



County of Orange
California

Thomas G. Mauk
County Executive Officer

August 25, 2009

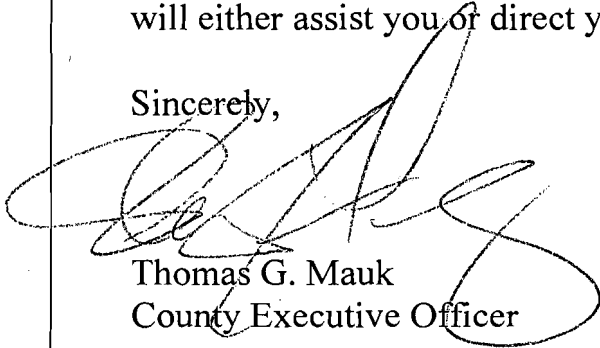
James R. Perez, Foreperson
-2008-09 Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Condition of Orange County Jails"

Dear Mr. Perez:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. Respondents are: Board of Supervisors, County Executive Office, Health Care Agency, and Office of Independent Review. If you have any questions, please contact Kathleen Long at (714) 834-7410 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Sincerely,



Thomas G. Mauk
County Executive Officer

Enclosure

County Executive Office
10 Civic Center Plaza
Third Floor
Santa Ana, California
92701-4062

Tel: (714) 834-2345
Fax: (714) 834-3018
Web: www.oc.ca.gov

“Condition of Orange County Jails”
Orange County Grand Jury Report 2008 – 2009
Board of Supervisors/County Executive Office/Health Care
Agency/Office of Independent Review Responses to Findings and
Recommendations

Responses to Findings: F.1, F.9, F.13, F.16, F.17, and F.19

- F.1 Both the OCSD and CEO Risk Management perform risk management activities related to jail claims and lawsuits.

Response: Disagrees partially with the finding.

Orange County Sheriff’s Department Risk Management (OCSD RM) is utilized by County Executive Office Risk Management (CEO RM) to gather information for evaluation of liability exposure concerning claims and lawsuits filed against the County relative to jail operations. The role of OCSD RM is to obtain copies of reports, documents, photographs, video/audiotapes and provide the raw materials to CEO RM to be reviewed in determining the validity of a claim that has been filed against the OCSD or the County.

OCSD RM is not tasked with conducting independent investigations into claims that have been filed. They do not establish claim reserves, negotiate settlements or manage outside contracted legal counsel. They have no role in the claims adjusting process.

OCSD RM is utilized by CEO RM to gather information as needed to respond to discovery requests during the course of litigation. OCSD RM is the central point established by the Sheriff’s Department for CEO RM to obtain information concerning policies, procedures, and other materials to assist in defending lawsuits.

CEO RM personnel are trained to handle claims and litigation. While OCSD RM personnel are very experienced and provide valuable input relative to law enforcement issues, their role is not focused on dealing with claims and lawsuits filed against the department.

- F.9 The Board of Supervisors has not authorized the Musick expansion project and there is no alternative proposal. Video visitations and arraignment were features of the expansion project.

Response: Agrees with the finding.

While video arraignment was part of the expansion plan, modifications have already been made to the existing Musick Facility to incorporate video arraignment.

F.13 The only location for jail expansion in Orange County is the Musick facility.

Response: Agrees with the finding.

Currently, the only location under consideration for jail expansion in Orange County is the Musick facility. While the County has researched other options, the Musick facility is the most viable option.

F.16 When inmates are interviewed at the IRC medical screening area there is no privacy provided and this could result in reluctance to reveal relevant personal information.

Response: Agrees with the finding.

HCA will work with the Orange County Sheriff's Department to determine the best way to address this situation within current budget constraints.

F.17 An inmate is identified by wristband or module card. Other than color, the only information on the card or wristband is first and last name and booking number. This is grossly deficient and can lead to significant medical, safety or legal problems.

Response: Agrees with the finding.

HCA agrees that improved wrist bands, including bar coding, would be helpful in reducing the risk of errors related to medical needs and treatment.

F.19 The OIR reports to the Board of Supervisors. It was created to provide independent oversight regarding incidents and allegations of law enforcement misconduct. The overall effectiveness of this additional oversight organization has yet to be determined.

Response: Agrees with the finding.

The Board of Supervisors continues to monitor the OIR for overall effectiveness.

Responses to Recommendations: R.2, R.3, R.4, R.6, R.11, R.14 and R.15

R.2 A detailed study should be conducted to determine whether risk management activities for OCSD claims and lawsuits would be better and more efficiently performed in OCSD. (F.1)

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

Assigning OCSD to investigate claims filed against their own personnel poses a potential conflict of interest. A department investigation of its own personnel is generally not deemed to be independent. It is precisely because such a potential conflict exists that the District Attorney's Office conducts all officer-involved shooting and jail death investigations. The same potential for a conflict exists in having OCSD handle claims and lawsuits arising from its jail operations. In addition, since the County and the Board of Supervisors are responsible for the financial impacts of the settlement of claims and/or lawsuits relative to the jails it is important that CEO RM have a presence in the investigation and settlement of such claims.

OCSD RM does have an important role to play in the overall Risk Management evaluation for the department at an operational level. OCSD RM conducts reviews of the actions of their personnel to identify areas where additional training may be required, policies and procedures need to be modified, or better accountability needs to be addressed. Their role is part of a partnership process with CEO RM and is not duplicative in any way.

- R.3 The OCSD and the Board of Supervisors should pursue with the AOC needed facility upgrades and maintenance to avoid future safety issues at courthouse holding facilities. (F.2)

Response: The recommendation has not yet been implemented, but will be implemented in the future.

While several projects to correct deficiencies are already underway (e.g., control panels, door sensors, cameras), the County will continue to work with the AOC for correction of other deficiencies to avoid future safety issues. The exact timing for implementation of all corrections is still to be determined.

- R.4 Funding should be authorized for immediate expenditure in 2010 or earlier for the preparation of the Musick expansion design/construction documents. The estimated cost is \$9.2 million. These documents can be used to address the concerns of the surrounding communities, avoid future debate, litigation and project delay. (F.3, F.4, F.5, F.7, F.9, F.10, F.13)

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

Due to the County's current financial condition, implementation of this recommendation will not occur at this time.

- R.6a Video visitation capability should be authorized, funded and implemented at the Musick facility and, if possible, the other jail facilities. (F.9)

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

While the use of video visitation is supported, due to the County's current financial condition, implementation of this recommendation will not occur at this time.

- R.6 In order to achieve cost savings, CCTV should be placed in all city jails where feasible to be utilized for all court appearances where inmates do not have to be personally present. (F.9)

Response: The recommendation will not be implemented because it is not warranted or is not reasonable.

While the use of CCTV in city jails for court appearances is supported, the Board of Supervisors cannot compel the cities to implement CCTV in their jails.

- R.11 Bar codes on wristbands should include booking number, photo, medical needs and special issues which would allow greater control, accountability and security. The bar code could be scanned, thus saving the County a considerable amount of dollars in reducing medical errors, the risk of mistaken releases and special protection needs.

Response: The recommendation has not been implemented, but will be implemented in the future.

The Orange County Sheriff's Department is currently exploring a bar code wristband system with a projected date for implementation of September 2009. HCA will work with the Sheriff's Department toward implementing this system in a manner that facilitates improved medical care.

- R.14 The OIR should submit a written report on a quarterly basis as contractually required.

Response: The recommendation has been implemented.

The Office of Independent Review (OIR) recognizes that reports to the Board of Supervisors and to the public enhance the value and effectiveness of its monitoring efforts. OIR has now submitted three update reports dated April 23, 2009, May 26, 2009 and July 7, 2009 to the Board. The OIR has regular meetings with individual Board offices. And the office will provide quarterly presentations to the Board as contractually required. The next presentation to the Board will occur in September 2009.

R.15 A study should be conducted to reconfigure and remodel the booking/receiving loop at Theo Lacy. (F.20)

Response: The recommendation has been implemented.

A space study of the Theo Lacy Booking Loop was completed in April 2009; however, recommendations contained in the study have yet to be implemented due to budget constraints.