

**ANNUAL REPORT ON JAILS
AND
JUVENILE DETENTION FACILITIES**



GRAND JURY 2013-2014

ANNUAL REPORT ON JAILS AND JUVENILE DETENTION FACILITIES

SUMMARY

In accordance with the requirements of the California Penal Code Section §919(b): “*The grand jury shall inquire into the condition and management of the public prisons within the county,*”¹ Since no State prisons exist in Orange County the Grand Jury felt it prudent to inspect the jails within the County. The 2013-2014 Orange County Grand Jury has toured and examined the following Orange County detention facilities.

1. James A. Musick Facility
2. Theo Lacy Facility
3. Central Jail Complex

As the impact of Assembly Bill 109 (AB 109)² that realigns inmates from the State to local jails continues to unfold, its mandate remains a challenge for Orange County. AB 109 was implemented to transfer low level offenders from state prisons to county jails. In the last quarter of 2013, on average, 1,000 beds per month were occupied by AB 109 inmates in Orange County. In the future, State funds will be divided among all 58 counties depending on how well each county lowers re-incarcerations for these particular inmates.

The four institutions housing juvenile offenders operated by the Orange County Probation Department are reviewed in the second part of this report, “Detention Facilities Report: Part II: Juvenile.”

REASON FOR STUDY

The Grand Jury is charged by the California Penal Code 919(b) to review all detention facilities in the County. The 2013-2014 Grand Jury focused on the five County operated facilities (this includes the two separate jails located inside the Central Jail Complex). This study covers the five jails that house adult inmates and ICE³ (United States Immigration and Customs Enforcement) detainees, which are operated by the Orange County Sheriff’s Department (OCSJ). These jails are all classified by the Correctional Standards Authority as Type II maximum security level facilities. This classification allows the jails to house sentenced and un-sentenced inmates.

¹ CALIFORNIA PENAL CODE: <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pen&codebody=&hits=20>

² Assembly Bill 109 (AB 109): <http://www.cdcr.ca.gov/realignment/>

³ ICE: <http://www.ice.gov/index.htm>

BACKGROUND AND FACTS

The OCSD currently operates five jails: the Intake Release Center (IRC) and four additional housing jails.

| FACILITY | BEDS |
|----------------------|-------------|
| IRC | 903 |
| Theo Lacy | 3442 |
| Central Men’s Jail | 1433 |
| Central Women’s Jail | 388 |
| James A. Musick | 1322 |

The Central Women’s Jail, a portion of the Men’s Jail, and the north compound of the James A. Musick Facility were previously closed due to a decreased jail population. The increase in the realignment inmate population required the OCSD to open both housing areas to accommodate housing and classification challenges.

The overall jail population varies daily and spikes on the weekends/holidays. OCSD jails are on average at 92 percent capacity with roughly 3 percent of beds unavailable due to separating the most serious offenders from the general inmate populace as well as beds that require renovations.

Jail Expansion

As part of its effort to mitigate the impact of the realignment inmate population increase on California counties, the State, by way of AB 900, created a competitive grant source for expansion and/or construction of new jail facilities. The OCSD entered into the grant application process, and on March 8, 2012, the Corrections Standards Authority (CSA) recommended that Orange County receive a conditional grant award of \$100 million for expansion of the Musick Facility in Irvine. CSA required the County to provide a 10 percent match, and CSA allowed the value of the land to mitigate that requirement. In November 2012, OCSD was awarded the \$100 million grant via AB 900 and is currently in the design phase of the 512 bed expansion project at the James A. Musick Facility. Additionally, OCSD recently received another \$80 million grant via SB 1022 to further expand the Musick Facility as part of a rehabilitation program which would add 312 more beds.

AB 109 Mandate

The AB 109 legislation, implemented in October 2011, shifts substantial incarceration oversight and funding from the State to its 58 counties. Motivated by a federal court order to reduce overcrowding in the state’s prisons, the legislation affords local government discretion in how to exercise AB 109 responsibilities. These include the mandate to locally sanction offenders convicted of less serious felony offenses and to manage most of the less serious offenders paroled from State prison by county probation departments. “California’s recent corrections

realignment, authorized under AB 109, is arguably the most significant change in the state's corrections system in decades."⁴

Effects of AB 109

With the implementation of Assembly Bill 109 in October 2011, the State of California greatly expanded the responsibilities of county governments in managing criminal offenders. The new responsibilities undertaken by the counties fall into three main categories:

1. Lower-level offenders convicted of non-sexual, non-violent, and non-serious crimes with no such crimes appearing in their criminal history records will now serve their sentences under county supervision rather than in state prisons. These offenders are often referred to as "non-non-nons," "triple-nons," "n3s," or 1170(h) felons.
2. Most offenders serving time in state prison for triple-non offenses will now, upon release from prison, be supervised by county probation departments rather than state parole authorities under a function known as Post-Release Community Supervision or PRCS.
3. Parole violators who reoffend (i.e., violate the terms of their release but do not commit a new felony) are no longer remanded to state prison but are sanctioned within counties by short stays in county jails or other forms of graduated sanctions instituted by local authorities.⁵

Realignment thus affords counties considerable discretion in exercising the new responsibilities. Thus, counties are free to rely heavily on the use of local jails, effectively transferring realigned populations from state prisons to local jails. Counties are authorized to choose from a number of available sentencing options, which include: a full jail term, house arrest, GPS monitoring, or a split sentence in which the offender serves a reduced jail term followed by probation (assuming that the jail sentence is successfully completed), and "short-term flash incarceration"⁶ for inmates who violate the terms of their conditional release. The options that counties choose depend in the short term on local jail capacity and, in many instances, court-ordered population caps. In the longer term, however, several factors are likely to influence how counties respond to the mandate of AB 109, including the particular characteristics of the: realigned offender population, ideological predisposition of local criminal justice officials, county residents who are served.

A number of factors will determine the extent to which county jail populations change as a result of realignment. Realigned felons are simply being transferred to local jails, where an increase in the total population at these facilities is equivalent to the reduction in the state prison population. However, counties have a number of options at their disposal which could lower the one-to-one relationship between the decrease in the state prison population and the increase in county jail population.

⁴ Magnus Lofstrom and Steven Raphael, "Impact of Realignment on County Jail Populations," June 2013:

http://www.ppic.org/content/pubs/report/R_613MLR.pdf

⁵ CA PENAL CODE SECTION 3450-3465: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=03001-04000&file=3450-3465>

⁶ Ibid

Jail Facilities

The **James A. Musick Facility** is a one-hundred acre minimum security facility known as the “The Farm.” The 1,322 bed facility is located in an unincorporated area of Orange County near the cities of Irvine and Lake Forest. The facility was originally opened in 1963 and was named in honor of James A. Musick, who was the Sheriff of Orange County from 1947 to 1975.

Originally, the facility held a maximum of 200 male minimum-security inmates and was referred to as the “County Industrial Farm” or the “Honor Farm.” Since 1986, the inmate housing capacity has increased to 1,322 and includes both men and women. Despite opposition from some local cities, the Orange County Board of Supervisors approved an application for \$80 million of state funds to build 384 additional beds at Musick. The first phase of construction is expected to start in May of 2016. The inmates and ICE detainees housed at the facility are considered to be a low-security risk and most are in jail for crimes such as driving under the influence, minor drug possession, burglary, failure to pay child support, and/or prostitution. Inmates and ICE detainees who have committed violent crimes, sex crimes or mayhem are not eligible for transfer to this facility.

The total staff of 140 at this facility consists of:

| Personnel | |
|----------------------------|-----------------------------------|
| Sworn Personnel | |
| 1 | Captain |
| 5 | Lieutenants |
| 12 | Sergeants |
| 64 | Deputies |
| Non-Sworn Personnel | |
| 10 | Sheriff Special Officers |
| 22 | Correctional Services Assistants |
| 18 | Correctional Services Technicians |
| 5 | Correctional Farm Supervisors |
| 2 | Facility Maintenance Specialists |
| 1 | Officer Specialist |

The **Theo Lacy Facility** is located in the City of Orange and is the largest jail facility in the County. It is adjacent to the Santa Ana River bed and covers approximately 11 acres of land between the Orangewood Children’s Home and the Orange County Animal Shelter.

The Theo Lacy Facility, with a maximum capacity to house 3,442 inmates, maintains the custody and welfare over a diverse inmate population ranging from those charged or sentenced for misdemeanor crimes to more serious felonies. Some have been sentenced and are awaiting transfer to State Prison.

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Currently there are 3,442 beds (more beds were added to accommodate the influx of new inmates) with the current population of 3,272 as of October 15, 2013.

The Theo Lacy Facility is comprised of sworn and professional staff members who are employed in a variety of assignments to ensure the safe and efficient operation of this maximum security jail. Currently there is a total of 475 staff at this facility consisting of: ⁷

| Personnel | |
|----------------------------|-----------------------------------|
| Sworn Personnel | |
| 1 | Captain |
| 7 | Lieutenants |
| 24 | Sergeants |
| 61 | Deputy Sheriffs II |
| 246 | Deputy Sheriffs I |
| Non-Sworn Personnel | |
| 13 | Sheriff Special Officers II |
| 59 | Correctional Services Assistants |
| 2 | Senior Correctional Service Techs |
| 57 | Correctional Services Technicians |
| 1 | Administrative Manager I |
| 1 | Facility Maintenance Specialist I |
| 2 | Office Specialists |
| 1 | Information Processing Specialist |

Inmates incarcerated at Theo Lacy are classified into various housing locations depending on their past confinement history, current charges, criminal sophistication, and a host of other indicators. Once classified, inmates are housed in areas ranging from multiple bunk dormitories to one or two-man cells.

The **Central Jail Complex** (CJX) Division One consists of the Central Men's Jail (CMJ), Central Women's Jail (CWJ); Division Two consists of the Intake/Release Center (IRC), and Transportation Bureau. The two divisions make up the four bureaus that comprise the CJX and are interconnected by a series of tunnels and corridors which make efficient movement between each facility possible.

The Central Men's and Central Women's Jail opened in November of 1968 and are traditional linear style (cell block and dormitory) facilities which house both sentenced and pre-trial maximum-security inmates. These buildings house over 1200 inmates. The Intake/Release Center (IRC) opened in January of 1988. The IRC is responsible for all processes that involve arrestees being booked and released.

⁷ Questionnaire sent to all detention facilities covered in this report.

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The Transportation Bureau is an integral part of the Orange County Jail system. This bureau’s responsibilities include, but are not limited to, transporting inmates 365 days a year, 24 hours a day, to other OCSJ facilities, e.g., court, work sites, hospitals, state prison, out of county jails and mutual aid response during major events. The transportation teams utilize a variety of vehicles which include buses, vans and cars to accomplish these tasks.

Santa Ana **Intake and Release Center** (IRC) is located in the Central Jail Complex. This facility contains five maximum-security housing modules. In addition to housing and processing new bookings, the IRC houses a substantial number of un-sentenced prisoners awaiting court hearings as well as those serving sentences.

The IRC has a capacity of 901 beds. The current population is 908 (additional beds having been added to accommodate influx of inmates) of which 404 are male and 497 are female. These numbers change daily with the intake and reassignment of new inmates.

The total personnel assigned to the IRC is 64, however, on an average shift, there are usually 52 personnel on duty. Classification and numbers of each (e.g. management, guards, staff, etc.) are:

| Personnel | |
|----------------------------|-----------------|
| Sworn Personnel | |
| 1 | Captain |
| 2 | Lieutenants |
| 4 | Supervisory |
| 41 | Deputy Sheriffs |
| Non-Sworn Personnel | |
| 16 | Staff |

METHOD OF STUDY

Charged with the annual mandate to review the condition of the jails, The Grand Jury:

1. Visited Central Jail Complex, Theo Lacy Facility, and James A.Musick Facility twice: once for an overview of the operations and the second for a more detailed inspection.
2. Sent extensive questionnaires to the Captains of each jail facility.
3. Reviewed the operation of Health Care Services provided to inmates.
4. Reviewed the most recent inspection reports prepared by the California Board of State and Community Corrections.
5. Reviewed the public safety realignment legislation (AB 109) that alters the criminal justice system of California.
6. Examined budget information obtained from the Orange County Sheriffs-Coroner Department Financial/Administrative Services.

ANALYSIS

Sometimes problems aren't what they seem. For years, California has been facing the charge that prison overcrowding is illegal and inhumane, prompting the State Supreme Court to intervene.

California prisons are overpopulated by 9,600 felons; (Orange County Register 2013) the court ordered the number reduced to 137.5% of design capacity by Dec. 31, 2013.

Current County Statistics:

As of August 2012, the non-AB 109 level of serious offenders was 19%, while the AB-109 level of serious offenders was 40%. The non-AB 109 protective custody population was 12% while the AB 109 protective custody population was 18%.

AB 109 has had more assaultive inmates, more Americans with Disabilities Act (ADA) inmates, more mental issue inmates, more 2 and 3 strike offenders, more drug incidents though fewer suicidal inmates.

Use of force incidents have remained about the same for both groups.

For a one-month period from September 2012 - October 2012, AB109 inmates were disciplined at double the rate of non AB 109 inmates.

Major rule violations committed by AB 109 inmates were 31% fighting, 20% possession of contraband, 15% failure to obey a directive, 12% disturbance and 22% other violations.

Currently, system-wide there are 863 AB109 inmates in Orange County, 511 of which are housed in Theo Lacy, 107 housed in James Musick and 245 in the Central Jail. The inmate population fluctuates on a daily basis so jail staff must find temporary accommodations to house the overflow of the ever shifting population.

After touring all jail facilities, the Grand Jury surveyed the video systems at each jail, which range from severely outdated VHS tape technology, to touch screen operations. Each jail has a different system. This Grand Jury again found that all jails were lacking adequate video monitoring equipment to protect both the inmates and the staff. Recommendations by the previous **six** Grand Jury reports have not changed this fact. The current configuration in both the Theo Lacy and James Musick facilities are antiquated and ineffective. The jails are in desperate need of perimeter security cameras as well as in the housing corridors. The Booking Loop in the IRC still uses VHS technology with delayed playback! *With technology advancing at such a fast pace, prices of digital equipment and cameras are being reduced as new technology takes over.*

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After conversations with jail captains, facility managers and the purchasing departments the Grand Jury found that the main problem with updating the current system is not necessarily the cost of the new video equipment, but rather the infrastructure and logistics in using digital technology. Many of the jails have thick concrete walls, which makes installation particularly complicated since today's DVR systems create a significant amount of heat. If these systems are not augmented by Heating, Ventilation, Air Conditioning (HVAC) technology, there is a greater risk of a DVR system to burn out prematurely.

The Grand Jury has chosen to focus on upgraded video surveillance as the highest priority for all five Orange County adult detention facilities.

FINDINGS

In accordance with California Penal Code sections 933 and 933.05, the responses are to be submitted to the Presiding Judge of the Superior Court. The 2013-2014 Orange County Grand Jury has arrived at the following findings:

Based on its investigation of the condition and management of the detention facilities in Orange County, the 2013-2014 Orange County Grand Jury has arrived at two principal findings, as follows:

Penal Code Sections 933 and 933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested from departments of local agencies and their non-elected department heads.

F.1. All the jails have inadequate video equipment. The video equipment itself is not the hindrance. *The cost to upgrade the infrastructure to accommodate new updated equipment is the limiting factor.*

F.2. Budget constraints have marginalized upgrading efficient video equipment, thus reducing adequate monitoring of inmates.

F.3. As the quickest fix to alleviate partial improvements, prioritize what jail facilities are most in need of upgraded surveillance and then fund each one accordingly until all five jails are completed.

F.4. The skill level of employees assigned to the five jails cannot currently support upgraded video systems. An upgraded system would require advanced training in audio/video equipment, software programming and security to monitor such an enterprise.

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 Judge of the Superior Court. Based on the findings of this report, the 2013-2014 Orange County Grand Jury makes the following recommendations:

R.1. Each of the five jails should be funded for upgraded video camera/recording equipment installed as soon as possible. **(F.1.)**

R.2. The Board of Supervisors should add a line item to the budget to include the training required to ensure competent employees who can oversee and maintain new video equipment. **(F.4.)**

REQUIRED RESPONSES

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-Coroner, 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.

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(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.

(c) 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.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

A response to findings **F.1.** through **F.4.** is required from Orange County Sheriff-Coroner.

A response to findings **F.1.** through **F.4.** is required from Orange County Board of Supervisors

A response to recommendations **R.1.** and **R.2.** is required from Orange County Sheriff-Coroner.

A response to recommendations **R.1.** and **R.2.** is required from Orange County Board of Supervisors.

COMMENDATIONS

In every step, the Grand Jury's jail tours were handled professionally and confidently. The Grand Jury was met with warmth and each facility was eager to convey jail function and responsibilities.

The Grand Jury would especially like to commend the leadership and staff at Theo Lacy for a willingness on both tours to provide The Grand Jury with all requested information for this report submitted to the facility in a questionnaire format. Responses were returned both timely and hand delivered!

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The informative tours at James Musick were equally professional. The staff enlightened the Grand Jury on the approved expansion plans set for 2016 and how this will alleviate the space and overcrowding the State's realignment program has burdened County facilities with.

JUVENILE DETENTION FACILITIES

SUMMARY

The Orange County Probation Department currently operates four juvenile detention and treatment facilities in the County. There were originally five facilities. However, Los Piños, which was located on the Ortega Highway in Lake Elsinore, was closed in 2009, though it continues to be leased by the Orange County Probation Department. The 2013-2014 Grand Jury traveled to each of the four facilities in use today (below) and was given presentations by senior staff.

1. Juvenile Hall
2. Youth Leadership Academy
3. Youth Guidance Center
4. Joplin Youth Center

The Grand Jury determined that all four facilities had many similar needs. There was a need for a new gym, medical facilities, a longer commitment than the typical ninety days to take advantage of the numerous programs offered and aftercare programs. More efficient, up-graded video systems were also needed at all of the facilities.

REASON FOR STUDY

The Grand Jury is charged by the California Penal Code 919(b) to review all detention facilities in the county. Part II of the Annual Report on Jails focuses on four juvenile detention and treatment facilities in Orange County.

This study is in conjunction with the Annual Report on Jails as mandated by the California Penal Code Section 919(b) requiring the Grand Jury to "...inquire into the condition and management of the public prisons within the county." The 2013-2014 Grand Jury opted to include the Juvenile Detention Centers as an addendum to the jail report since Juvenile Detention lies within the purview of the Grand Jury as well.

BACKGROUND AND FACTS

During 2013-2014, the Orange County Probation Department operated four juvenile detention centers. They are as follows:

1. Juvenile Hall
2. Joplin Youth Center
3. The Youth Leadership Academy
4. The Youth Guidance Center

Another detention center, Los Piños, was closed in 2009, though the land and buildings continues to be leased by the Orange County Probation Department in the event the facility may be reopened.

The intent of the Probation Department is to help prepare juvenile offenders to be more productive and law abiding in their communities when they leave the program.

The Probation Department strongly believes that effective rehabilitation is better than punishment and incarceration. Described in this report, the Probation Department has numerous programs to reduce recidivism and to give juvenile offenders the opportunity to prepare for a successful and productive return to society.

Orange County Juvenile Hall

Juvenile Hall is located on City Drive in the City of Orange. The facility is located next to the Lamoreaux Justice Center where the juvenile courts are held. The age range of the youth is from 10 to 21 years old. There are a total of 434 beds in this maximum security facility though it is currently staffed at 380 beds. The population at the time of the Grand Jury visit was 208 which consisted of 191 males and 17 females. Last year at this same time, there were 229 youth which declined to 198 by year's end. The Grand Jury learned that the population at Juvenile Hall has been decreasing for the last five years. This coincides with a nationwide drop in juvenile crime due to better policing and policies such as finding ways to work with offenders through educational and professional programs rather than simply detaining them. At full capacity, Juvenile Hall employs a maximum staff of 472, though only 390 positions were actually filled at the time of the Grand Jury visit.

The average length of stay at Juvenile Hall is 27 days which includes youth spending at least one night (until parents can be located), to some youth committed up to three years for serious crimes. Visitation hours are limited to two hours in duration and typically take place on Saturdays and Sundays. Visitation is for families only (no minors) and only two family members at a time may attend. Special visits may be arranged as needed for those juvenile detainees who actually have children.

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Juvenile Hall was built in phases from 1950 to 2005 and is compliant with the ADA. There are nurses on-site 24/7 as well as doctors throughout the day and on call when they are not on-site. An OB/GYN (obstetrics and gynecology) physician attends to female detainees once a week. There is also a dentist that meets the needs of the youth at the facility.

Boys and girls are assigned to *separate* living units designed to house 20 to 60 juveniles. The units have sleeping rooms, restrooms, showers, and a day room for leisure activities. The Intake and Release Center houses boys and girls who have been newly arrested as well as those awaiting an initial court appearance. There are also units that separately house non-violent minors, sex offenders, violent offenders, and the mentally ill.

There is a very complete, though outdated video recording system with good coverage. The cameras are highly visible throughout the facility. There is also a central video monitoring center. Various upgrades to the video system are scheduled for the latter part of 2014 and will be upgraded to a newer digital system.

The Orange County Department of Education provides a fully accredited academic program on site. The accreditation is provided by the Otto Fischer High School, which also accommodates a middle school curriculum. This is a State aligned curriculum that follows California State Standards and Framework for all classes. There is a full-time Principal for the Otto Fischer High School who serves as the Principal for the middle school as well; there are 50 full time teachers on-site. There is a well-stocked library with mobile book carts that transport books to various sections of the facility as needed. The youth attend school all day, Monday through Friday, which includes a 1-hour exercise program per day. The school also has a full-time sports league, which teaches the value of team sports.

There are many programs and services available for the youth offenders. Noteworthy are:

- a) “Thinking for a Change,”⁸ is a program which has proven to reduce recidivism by 36%. This program is a multi-week, behavioral treatment program designed to assist youth with cognitive restructuring, and the development of social and problem solving skills. It guides juvenile offenders through the *Trouble Cycle* which is recognizing the thinking that leads to trouble and teaches them about bad decisions and their consequences versus positive decisions that lead to better outcomes.
- b) “Decision Points,”⁹ is similar to “Thinking for a Change,” though of minimal duration with 4 sessions lasting only 2 weeks. This program is comprised of cognitive and behavioral management that focuses on key social and problem solving skills designed specifically for short-term stays. This shorter session ensures more youths can complete the course during their detention.

⁸ <http://www.nicic.gov/t4c>

⁹ Interview with O.C. Juvenile Hall personnel

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- c) “Stop the Cycle” is a program that, with parental involvement, helps youth control their thoughts and feelings by turning negative behaviors into more positive ones.

Juvenile Hall partners with the Parks and Recreation Department to allow some youth to engage in Saturday and Sunday work programs like cleaning parks rather than being detained at the facility. This allows juveniles an opportunity to go offsite in supervised activities that give them a sense of pride and accomplishment. There are also programs for substance abuse, family therapy, parenting, computer classes, and Regional Occupational Programs (ROP)¹⁰ for students who want to expand vocational opportunities through vocational classes besides academics.

Disciplinary issues are handled with verbal counseling, room confinement, additional work hours, early bed time, or writing assignments.

Joplin Youth Center

The Joplin Youth Center is a juvenile correctional facility nestled in the foothills of the Santa Ana Mountains above Trabuco Canyon. This is a minimum-security facility that houses boys from ages 13 to 16 and was built in 1958 with a maximum capacity of 64 beds. The average length of stay at Joplin is approximately 35 days. At the time of the Grand Jury inspection visit, 49 beds were occupied. Although Joplin’s location is very isolated with little security, there are no armed officers. Youth are carefully screened for suitability. Those with a history of running away are not considered good candidates. Juveniles are assigned at the Orange County Juvenile Hall and typically have 30 to 60 days remaining on their court commitments.

Joplin employs a staff of 52, of which 44 are employed by the Orange County Probation Department. The remaining eight consists of therapists, a nurse and counselors. A nurse is on site three days a week (Monday, Wednesday and Friday) and Juvenile Hall’s Medical Unit is available by phone 24 hours a day.

Additionally, there are four teachers who provide onsite state curriculum to Joplin High School overseen by the Orange County Department of Education. A typical school day at Joplin consists of five, 55-minute classes in which the students work on individualized courses of instruction. Juveniles also receive special education classes, employment training, library access and math tutoring as needed. The school administration consists of a part-time Assistant Principal who is at Joplin on average, two days a week, and a full-time front office specialist. Rehabilitation and academics are a priority at Joplin by the staff and the Orange County Health Care Agency who provide counseling for youth that have abused drugs and alcohol. Other topics such as gang violence intervention, anger management, and parenting skills are also provided.

There are numerous programs and activities available to the juveniles such as gardening, culinary arts, “Thinking for a Change,” Alcoholics Anonymous, Narcotics Anonymous, and vehicle

¹⁰ <http://rop.ocde.us/>

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maintenance that provides them with basic work habits and improvement of social skills. Additionally, there are apprentice programs in skills for laundry, kitchen help and woodshop. Boys are expected to complete various daily and weekly chores which include maintaining the Joplin grounds, as well as office and kitchen cleanup. Boys also have the opportunity to learn skills in a clean, well-stocked industrial shop for woodworking that houses machinery like lathes and radial saws, etc. Boys are also instructed on how to cooperate and follow directions in the proper use of a variety of industrial tools in safe, effective ways. All youth receive at least one hour of large muscle exercise daily plus there are sports leagues that are available such as basketball, flag football and soft ball. Volunteers offer numerous other services such as Bible study, worship services, tutoring and crafts. The programs are designed so that Joplin functions as a small community where the boys learn to relate to one another in more positive ways and hopefully learn to function in society with stronger interpersonal skills.

The juveniles are divided into five living groups and are graded by the staff on a daily basis, both as individuals and group members. Some of the basic responsibilities include following rules, personal hygiene and being respectful to help the youth develop a better sense of responsibility. Each month the group with the most points receives a reward for their efforts. Weekly payments in “Joplin Money” are made to those earning rewards and are subsequently used at an on-site store to purchase additional snacks and personal items beyond what is made available to all the boys at Joplin Youth Center.

Parents and legal guardians are allowed to visit their boys on-site each Sunday from 9 a.m. to 11:30 a.m. Other relatives may visit if they are approved prior to the visit. Some find it difficult to get to Joplin due to the remote location, in which case, boys can be transported to Juvenile Hall for special visits when necessary.

Disciplinary problems are handled with a variety of informal sanctions for petty infractions. For major or repeated violations of institutional rules, disciplinary options include loss of privileges for a specified period of time up to and including removal to Juvenile Hall. The staff does break up fights and are trained in the use of physical, mechanical, and chemical methods (such as pepper spray) if necessary. The boys wear different colored T-shirts that represent their status at Joplin. Severe infractions, including running away, result in a disciplinary hearing and a transfer to Juvenile Hall.

The Grand Jury discovered that the program benefits would be greatly enhanced by longer terms in residence. The brief stays result in a high rate of turnover of students creating a difficult situation for the school staff, effectively minimizing the lasting carryover effects of the rehabilitative experience from many of the programs offered.

Youth Leadership Academy

Youth Leadership Academy is a medium security juvenile residential and treatment center operated by the Orange County Probation Department. The facility is centrally located behind Juvenile Hall, consisting of two, two-story buildings, is ADA compliant, and has a capacity of 120 beds. Only half of the beds are currently in use due to budget reductions. At the time of the Grand Jury visit, only 25 beds were occupied. The population consists of youths between 17 to 20 years old who have experienced problems with aggression and anti-social behavior with a moderate to high risk to re-offend. Only males reside in this facility with an average length of stay usually under 50 days. The facility opened in 2006. It is self-contained and includes laundry and intake/release services. Each building contains a control center, dayrooms, dining and multi-purpose areas with shared access to four school classrooms and outdoor recreation space. A third building serves as the administration building. The multi-lingual staff consists of the following:

| | |
|--|----|
| Probation Division Director | 1 |
| Supervising Juvenile Corrections Officer | 3 |
| Deputy Juvenile Corrections Officer | 23 |
| Administrative and Clerical | 2 |

The above unarmed staff positions are all employed by the Orange County Probation Department. All Deputy Juvenile Corrections Officers complete the state mandated “Juvenile Corrections Officer Core Course” prior to working in the institution. The five-week course provides a broad range of specialized training to prepare officers for working with youth in a custody setting. Individuals with health problems go to Juvenile Hall and are assessed then treated by the Orange County Health Agency where youths receive whatever medical care they need; preventative *or* emergency.

The Youth Leadership Academy provides a comprehensive residential program designed to prepare youth to re-enter and transition back into the community through enhanced programs including, but not limited to, remedial education, rehabilitative treatment programs, substance abuse programs, mental health services, and community outreach opportunities.

Education is provided by the Orange County Department of Education at Otto Fisher High School on the grounds of Juvenile Hall. A full range of educational services are provided including special education, General Education Development (GED) preparation, high school graduation, educational counseling services, and transition to community schools after release from custody. A total of four teachers are on the Otto Fisher staff, employed by the Orange County Department of Education. A certified counselor, a psychological clinician, as well as special education evaluations and services, help juveniles achieve success.

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Religious services are available and primarily provided through the Catholic Detention Ministries and Pacific Youth Correctional Ministries. Services are conducted one time a week and evening bible studies are available one evening a week for each ministry.

All youth are provided a minimum of three hours of recreation and physical exercise each school day and five hours of recreation and physical exercise during non-school days. Youth are given the opportunity to participate in sports leagues such as basketball, flag football and soft ball.

The Youth Leadership Academy also utilizes Evidence Based Programs¹¹ and activities that have been proven to be effective like “Thinking for a Change” and “Decision Points” previously mentioned under the heading; Orange County Juvenile Hall.

Efforts are made to include the youth’s family and are assigned a probation officer throughout each phase of these programs to ensure a successful transition into the community.

Staff led activities and programming are developed and presented to promote pro-social attitudes and life skills. Some of these programs and activities include landscaping crews, driver education, college tours, vocational skills, and anger management courses.

Visitation at the Youth Leadership Academy takes place every Saturday from 9 a.m. to 11 a.m. for two hours with up to two parents, guardians, or other approved visitors. Special visits with younger siblings, infant children of youth housed at the facility, and other individuals who have a positive relationship with the youth are arranged on a case-by-case basis. Duration of these visits is determined based on the juvenile’s relationship to the visitor and case objectives. Youth who successfully achieve higher citizenship levels become eligible for on-site furloughs in which families are allowed to have lightly supervised visits. Youth who achieve the highest level of citizenship and show sustained positive behavior may earn an off-site furlough (escorted by their parent or guardian) to attend activities such as employment searches, job interviews, participate in family activities, or attend religious services.

Discipline is handled on a case-by-case basis. Verbal counseling and redirection is used for minor infractions. More serious discipline problems can result in work assignments and loss of free time activities. Youth who commit major rule violations such as violent acts may be returned to court or transferred to Juvenile Hall. Staff is trained in a variety of verbal and physical interventions designed to control youth who are acting out. The staff must also be proficient in empty hand techniques (no use of weapons), use of handcuffs and leg restraints, and the approved use of pepper spray.

Work release programs are available for juveniles who are housed at the Youth Leadership Academy. Those who achieve the highest level of citizenship and show sustained positive behavior, with a desire to actively work on transition into the community, may be permitted to

¹¹ Interview with Youth Leadership Personnel

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attend a community college during the day or participate in part-time employment at a local business during weekend hours. This activity is usually reserved for a youth coming to the end of a longer than average period of confinement.

Youth Guidance Center

The Orange County Youth Guidance Center is a minimum security facility centrally located in Santa Ana across the river from Juvenile Hall and the Youth Leadership Academy. It has a total of 125 beds with 30 currently occupied as of this writing. The facility is ADA compliant. The facility houses male and female juveniles ranging in age from 14 to 20 years old. They are separated during confinement. At the time of the Grand Jury visit, there was a population of 83 youths residing at the facility; 65 males and 18 females, with an average 90-day length of stay. There are a total of 71 unarmed staff members on-site, all employed by the Orange County Probation Department. The staff is multi-lingual in Spanish, Tagalog, Korean, Cantonese, and Samoan/Hawaiian. The facility offers substance abuse rehabilitation for the youths. A program is offered to reduce recidivism through behavior modification.

All residents participate in academic programs at the on-site Rio Contiguo High School operated by the Orange County Superintendent of Schools/Department of Education. Students normally attend six classes each day. Selected students may attend off-site college courses or correspondence and televised courses for college credit. The teaching staff consists of six General Education teachers and one Special Education teacher. The staff is trained in behavior for At-Risk Youths in the Classroom and Discipline Training. Gang Probation Officers lecture to juveniles on current trends in Orange County. Several of the Administration staff have attended the Annie E. Casey Foundation Administrative Training Program; a private charitable foundation, dedicated to helping build better futures for disadvantaged children in the United States.

Rio Contiguo High School also offers two life-skills programs that affect behavior modification: "Thinking for a Change" (mentioned earlier) and "Aggressive Replacement Training," which features three coordinated and integrated components that include social skills training, anger control and moral reasoning. The ROP teaches skills such as business technology, culinary arts and parenting. This program gives students the opportunity to work in a business environment and learn the skills necessary for such an undertaking. There are no work release programs for juveniles housed at this facility.

Drug abuse is a central issue for the juveniles at the Youth Guidance Center. There are several programs that deal with this problem. Individual treatment plans are tailored to each juvenile's specific needs. Each of the living units has an on-site psychologist, drug counselor and probation officer who establish goals and objectives for youth during their stay. There is a nurse available on-site Monday thru Friday from 7:00 a.m. until 3:00 p.m.

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Discipline is handled progressively according to the offense, which is broken down into minor and major categories. Fights are broken up by the staff with verbal commands, use of force and pepper spray if needed with serious infractions sending juveniles back to court or Juvenile Hall.

Visiting hours are held weekly on Saturday from 2:00 p.m. to 4:00 p.m. Only 2 adult parents or guardians are allowed to visit. Furloughs are sometimes permitted for 2 hours on-site and from 2 to 12 hours off-site.

METHOD OF STUDY

The Grand Jury visited and inspected each of the existing four facilities. Two visits were made to Juvenile Hall and Youth Leadership Academy and one visit was made to Youth Guidance Center and Joplin Youth Center. Managers and some staff were interviewed at length with prepared questions. The Grand Jury also reviewed documents presented by each facility that support protocols necessary for juvenile rehabilitation.

ANALYSIS

Orange County Juvenile Detention Facilities have a fluctuating population on a daily basis. The Grand Jury determined that none of the facilities were over staffed based on the fact that each facility was staffed twenty-four/seven. Each facility had trained staff to take care of use-of-force incidents by verbal commands, pepper spray when needed and physical restraints if appropriate.

All four detention facilities offered numerous programs that help youth achieve success after being released from confinement. The Grand Jury learned there is a majority consensus amongst staff from all the facilities that longer terms of confinement are of greater benefit to detainees. It was determined that longer stays reinforce newly acquired behaviors and contribute to the declining rate of recidivism.

The Grand Jury discovered that the juvenile detention centers are also in need of more efficient up-graded video systems, though these facilities *do not* have the same infrastructure constraints as James A. Musick, Theo Lacy, and the Central Jail Complex.

Juvenile Hall

The Grand Jury believes the following facility enhancements would benefit youth, staff, and the County:

1. A gym also used as a visiting center, as well as a chapel. *There is already space to accommodate this.* The gym could also be used for graduations, assembly and activity when the youths cannot go outside due to weather conditions.

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2. An infirmary with a negative pressure room for juveniles affected by any form of contagion. This would save time and costs for the staff rather than having to transport youth to an outside medical facility. This infirmary could be built in an existing area across from the current intake unit.
3. Updating the antiquated video surveillance system to a new, digital system that could be easily viewed from throughout the facility.

Joplin Youth Center

The Grand Jury has determined that the following three staffing improvements are necessary:

1. A full-time school administrator who will:
 - a) attend to minor school disciplinary issues within the school environment in order to better prepare youth for their return to public school, and
 - b) oversee the teaching staff and curriculum on a daily basis; to enhance communication and collaboration between probation and the school. (The OC Department of Education is not a County agency but acts on behalf of the County when educating juveniles).
2. Due to budget and position cuts experienced over the past five plus years, Joplin lost the only assigned Transitional Deputy Probation Officer at that facility two years ago. Reinstating such a critical position would be highly beneficial by enhancing an already short-staffed probation department at Joplin.
3. Additional mental health and substance abuse services would be beneficial.

Youth Leadership Academy

The Grand Jury identified one of the largest and most complex issues confronting juvenile justice in California is the need for mental health services for youth in custody and post-custody. The Academy continues to explore ways to connect youth with programs that while in custody will eventually help facilitate their transition back into their family and community.

Youth Guidance Center

The Grand Jury believes that detainees should be confined longer than 90 days to take full advantage of the numerous programs offered. Also, there is a need for more aftercare programs and additional probation officers to supervise these programs.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.5, the 2013-2014 Grand Jury requires (or, as noted, requests) the responses are to be submitted to the Presiding Judge of the Superior Court.

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Penal Code Sections 933 and 933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested from departments of local agencies and their non-elected department heads.

Based on its investigation of Juvenile Detention and Treatment facilities in Orange County, the 2013-2014 Orange County Grand Jury has arrived at nine principal findings, as follows:

F.1. The juvenile Hall facility is in need of a gym that can also be used as a visiting center and chapel. Such a facility could be used for graduations, assemblies and other activities when youths cannot be outside due to inclement weather. There is already space to accommodate this.

F.2. An infirmary in Juvenile Hall with a negative pressure room for contagion would be highly beneficial. This would save time and costs instead of transporting youth to an outside facility. This infirmary could occupy an existing area across from the current intake unit.

F.3. All four facilities have an antiquated video surveillance system.

F.4. There is a need at the Joplin Youth Center for a full-time school administrator to enhance communication and collaboration between probation and the school.

F.5. Due to budget and position cuts experienced over the past five plus years, Joplin lost the only assigned Transitional Deputy Probation Officer two years ago.

F.6. Joplin is in need of mental health and substance abuse services. One of the largest and most complex issues confronting justice in California is the need for mental health services for youth in custody and for post-custody.

F.7. The four facilities would benefit from longer terms of residence beyond the typical 90 days in order for youth to have full advantage of the numerous programs offered.

F.8. The Academy needs to continue exploring additional ways to connect youth with services while in custody that will transition them back into the community and assist the entire family.

F.9. There is a need for additional post release programs with more probation officers to supervise these programs.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2013-2014 Grand Jury requires (or, as noted, requests) 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.

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Based on its investigation of Juvenile Detention and Treatment facilities in Orange County, the 2013-2014 Orange County Grand Jury makes the following recommendations:

R.1. The Orange County Probation Department should determine the feasibility of constructing a gym at Juvenile Hall which could also be used as a visiting center and chapel. **(F.1.)**

R.2. The Probation Department should prioritize the addition of an infirmary with a negative pressure room at Juvenile Hall. **(F.2.)**

R.3. The Probation Department should update antiquated video surveillance to a more advanced digital system at all four juvenile detention and treatment facilities. **(F.3.)**

R.4. The Probation Department should add a full-time school administrator at the Joplin Youth Center **(F.4.)**

R.5. The Probation Department should establish a budget to reinstate the Transitional Deputy Probation Officer. **(F.5.)**

R.6. The Probation Department should establish a budget for the addition of mental health and substance abuse services. **(F.6.)**

R.7. The Probation Department should conduct a study to determine if program benefits would be enhanced by longer terms of residence beyond the typical 90 days. **(F.7.)**

R.8. The Probation Department should determine if the Youth Leadership Academy has the need to explore additional ways to connect youth with services while in custody that will transition them back into the community and assist their family. **(F.8.)**

R.9. The Probation Department should determine the possibility of additional post release programs with more probation officers to supervise these programs. **(F.9.)**

REQUIRED RESPONSES

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:

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(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.

(c) 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.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

A response to findings **F.1.** thru **F.9.** is requested from the Orange County Probation Department.

A response to findings **F.3.** **F.5** and **F.6.** is required from the Orange County Board of Supervisors.

A response to findings **F.4.** is required from the Superintendent of Schools/Department of Education.

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A response to recommendations **R.1.** thru **R.9.** is requested from the Orange County Probation Department.

A response to recommendations **R.3., R.5.** and **R.6.** is required from the Orange County Board of Supervisors.

A response to recommendation **R.4.** is required from the Superintendent of Schools/Department of Education.

COMMENDATIONS

The Grand Jury would like to commend all four of the Juvenile Detention Facilities that were visited. The degree of professionalism and cooperation was outstanding. The rehabilitation programs offered the youth were explained in detail. The staff at each facility showed great determination to helping youth succeed in improving their lives after their release from confinement.