguel is still being negotiated.

In the face of this type of local opposition, county officials opted to add jail and juvenile detention facilities on existing sites. This seems a viable approach. Musick, for example, has the most available land and is the logical choice for future expansion because other existing sites are at or near build-out. A question arises: Is planning for expansion at Musick on track with the county’s future jail needs, or is the planning process already behind the curve?

## **5.3 South County Holding Facility**

The lack of firm plans for a future sheriff’s holding facility in connection with a new south county courthouse complicates the transporting of prisoners between jails and the court. The issue revolves around whether prisoners can be held there overnight, or through a weekend until they be arraigned on Monday. The sheriff’s department prefers this approach based on fuel costs and the efficient use of manpower.

A sheriff’s holding facility in the south county would reduce the time the arresting deputy must spend away from patrol duties and allow for arraignment of prisoners at the south court before they are moved to Santa Ana, thus saving extra trips between the central jail and south court.

The lack of such a facility also is a safety issue for the south county cities that contract with the department for police services. An example: A sheriff’s deputy patrolling in one of these cities makes an arrest. Without a convenient holding facility, the deputy must then drive the prisoner to Santa Ana to be booked into jail. Meanwhile, the area that deputy would be patrolling is uncovered.

The need for such a facility was reported by the 2003-2004 Grand Jury. The 2004-2005 Grand Jury reiterates the need.

## **5.4 City Jails**

The grand jury concluded that local jails throughout the county are well kept for the most part, although unannounced visits revealed that one or two city jails could have been cleaner than grand jurors found them.

The grand jury also noted that, of the 11 in-custody deaths recorded in the county in 2004, five involved offenders in the custody of cities as opposed to six in the custody of the sheriff’s department, which handles a much larger volume of prisoners than cities. The number of in-custody deaths, often suicides, varies from year to year and from jurisdiction to jurisdiction. At this point, the 2004 figures supplied by the district attorney’s office, though noteworthy with respect to jurisdictions, do not represent a

trend. Still, the numbers suggest more training of local level jail personnel may be necessary.

## 6. Findings

Under California Penal Code Sections 933 and 933.05, responses are required to all findings. The 2004-2005 Orange County Grand Jury has arrived at the following findings:

- 6.1** *Overcrowded jails*: Orange County's adult jails remain overcrowded by standards used by state Board of Corrections.
- 6.2** *Prisoner holding facility*: The need remains for a new sheriff's prisoner holding facility in south Orange County.

**Responses to Findings 6.1 and 6.2 are required from the Orange County Board of Supervisors and the Orange County Sheriff-Coroner.**

## 7. Recommendations

In accordance with California Penal Code Sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Officer of the Superior Court. Based on the findings, the 2004-2005 Orange County Grand Jury makes the following recommendations:

- 7.1** *Overcrowded jails*: In order to ease jail overcrowding as set forth by the state Board of Corrections, the county Sheriff's Department should expedite the opening of the new cellblock at Theo Lacy Jail. (See Finding 6.1.)
- 7.2** *Prisoner holding facility*: A new sheriff's prisoner holding facility should be established in south Orange County as soon as possible. (See Finding 6.2.)

**Responses to Recommendations 7.1 and 7.2 are required from the Orange County Board of Supervisors and the Orange County Sheriff-Coroner.**

## 8. Bibliography

1. California Penal Code
2. Title 15, California Code of Regulations
3. Final Report, 2003-2004 Orange County Grand Jury

4. Orange County 2004 Community Indicators Report
5. "Jail Profile Survey," Fall 2004, California Board of Corrections
6. "Orange County Gang Statistics 2004," Orange County District Attorney's Office
7. "2004 Officer Involved Shootings and Custodial Deaths Statistics," Orange County District Attorney's Office
8. "2005 Business Plan," Orange County Probation Department

**9. Acronyms, Abbreviations, and Glossary for this Report**

BOC	Board of Corrections
Farm, The	James A. Musick Correctional Facility
ICE	Federal Bureau of Immigration and Customs Enforcement
IRC	Intake and Release Center
NIMBY	not in my back yard
OC	Orange County