

DETENTION FACILITIES REPORT: PART I - ADULT

SUMMARY

In accordance with the requirements of the California Penal Code, the 2011-2012 Orange County Grand Jury has conducted an inspection of the detention facilities in Orange County. The report is divided into two parts: Part I covers the adult detention facilities (jails) operated by the Orange County Sheriff's Department and selected cities. Part II covers the juvenile detention facilities operated by the Orange County Probation Department.

In October 2011, the California State Legislature introduced a new problem for local jails. Assembly Bill (AB) 109 (Public Safety Realignment) requires a certain category of felony offender (considered non-serious) be sentenced to serve their time (up to three-years) in county jail rather than in state prison. While insufficient time has passed to understand the full impact of this change, the early indications are that the expected number of felons within this category has been underestimated and the number of AB 109 eligible inmates is approximately double the number expected. While the county jails in recent years have been operating at approximately 88% of capacity, it appears that is about to change. Closed units are being re-opened and jail expansion plans are being expedited.

This report also discusses some perceived organizational problems such as the lack of a fast-track career path for deputies and the possible improper organizational placement of the Office of Independent Review.

On the operational side, the Grand Jury has identified potential problem areas. These include:

- Inadequate video surveillance systems in some facilities;
- Abuses of the court ordered non-collect call system by selected inmates;
- Five jail deaths occurring in 2011-2012; and
- An escape from Theo Lacy jail.

As recently as 2006, the Orange County jails were in turmoil. The Sheriff-Coroner was indicted by a Federal Grand Jury on seven counts of public corruption and he subsequently retired. On October 5, 2006, inmates beat an inmate at the Theo Lacy facility to death. While this report will identify some perceived problems in the jails, the findings and recommendations are made with an awareness of where we have been and an appreciation of the significant progress made in the overall direction of the department with respect to jail operations.

PURPOSE OF STUDY

Penal Code Section 919(b) states - “The Grand Jury shall inquire into the condition and management of the public prisons within the county.” The 2011-2012 Grand Jury chose to focus primarily on the county operated facilities. This report covers the five jails that house adult inmates, operated by the Orange County Sheriff’s Department and selected local jails operated by cities. The four institutions housing juvenile offenders, operated by the Orange County Probation Department, are reviewed in the 2011-2012 Grand Jury report “Detention Facilities Report: Part II – Juvenile.”

METHOD OF STUDY

To carry out the mandated inspection duty with respect to the county jails, the Grand Jury engaged in the following activities:

- Two visits to each of the facilities, one for an overview of the operations and the second for a more detailed inspection;
- Extensive interviews with the captains of each of the jail facilities;
- Review of each of the most recent inspection reports prepared by the California Standards Authority, the local fire authority and the health department;
- Interviews with and review of reports prepared by the Office of Independent Review pertaining to jail operations;
- Attendance at coroner’s hearings reviewing four of the five deaths of county jail inmates;
- Review of the district attorney’s investigations regarding the above deaths;
- Review of events reported by the local news media regarding county jail operations; and
- Review of the public safety realignment legislation (AB 109) that significantly alters the criminal justice system in California.

With respect to the local city jails, the Orange County Grand Jury engaged in the following activities:

- Reviewed the most recent inspection report prepared by the Corrections Standard Authority, the fire authority and the health department;
- Performed site visits, interviews and physical inspection of local jails operated by –
 - The City of Anaheim
 - The City of Buena Park
 - The City of Costa Mesa
 - The City of Fullerton
 - The City of Seal Beach
 - The City of Tustin

- The City of Westminster

BACKGROUND AND FACTS

In 2006, only six years ago, the Orange County Sheriff's Department was in disarray. In October of that year, an inmate at Theo Lacy thought by other inmates to be a child molester, was brutally attacked by 11 inmates in one of the barracks dormitories, and was literally stomped to death. According to reports, the officer on duty in the control station was watching television and no other staff on duty was maintaining surveillance of what was known to be a "blind spot." Six years later, this incident is still playing out in the courts. The gravity of this event significantly contributed to the departure of the former Sheriff and led to the appointment and subsequent election of the current Sheriff.

Based on interviews with jail captains and supervisors, it appears that the culture in the department has substantially improved since 2006. Many changes were made in the management organizational structure, and command staff is periodically rotated to provide a fresh perspective to the various operations. During the interviews with jail commanders and supervisors, a consistent theme is the difference in the climate in the Orange County Sheriff's Department now as opposed to 2006. This is not to say that there are no problems; jails are volatile, dangerous places that test the best of the men and women working in these difficult, but very necessary, jobs.

County Jail Descriptions

All jails under the jurisdiction of the Orange County Sheriff are classified by the Correctional Standards Authority as *Type II* facilities. This classification allows the jails to house unsentenced and sentenced inmates. Until the implementation of AB 109 (Prison Realignment) in October 2011, the city jails normally received prisoners with misdemeanor sentences of one-year or less. Effective October 1, 2011, however, the courts are required to sentence certain categories of felony prisoners to county jail, rather than state prison, for terms up to three years.

Most city-operated jails are either *Type I* or *Temporary Holding* facilities. The only exception is the City of Santa Ana which operates a *Type II* facility. *Type I* facilities may hold inmates for up to 96 hours after booking and may also (upon court order) detain sentenced inmates. Some cities use this feature to provide "inmate workers" that assist in the maintenance of the facility. These assignments are made on a voluntary basis. *Type I* jails may also provide beds to selected inmates on a "pay to stay" basis." These are generally low-risk inmates that have the means to pay a daily amount and choose to serve their time in a city jail rather than being placed in the general population of the county jail system. These inmates may be employed and can be released during the day for work purposes.

The most common city jail is classified as a “Temporary Holding Facility” and is used to house suspects for up to 24 hours pending appearance in court or transfer to a county jail facility.

Intake Release Center (IRC)

Located in the Central Jail Complex in Santa Ana, this facility contains five maximum-security housing modules. In addition to housing and processing new bookings, the IRC houses a substantial number of unsentenced prisoners awaiting court hearings as well as those serving sentences. After the closure of the women’s jail in 2009, modular units at IRC were adapted for use in housing female prisoners at any classification level. At the end of 2011, approximately 270 out of 400 females were housed at the IRC. However, in April 2012 the women’s jail reopened and most female inmates were transferred to that facility.

Central Men’s Jail

Also part of the Central Jail Complex (CJX), the Men’s Central Jail is a traditional style cellblock facility, housing both sentenced and unsentenced inmates. With its linear design, inmates can be moved for meals, visiting, or recreation individually, in small groups, or by mass movement. This facility shares the complex with the IRC and the women’s jail.

Central Women’s Jail

The Women’s Jail is the third facility located in the Central Jail Complex (CJX). Because of the increase in jail population triggered by the public safety realignment legislation (AB 109), this facility was reopened in April 2012, and most female inmates formerly held in the Intake Release Center (IRC) were moved here. While most of the female inmates in the county jail system are housed in this facility, space is also available in the Intake Release Center (IRC) and at the James A. Musick facility.

Theo Lacy Facility

Named in honor of a former sheriff of Orange County,¹ this facility was opened in 1960 on seven acres in the City of Orange. Originally intended to relieve overcrowding at Santa Ana’s Sycamore Street Jail, it housed 424 minimum-security inmates. Now, covering approximately 11 acres, the facility houses up to 3,111 inmates of all security classifications and requires a staff of approximately 440 sworn and professional staff members.

The facility has at least three construction styles. The original **minimum-security buildings** are now used for the ICE (Immigration and Customs Enforcement) detainees. These detainees are the responsibility of the federal government and are housed by the Sheriff’s Department on a contract basis.

¹ Lacy, Theodore – second and fourth sheriff of Orange County – from 1890 to 1894 and 1899 to 1911

The next least secure styles are referred to as “**barracks housing.**” These are dormitory style housing areas with a total capacity of just under 600 inmates. This housing is intended for minimum security inmates however, one of these units was the scene of the aforementioned beating death of inmate John Chamberlain.

A more secure jail environment is found in the **module style** that houses inmates at all levels of security. A maximum of eight inmates are allowed to congregate at any one time, which helps to prevent the opportunity for large-scale disturbances.

James A. Musick Facility

Also named after a former Orange County Sheriff, the James A. Musick² jail facility provides custodial and rehabilitative programs for up to 1,250 adult male and female inmates. It is located on a 100-acre parcel known as “The Farm” in an unincorporated area near the cities of Irvine and Lake Forest. Originally opened in 1963, the facility held a maximum of 200 male inmates and was referred to as the “County Industrial Farm” or the “Honor Farm.” The housing capacity has now increased to 1,250 and includes women. All inmates at Musick are considered a low security risk. Inmates who have committed violent crimes or sex crimes are not eligible.

ANALYSIS

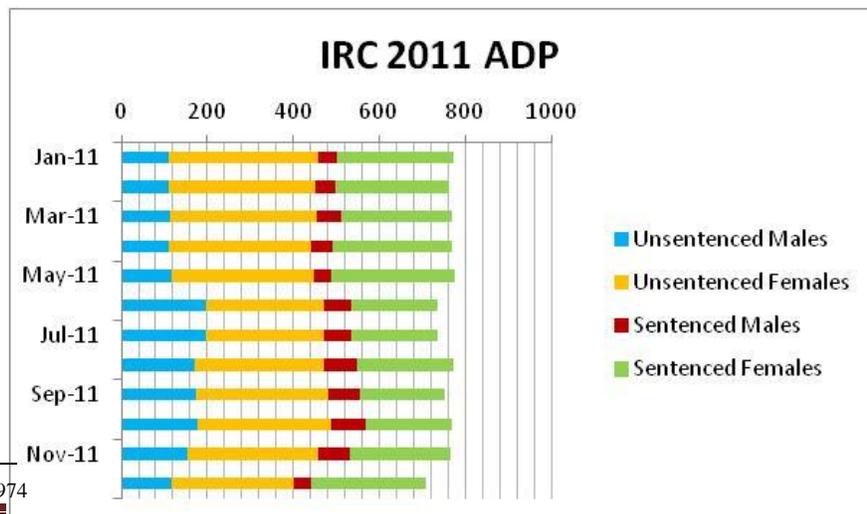
Intake and Release Unit (IRC)

Figure 1 shows the 2011 population of the IRC and the distribution between the sentenced and non-sentenced as well as male and female prisoners. During the closure of the women’s jail, most female inmates were housed at IRC. The following data are for the calendar year 2011. The distribution has now changed because of the recent opening of the Women’s Central Jail.

Figure 1 – 2011 Average Daily Population IRC

Observations

Part of the Central Jail Complex (CJX), the Intake Release Center (IRC), is one of the more volatile operations in the Orange County jail system. At this point, the custody process begins. New arrestees are brought to the center from



² Sheriff of Orange County from 1947 to 1974

the local jails or directly off the streets. Many have physical or mental health issues or are under the influence of drugs and/or alcohol. It is the responsibility of the Sheriff's custody staff and the Health Care practitioners to assess each prisoner admitted, provide medical care if indicated and classify inmates for the most appropriate housing in the county system. The most recent estimates place the number of bookings processed at this facility at approximately 66,000 each year.

The 2011-2012 Grand Jury has reviewed the reports from the District Attorney's Office investigating the circumstances of each of the four jail deaths that were subjects of the Coroner's Review on January 31, 2012. The cause of death in one of the four was suicide; the other three were natural causes aggravated by the excessive use of drugs and/or alcohol. These investigations have determined that there was no IRC staff culpability. In the instance of a woman who died from a stroke, there was a potential problem due to the unavailability of a deputy to escort the prisoner to the hospital. The paramedics, however, made the decision to not wait for an escort and rushed the inmate to the hospital without a significant loss of time. A fifth jail death was recently reported and is under investigation by the District Attorney's office and the Office of Independent Review.

IRC in the News

Early in 2012, the Orange County Register reported an incident involving a female deputy and a male inmate allegedly engaging in a sexual relationship at the IRC. This matter is currently under internal investigation and further details are not available.

Inspection Results

Noted during the inspection is that the IRC as well as the other facilities in the Central Jail Complex, do not have a modern, state-of-art video surveillance system. Systems in place are aging analog systems with poor quality and limited access for review.

A second observation at IRC is the general environment of the medical intake center. As one of the 2011-2012 Grand Jury members stated:

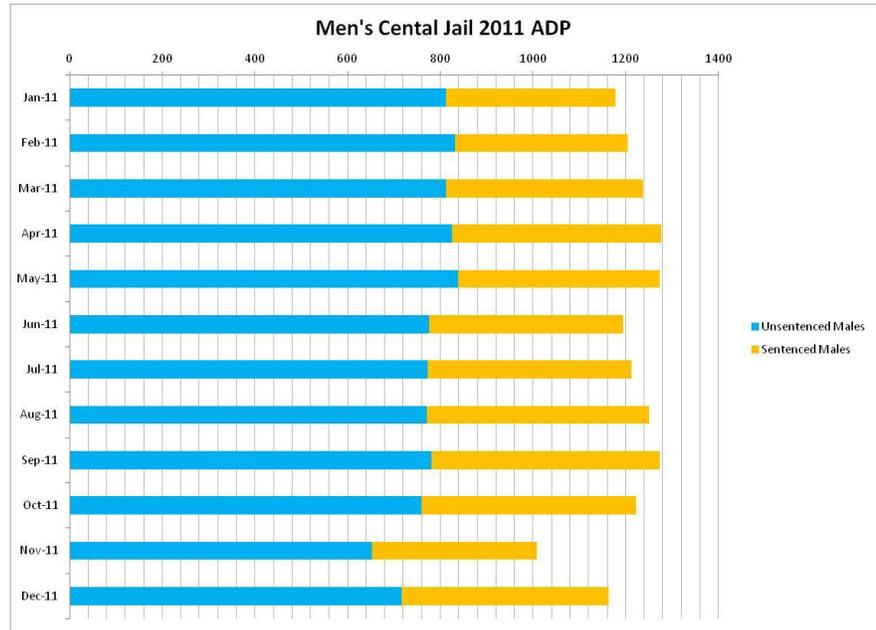
“The immediate feeling when walking into the medical intake center at the IRC was one of abounding confusion. New inmates were literally ‘herded’ into the building and seated in a row on a long bench in front of the medical intake center. One by one, each potential inmate was called up to a window that had an open area. Each was asked a variety of personal health questions including information about sexually transmitted disease. All these questions, and all the responses, could be heard by any and all persons seated on the bench as well as the staff inside the workroom. Maintaining confidentiality was not an area of concern.”

Men’s Central Jail

Figure 2 – 2011 Average Daily Population Men’s Central Jail

Inspection Results

An observation made at this facility that most likely applies equally to the other jail facilities regards the parallel phone systems. Inmates are allowed to make two types of calls: (1) collect calls through a self-supported system operated via a contract with an outside vendor, and (2) non-collect calls, made free of charge through the regular county phone system.



Collect calls are allowed only if made to a party willing to accept the charges or if the inmate has money “on-the-books” specifically designated for telephone calls. Collect calls are monitored by recording the conversations. The non-collect calls are allowed only by court order and are for the sole purpose of allowing confidential conversations between the inmate and his or her attorney. An estimated 20 percent of inmates have this privilege.

According to information provided by inmates, the non-collect call privilege is of great value among the inmate population, and it is sometimes exploited by the informal inmate leadership in order to facilitate unmonitored contact with the outside world. It has been reported that inmates have used the unmonitored phone system to arrange for assaults within the jails and to coordinate other criminal activities within the community. If this inmate information is accurate, the 2011-2012 Grand Jury considers non-collect call exploitation to be a serious threat to the security of staff, inmates, and community.

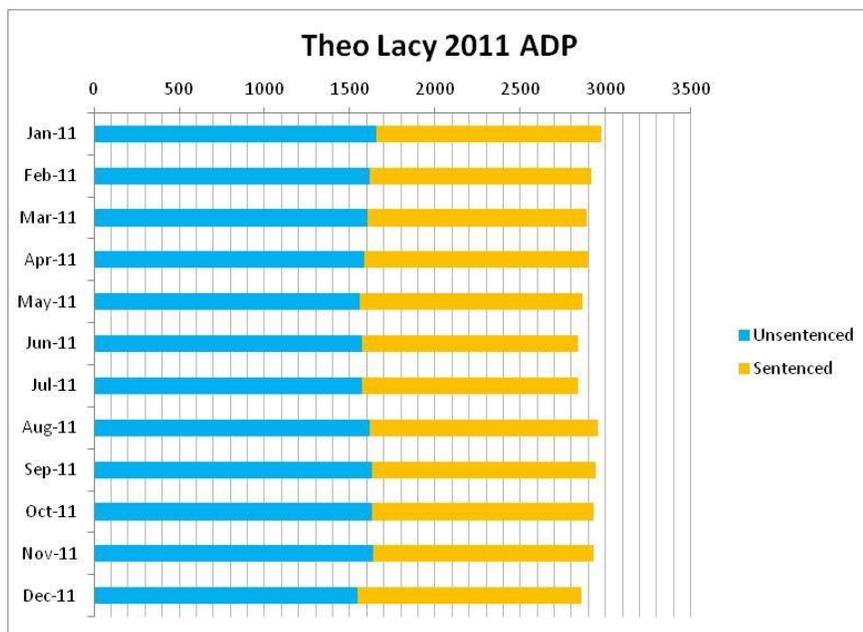
The Men’s Central Jail is the location of County Jail 1 (CJ1), a court facility capable of handling arraignment hearings and other matters on a daily basis. The location of this court reduces the need for the transporting of many inmates, thereby reducing costs and improving safety. As the population of the county jail system increases, a second court would be useful.

Theo Lacy

Figure 3 – 2011 Average Daily Population

Observations

A substantial portion of the Theo Lacy population consists of illegal immigrants detained at the request of the Immigration Control Enforcement (ICE). Since the federal government pays for these beds (“beds-for-feds”), the program has become a revenue producer for the Sheriff’s Department. Unfortunately, the increased demand for jail beds



resulting from the prison realignment legislation (AB 109) has the potential to significantly reduce the number of beds available.

Inspection Results

Just prior to the second visit to Theo Lacy by the Grand Jury, an escape occurred. Since an escape is a highly unusual event, the 2011-2012 Grand Jury inspection group reviewed the matter in some detail with the jail commander. The inmate who escaped was apprehended after a short absence and the security weakness exposed by the incident has been corrected.

It was at one of the barracks at Theo Lacy that the Chamberlain incident occurred. While the “blind spot” that existed in 2006 has been eliminated, these facilities remain a challenge for effective inmate supervision. Care must be exercised in classification and assignment of inmates to these units.

Video Visitation

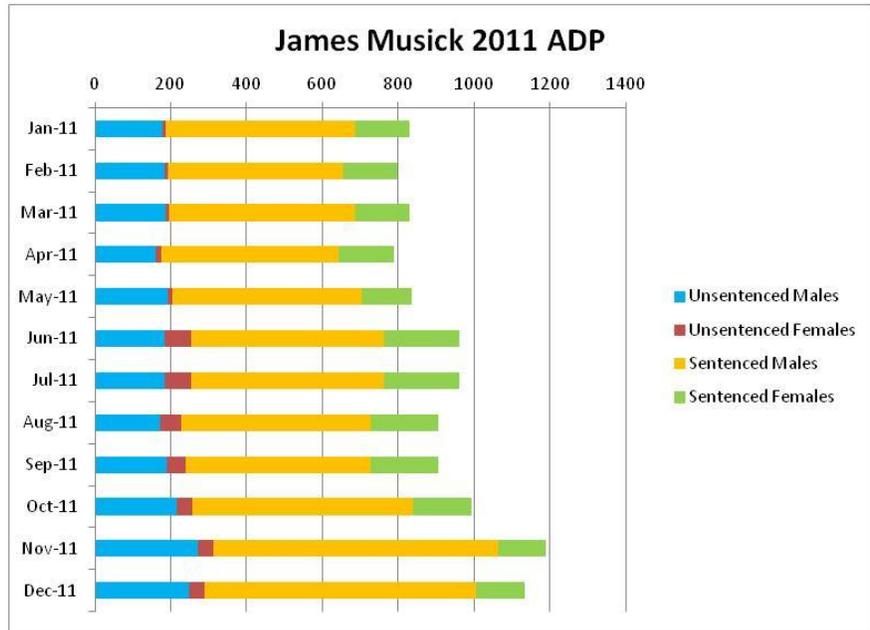
It is noted that none of the facilities in the Orange County jail system use video visiting. The Grand Jury believes that this technology offers an improved means to expand visiting opportunities and increase control over the visiting procedure

James A Musick

Figure 4 – 2011 Average Daily Population

Inspection Results

The Grand Jury inspection group noted no deficiencies at this facility. Its location seems to be the long-range solution to threats of overcrowding because of the prison realignment program. A jail expansion program has been planned for several years but has yet to be finalized because of perceived citizen concerns in the community.



Office of Independent Review

The Orange County Office of Independent Review was established in September 2008. Based on a Los Angeles County model, from whence the current director came, its stated purpose is "to monitor, assist and advise the Orange County Sheriff's Department in investigations of alleged officer misconduct and reviews of critical incidents including officer-involved shootings and in-custody deaths."

Recommended and strongly supported by the Sheriff, the Director of this office has had difficulty in satisfying the Board of Supervisors (BOS). The 2011-2012 Grand Jury has had several conversations with the Director and has made several requests for information that have always been quickly provided. In preparation for the jail inspections and evaluation of the results, the information he has provided and his perspective on issues have been appreciated.

The 2011-2012 Grand Jury questions, however, his placement in the County organization. The reality of reporting to five elected officials (BOS) seems contrary to sound organizational structure. There is no clear-cut line of authority; thus expectations are ambiguous and results difficult to measure. The 2011-2012 Grand Jury also questions his physical office location. The impression that he is imbedded with the Orange County Sheriff's Department (OCSD) is reinforced by the fact that his office is located in the OCSD Headquarters and daily contacts are with OCSD personnel.

Inmate Welfare Services

Title 15 establishes minimum jail standards including the requirement that inmate services and programs related to rehabilitation opportunities be available to all eligible inmates. In Orange County the Inmate Welfare Fund provides most inmate programs without cost to the taxpayers. Financed primarily through revenue from inmate commissary purchases, telephone commissions, and education contracts with the Rancho Santiago Community College District, the Welfare Inmate Services program:

- Provides inmates an opportunity to attend classes to obtain a General Education Development Certificate;
- Offers continuing education classes that include improvement in English skills and U.S. Government classes;
- Provides a means to expand vocational education classes to train inmates to work in various occupations upon release; and
- Provides legal research assistance to inmates upon request.

These services are important to the effective management of an institution in more ways than one. In addition to the altruistic motive of providing educational and self-improvement opportunities to the inmates, the privileges become an important tool in the disciplinary process. As one facility commander observed, “if the inmate has no privileges, you have nothing to take away.”

The Inmate Re-Entry Program

Based on a concept originating in 2005, this program has been developed into a comprehensive system involving several agencies. Managed by the Inmate Services Division of the Orange County Sheriff’s Department, Custody Operations Command, the program is focused on helping the newly released inmate stay out of jail. The process begins with an assessment interview and counseling while the inmate is in custody and continues after release. A resource center provides facilitators to assist ex-inmates with locating job opportunities, filling out job applications and contacting community assistance providers.

This program has received national recognition by the United States Department of Justice and National Institute of Corrections and has received a grant for staff training. Preliminary estimates have determined that the recidivism rate for participants is less than ten percent. A full study is under way with results expected later in 2012.

Local Jail Inspections

In addition to the County Jails, the Grand Jury inspected the seven city operated jails listed below:

- Anaheim
- Buena Park
- Costa Mesa
- Fullerton
- Seal Beach
- Tustin
- Westminster

Comments

All city jails inspected had the requested documentation consisting of:

- Interviews were conducted with facility management, line staff and some inmates (where available).
- All were forthcoming and responded to all inquiries by the Grand Jury inspection teams.
- No facility was found to be understaffed.
- All were clean and in good operating condition.

Individual inspection reports have been or will be sent to each city jail inspected.

An Observation

Some of the city-operated jails may offer an opportunity to relieve a crowded county jail system by taking sentenced inmates on a contract basis. Several jails were inspected that although currently classified for “temporary holding” could qualify as “Type I” or “Type II” facilities; such a classification would enable them to keep inmates for a longer period of time. This offers the possibility of a revenue source for the cities and the provision of a manpower resource for daily cleaning and maintenance.

FINDINGS

*In accordance with California Penal Code Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Findings** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court with a copy to the Grand Jury.*

The 2011-2012 Orange County Grand Jury presents the following findings:

F1. Video surveillance systems in many of the county facilities are antiquated analog type systems offering poor quality and performance. Each facility relies on these video recording devices for staff and inmate safety.

F2. The practice of permitting unmonitored non-collect calls between selected inmates and attorneys, as authorized by court order, has a high potential to contribute to the risk of inmate-orchestrated incidents within and outside of the jail system.

F3. The courtroom (CJ1) at Men's Central Jail handles approximately 25 to 70 cases per day, thereby reducing transportation costs and inter-action between inmates. A second courtroom, perhaps at Theo Lacy, would provide a similar benefit.

F4. New hires for Deputy Sheriff positions face the probability of working several years in the custody division before transfer opportunities to patrol become available. Given their qualifications and training, this may not be the most effective use of personnel.

F5. The department's policy to provide an "Escort Deputy" to attend paramedics transporting an inmate to the hospital was not followed on July 1, 2011, when a female inmate required hospitalization.

F6. The Office of Independent Review provides a valuable risk management service to the county but may be improperly assigned and underutilized. Direct reporting to the Board of Supervisors results in inconsistent expectations, direction, and evaluations. Additionally, there is a perception that the operation is unduly influenced by the Sheriff's Department. This is reinforced by the physical location of the OIR office in the OCSD headquarters.

F7. The expected increase in jail population resulting from AB 109, Prison Realignment, has the potential to overwhelm existing jail facilities unless the County is able to quickly expand jail capacity. The Central Women's Jail was opened in early April 2012 with a capacity of 370. The population on the date of inspection was 354.

F8. Video visiting technology is currently not in use at any of the county's jail facilities. This technology could provide better inmate visiting, reduce staff time required to move inmates, and ultimately enhance jail safety and security.

F9. The Inmate Re-Entry program is a positive example of efforts to rehabilitate offenders and reduce recidivism. This program, in addition to the Collaborative Courts, provides innovative approaches to assisting inmates and others to make significant life changes.

RECOMMENDATIONS

*In accordance with California Penal Code Sections §933 and §933.05, the 2011-2012 Orange County Grand Jury requires responses from each agency affected by the **Recommendations** presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court with a copy to the Grand Jury.*

The 2011-2012 Orange County Grand Jury presents the following recommendations:

R1. The Sheriff should place a high priority on upgrading video surveillance systems in the county jail system so that all units are protected by high quality digital monitoring systems providing maximum area coverage to improve the safety of inmates, staff, and visitors. (See F1).

R2. While the Grand Jury is aware that reduction of court-ordered non-collect calls lies within the sole discretion of the Court, the Grand Jury suggests that the Sheriff initiate a discussion with the Presiding Judge, the District Attorney, and the Public Defender to explore ways to reduce the frequency of ordered authorization to make non-collect telephone calls or find a way to control the placement of calls to reduce incidents of misuse. (See F2).

R3. The Sheriff should initiate a discussion with the Presiding Judge as to the possibility of locating a courtroom at Theo Lacy to reduce transportation costs and risks. (See F3).

R4. The Sheriff should give serious study and consideration to establishing a parallel career path for custody staff that would more fully utilize non-sworn employees within the custody division and replace a higher number of sworn staff so that they might be reassigned to patrol duties. (See F5).

R5. The Sheriff should review and clarify the OCS D policy related to the requirement of an “Escort Deputy” being immediately available at the IRC when an inmate is to be transferred to a medical facility. (See F6).

R6. The Board of Supervisors should review the role and responsibilities of the Office of Independent Review with a view toward expanding the scope of work to include the Probation Department facilities and reassign management control to the Chief Executive Officer as part of the County Risk Management operation. The OIR office should be relocated to the Hall of Administration. (See F7).

R7. The Sheriff and the Board of Supervisors should aggressively pursue the jail expansion project at the James Musick facility to meet the expected population increase that will occur over the next three years. (See F8).

R8. The Sheriff should explore the use of video visiting within the various facilities as a way of improving security and reducing staff time to move and supervise inmates. (See F9).

R9. The study of the Inmate Re-Entry program, currently under way, is scheduled to be completed in 2012. This study should be published, when complete, with a copy to the Grand Jury. (See F10).

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code §933 requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors. Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a.) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b.) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making aspects of the findings or recommendations affecting his or her agency or department.

Responses Required:

Respondent	Findings	Recommendation
Sheriff-Coroner	F1, F2, F3, F4, F5, F7, F8 & F9	R1, R2, R3, R4, R5, R7, R8 & R9
Office of Independent Review	F6	R6
OC Board of Supervisors	F6	R6