

**SHERIFF'S TEMPORARY
DETENTION/HOLDING AREAS,
PATROL AREAS AND SPECIAL
SERVICES**



GRAND JURY 2015-2016

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EXECUTIVE SUMMARY

As required by California Penal Code, each Orange County Grand Jury must inquire into the operations and management of the County's jails. As expected, this has resulted in numerous investigations and reports. This year, however, the Grand Jury decided to inquire into a number of the Sheriff's other law enforcement activities, areas that are actually quite extensive. These involve the Sheriff's Custody and Court Operations Command that provides inmate and courthouse security at Orange County's Superior Courts, as well as some of the more special commands that provide ground, air, sea, and counter terrorism operations.

The Grand Jury found that the Sheriff's Commanders and key staff managed all these law enforcement areas very well but did identify a number of vulnerabilities that should be corrected. These will require the Sheriff and other County leaders to take a leading role. The Grand Jury has described these areas of concern in the report's findings, and has 11 specific recommendations for removing these vulnerabilities. These recommendations include increasing security at the Superior Court Facilities as well as providing for both Harbor Patrol Marine Operations and for those deputies providing security at the John Wayne Airport.

In all its observations of Sheriff's deputy and Special Service Officer interactions with the public, the Grand Jury saw uniformly professional and courteous behavior.

Finally, during the course of this investigation, three inmates escaped from the Orange County Central Men's Jail. As this incident is under investigation by Federal, State and local authorities, the Grand Jury has not addressed it in this report. Notwithstanding, this event underscores the need for increased security in all confinement settings.

It is the Grand Jury's hope that these agencies will use the findings and recommendations provided in this report as a means to strengthen security not only at the Superior Courthouses, but also at the county's jail facilities.

BACKGROUND

Penal Code Requirements

The California Penal Code Section 919(b) requires that each Grand Jury inquire into the condition and management of the various public prison facilities within their respective county jurisdictions. As there are no state prisons in Orange County, the Grand Jury usually chooses to inquire annually into the condition and management of the various adult jails and juvenile detention facilities in the county. As stated in the Executive Summary, the 2015-2016 Grand Jury decided to focus instead on temporary detention/holding areas in the Orange County

Courthouses, and then to review the Sheriff's operations both in selected patrol areas and within selected special operations areas.

Creation of the Orange County Sheriff

Orange County appointed Richard T. Harris as its first Sheriff in 1889. In 1890, Theo Lacy became Orange County's first elected Sheriff. For a short time during the early years of the county, the Sheriff used a local business in Santa Ana as the County Jail. The entire Sheriff's Department annual budget was \$1,200, which included salaries, facility costs and food for the jailed inmates (OC Sheriff's Museum, 2016).

During the next 125 years, Orange County grew from a rural, agricultural environment to a thriving and modern residential, urban, and recreational county. Likewise, the Orange County Sheriff's Department has developed into a complex, multifaceted organization of men and women who demonstrate proficiency, resolve, and professionalism to ensure the well-being of county residents.

The Current Orange County Sheriff's Department

Today, Sheriff's deputies and Special Service Officers use the latest technology and resources available to provide law enforcement for thirteen contract cities, three harbors, a major airport, a large expanse of unincorporated land, and more than three million residents. The Sheriff also operates five jails that can house close to 7,400 inmates and maintains security for the public and for the detainees that need to appear at the Superior Courts in the County.

Currently the Orange County Sheriff's Department patrols the county by land, on water, and in the air. Sheriff's deputies use watercraft, helicopters, specially equipped vehicles and trained dogs and horses to support the various services they provide. The gunslingers and rustlers of Sheriff Lacy's day may be history, but the present day need for sophisticated law enforcement practices could not be more topical (OC Sheriff's Museum, 2016).

The Sheriff's Department has transitioned into a technically advanced, highly capable organization that serves as a model for the many other police organizations that take advantage of the training and expertise that the Orange County Sheriff's Department offers. In support of its law enforcement and jail responsibilities, the Orange County Sheriff's Department operates a Training Academy for its new staff, as well as advanced training for veteran sworn staff. Training is also available to and used by local, state, federal and non-law enforcement agencies.

Additionally, the Sheriff operates the county's Crime Laboratory. In July 2008 this facility became the first full service forensic laboratory in California, and it is now fully certified by the

American Society of Crime Laboratory Directors Accreditation Board, as well as recognized for excellence internationally. (OCSD Crime Lab, 2016).

Also in 2008, the Sheriff's Department formed the Strategy, Accountability, Focus and Evaluation (SAFE) Division under the Professional Services Command. The primary purpose of the SAFE Division is to further the Department's commitment to excellence by improvement of policy and practices within the entire Sheriff's Department. This unit also works to reduce worker's compensation liability by accommodating injured employees and allowing them an avenue to return to work. In cases where department-wide training is required to reduce injuries, the department conducts appropriate training and facility inspections in order to reduce such incidents.

By evaluating the various aspects of risk in the Sheriff's Department, SAFE contributes to the safety and operational well-being of the organization. Committed sworn peace officers, supported by a professional civilian staff, are dedicated to making the Orange County Sheriff's Department a safe environment in which to work.

Scope and Focus of This Report

This report provides information concerning the operation of county temporary detention/holding facilities located within the county's courthouses, determines if formal procedures are in place and followed, and additionally notes through direct observation a number of security concerns that could affect Sheriff's Special Officers and deputies within selected courthouse facilities. For the purpose of this report, the Grand Jury also investigated the configuration and operation of the Sheriff's buses and vans used to transport inmates to the various court facilities.

Because the public's first experience with law enforcement usually occurs at the Sheriff's sub-stations and patrol areas, the Grand Jury investigated these through a series of Sheriff's sub-station visits, ride-alongs and interviews grounded in a review of standard policies and procedures.

Lastly, this report provides insight into a number of the more specialized law enforcement services provided by the Sheriff at the harbors, at the John Wayne Airport, with air support and with Homeland Security. In each case, the Grand Jury conducted its investigations through visits, ride-alongs and interviews based on its review of procedures and policies as published by the Orange County Sheriff.

Prior Orange County Grand Jury and Other Reports

While Grand Jury reports since 2001-2002 acknowledged patrol areas and temporary, detention/holding areas within Orange County, with the exception of the 2008-2009 Grand Jury report titled *The Condition of Orange County Jails*, neither of these areas has been a principal focus.

In July 2008, the Board of Supervisors contracted with Crout & Sida Criminal Justice Consultants, Inc. to conduct an independent, top to bottom evaluation of jail and detention/holding area operations in the county. This was the result of a series of events that had occurred during 2007 and early 2008 and focused the public's attention on the Sheriff's Department and its management of jails and detention centers. Some of the more prominent events that had motivated the Board of Supervisors to take action included:

- The resignation of the Sheriff in early 2008 after his indictment on felony charges;
- The appointment in June 2008 of a new Sheriff by the Board of Supervisors;
- The killing of an inmate at the Theo Lacy Jail that had brought the attention of the U.S. Attorney General to the county's management of its jails and detention centers; and
- The 2008 creation of the Office of Independent Review (OIR) by the Board of Supervisors to assist, oversee and advise the new Sheriff from an outside, independent perspective.

Crout & Sida published their report, *Orange County Jail Assessment Project*, in November 2008 and provided four major conclusions:

- Inmate holding areas (temporary detention/holding areas) are in need of renovation to ensure that staff can properly monitor and supervise inmates;
- Court areas where inmates are moved by Sheriff's deputies in and around courtrooms should have an upgraded Closed Circuit Television (CCTV) system to aid custody staff in supervision of inmates;
- Courthouse facilities are notoriously risky with regard to security and that all court personnel need to be cognizant of the potential for hazards and how to assist in courthouse security; and
- Staffing shortages affect the ability of the Sheriff's Department to safely operate and manage the jail system.

While the 2008-2009 Grand Jury Report did cite the Crout & Sida report, it addressed only the first two of the report's conclusions listed above and chose instead to focus more on ways to fund expansion of the Musick facility, improve deputy overtime management, avoid overcrowding of jails, and encourages development of current risk management programs and the new OIR.

The Sheriff and the Board of Supervisors both agreed with the Grand Jury's facility upgrade recommendations, but noted that while ongoing programs would modernize some electronic controls, it was premature to establish firm dates for larger upgrades. The primary reason given was the fact that all courthouse facilities in the county would become the responsibility of the State by the end of 2009. This transfer of ownership did occur on December 23, 2009 and at that point, upgrade of these facilities moved outside the purview of the Orange County Grand Jury.

At present, a Superior Court Facility Manager schedules courthouse facility upgrades and repairs based on guidance he receives from the Superior Court Judicial Council in Sacramento. This Council, consisting of representatives from the Superior Court System, prioritizes requirements for and use of funding for the various California Superior Court controlled facilities.

The equipment required by the Sheriff's Professional Services Command, Court Operations Division for courthouse security and the control and management of detainees, however, must be provided by the Sheriff and the Board of Supervisors through the normal budget process and projects may take a number of years to complete.

It is the conclusion of this Grand Jury that while the 2008-2009 report did recognize issues with temporary detention/holding areas and courthouse security, the Grand Jury's recommendations were largely ineffective due to budget issues and changes in the parties responsible for their implementation.

METHODOLOGY

This Grand Jury conducted its investigation of the temporary detention/holding areas, patrol areas, and special law enforcement operations through interviews, on-site visits, presentations and a review of official Orange County Sheriff's documentation relating to in-custody procedures.

Once the Grand Jury collected and organized this information, it measured the results against best practices as established by the Federal Bureau of Investigation and the stated mission of the Sheriff's Department.

During the course of this investigation, the Grand Jury took the following actions:

- Interviewed senior representatives of the department or facility visited and queried other personnel in order to substantiate information developed;
- Observed operations during site visits to each of the facilities noted in this study;
- Attended formal presentations targeted to the Grand Jury areas of interest and participated in site tours at all of the adult County jail facilities and juvenile hall;

- Reviewed previous Grand Jury reports and relevant documentation to substantiate information found during an interview or observation;
- Participated in randomly selected Sheriff deputy ride-along activities observing police practices and interactions with the community; and
- Visited and observed operations at the Sheriff's Department facilities listed in Table 1 below:

Area Visited	Purpose
Central Jail Complex, IRC	Tour/Briefing/Interview/Q&A
Central Jail Complex, Men's	Tour/Briefing/Interview/Q&A
Central Jail Complex, Women	Tour/Briefing/Interview/Q&A
Theo Lacy Facility	Tour/Briefing/Interview/Q&A
James A. Musick Facility	Tour/Briefing/Interview/Q&A
Juvenile Hall (Probation)	Tour/Briefing/Interview/Q&A
Office of Sheriff/Coroner	Tour/Briefing/Interview/Q&A
Office of the Coroner	Tour/Briefing/Interview/Q&A
Orange County Crime Lab	Tour/Briefing/Interview/Q&A
Harbor Patrol, Dana Point	Observation/Information
Harbor Patrol, Newport	Observation/Information
Central Justice Center	Observation/Information
Harbor Justice Center	Observation/Information
West Justice Center	Observation/Information
John Wayne Airport	Observation/Information
Southwest Operations Division	Observation/Information
Southeast Operations Division	Observation/Information
Unincorporated Patrol Areas	Observation/Information
Contract Cities	Observation/Information
Air Operations	Observation/Information
Homeland Security Division	Observation/Information

Table 1: Sheriff's Facilities Visited

INVESTIGATION AND ANALYSIS

This Grand Jury report provides a broad perspective as to the capability and functioning of the Sheriff's Department operations divisions in the field. The Sheriff operates five jail facilities and five temporary detention centers. The Central Justice Center, Lamoreaux Family and Juvenile Law Justice Center, North Justice Center, West Justice Center and Harbor Justice Center are facilities that maintain temporary detention /holding centers. The 2015-2016 Grand Jury randomly selected the Central Justice Center, the Harbor Justice Center and the West Justice Center and visited them to determine conditions and operations of each. The Grand Jury also conducted numerous site visits to detention facilities and patrol areas throughout the County, and then selected a random number of these areas to visit, with little or no advance notice.

Development of the Professional Services Command, Court Operations Division

Prior to 1994, the Orange County Marshal's Service provided Court Operations and Security services for the Orange County courts. Events led to a merger of the Orange County Marshal's Office and the Orange County Sheriff's Department. The Sheriff's Department, with three thousand personnel, dwarfed the Marshal's Service and its five hundred Deputy Marshals. The merger coincided with the court transition from the municipal and Superior Courts to the Consolidated Superior Courts (Marshal, Sheriff 2000). A motivating factor for the Sheriff's Department was the opportunity for the county to consolidate and reduce expenditures during an economic downturn. The Sheriff's Department had the funds and resources to modernize equipment and re-staff the courts. The restructuring resulted in increased personnel, additional equipment (e.g. metal detectors) and tighter entry requirements into the court facilities.

The Orange County Sheriff's Professional Services Command, Court Operations Division, a new command, now provides security for each courthouse in the county. This includes all exits as well as the temporary detention/holding facilities. Deputies may hold a person awaiting a court hearing or appearance in the Court Detention facility for up to twelve hours. As shown in Table 2 below, each court facility has a different prisoner capacity:

Courthouse Facility	Inmate Capacity
Central Justice Center	360
Harbor Justice Center	140
Lamoreaux Justice Center	68
North Justice Center	166
West Justice Center	270

Table 2: Facility Prisoner Capacity

General Observations of the Temporary Detention/Holding Areas

The Grand Jury found the temporary detention/holding areas to be clean, with no evidence of trash. Deputies provide the inmates with a cold lunch, then immediately collect, and remove all trash and waste receptacles once the meal is finished. The effort to maintain order and cleanliness within the facilities is obvious amidst such a high concentration of traffic.

Each facility inspected also has procedures in place for conducting an inspection of the entire detention/holding area at the beginning of every court day. Deputies ensure that all equipment is operational and that there are no lighting or plumbing issues requiring maintenance. Sheriff's personnel check all cell doors and areas inmates may use to ensure proper security. Deputies inspect all holding cells, security tunnels, stairways, maintenance access panels and elevators.

Additionally, deputies search the entire facility for weapons and contraband of any sort, and report any items identified as suspect, unsafe, or requiring repair to the Detention Sergeant.

Central Justice Center

General Comments

The Grand Jury toured the detention/holding facilities located within the Central Justice Center. This temporary detention center processes between 115 to 240 men and women every court day. The Grand Jury observed deputies performing this function in a methodical, well-trained fashion.

New arrivals to the detention/holding facility arrive at varying times throughout the workday. Inmates arrive via a designated bus or other vehicle specifically fitted for the transport of inmates. Typically, each bus holds six inmates in seats in the front portion, while twelve inmates travel in an enclosed center section and another 28 to 33 in a separate rear area. The Grand Jury noted that this design allows deputies to divide and independently secure each section. Prior to a bus departing for a court detention center, deputies search each prisoner and then, depending on the threat level or the prisoner's potential for violence, may secure him in handcuffs and/or shackles using martin chains (a leather belt to which specially designed handcuffs allow an inmate's hands to be secured to his sides).

Upon their arrival at the Central Justice Center, deputies confine and secure the inmates in the loading bay and then take them directly to the detention/holding facility. Inmates have no exposure to the exterior of the Central Court at any time. In concert with the off-loading process, the deputies segregate inmates using criteria such as gender, race, and potential for violence, protective custody, mental or emotional state, and case number.

Deputies demonstrate firm, but respectful treatment of inmates in their charge, reducing the potential for misbehavior or violence. During one interview, an experienced deputy explained that the Sheriff has trained deputies to identify a potentially hostile environment that may be developing within their area of responsibility, and that any of these observations will initiate both increased presence and vigilance.

Deputies remain alert for inmates who appear to be experiencing emotional anxiety or mental health issues. If they suspect an inmate is experiencing an episode, they request immediate professional medical assistance. If deputies observe any deterioration in the inmate's emotional or physical state, he or she is returned to jail for medical evaluation. If a more serious condition is observed, the inmate and an escorting deputy are transported by ambulance to the nearest available emergency room.

During one site visit, the Grand Jury observed the Sheriff Department's ability to respond to a medical emergency. A visitor to the Central Justice Center collapsed at the entryway because of an unspecified ailment. Sheriff's Special Officers responded to the emergency in a calm, well-practiced manner and cared for the individual until Emergency Medical Technicians could arrive and then transport the person to a local hospital. During this brief period, there was no interruption of service to visitors, and court employees and the security screening process continued seamlessly.

Pedestrian Screening Area Observations

All visitors to the Central Justice Center enter and exit the facility at two locations and the Custody and Security Command staff employs three screening devices that scan for weapons. There are two screening devices at the north entrance, one to screen the general public and prospective jurists, and one for court employees, law enforcement personnel, and court officials. Deputies have positioned the third screening device at the south entrance to the courthouse. On any given day, more than 2,000 persons enter and depart this facility via these locations. Every individual entering is required to pass through the scanners, and this can cause congestion if not carefully controlled. Partitions separate persons entering and departing.

Based upon the observation that the Sheriff's Special Officers at the courthouse entrances had little protection should an armed individual enter the building and begin shooting, the Grand Jury discussed this with some of the officers assigned this security duty. Some of the deputies interviewed confirmed this concern primarily because the bulletproof vests worn by these Special Service Officers will not stop a round aimed at a body part other than the upper torso and secondarily because the portable partitions used to channel the public into the screening lanes do not provide ballistic protection. Therefore, the Sheriff's Special Officers who are on the first line of defense are exposed and vulnerable to attack. Additionally, screening stations do not provide for adequate channeling of pedestrians to limit congestion at the screening station. Similar vulnerabilities were present at all courts visited.

Harbor Justice Center

General Comments

The Grand Jury toured the detention facilities of the Harbor Justice Center, which has a capacity of 141 inmates. Despite the different configuration of the facility, deputies' procedures for handling inmates and providing inmate segregation are similar to that used at the Central Justice Center.

Transportation Bay Observations

The Grand Jury noted that inmates arriving and departing via the Harbor Justice transportation bay are visible and vulnerable to the public prior to entering and after exiting the court building. This vulnerability could lead to terrible consequences should anyone with criminal intentions want to use this gap in security to their advantage. It is plausible that someone outside the facility could trigger an attack on an inmate for personal reasons or to prevent testimony on a case, compromising both inmate and deputy safety.

Harbor Justice Center Main Entry Observations

The Grand Jury observed a great deal of congestion at the Harbor Court main entrance. It was evident that persons inquiring about locations, dockets and other general information all migrated to the information window located in the foyer, just outside the screening area. Deputies directed many persons to pass through the screening area and check the video monitors situated well inside the building to determine if their case was on the docket. The Grand Jury observed people checking the video monitors, becoming frustrated and then returning to the information line. This not only caused congestion, but also obstructed the Sheriff's security screening personnel line of sight in the foyer. Video surveillance of the facility is limited. Sheriff's personnel indicated they could not see portions of the facility exterior and that there had been incidents of vehicle vandalism. The Grand Jury viewed security surveillance of the building and determined it was insufficient.

West Justice Center

General Comments

Although the West Justice Center (aka Westminster Justice Center) temporary holding/detention facility can accommodate up to 270 inmates a day, the daily average for inmates processed is 45. Deputies segregate and process inmates in a manner similar to the other court facilities. The inmates normally spend an average of eight hours at this court. The Grand Jury noted that the control room in the detention center is relatively large and comfortable in comparison with the much smaller quarters occupied by deputies at the Central Justice Center. All of the monitoring equipment was functional and appeared to provide excellent coverage of the detention/holding area.

Review of Court Detention Center Procedures

General Comments

The Orange County Sheriff's staff provided the Grand Jury a complete copy of Court Detention Procedures, Series 1100. The Grand Jury reviewed the procedures and then compared them to information gathered from personnel interviews and on-site inspections. The Grand Jury found all three sources of information to be consistent with actual practice.

Inspection of Metal Detectors and Inmate Transport Vehicles

General Comments

As the result of a public concern letter, the Grand Jury visited the Central Men's and Women's Jail and the Theo Lacy Facility for the purpose of observing two areas of potential concern. Members of the Grand Jury tested metal detection devices for functionality by physically walking through them. The devices operated properly and alerted staff to the presence of metal. The Grand Jury tested the metal detectors at the Theo Lacey Facility and found them to be in good working order. The Grand Jury noted that none of the jail facilities visited during the course of this study employed full body scanners capable of detecting non-metallic weapons, tools or other contraband.

The Grand Jury also inspected inmate transport buses for functionality and habitability. Deputies assisting in the Grand Jury inspection started engines and air conditioning systems of randomly selected vehicles, and all transport vehicles and their air conditioning systems worked properly. In addition, the Grand Jury inspected selected vehicle service records and found them to be current.

Contract Services and Patrol Areas

General Comments

As shown at Table 3 below, the three Operational Commands of Orange County Sheriff provides contract police services to the following Orange County cities and unincorporated areas of the county:

Southwest Ops.	Southeast Ops.	North Ops
Aliso Viejo	Trabuco Canyon	Stanton
Dana Point	Coto De Caza	Villa Park
Laguna Hills	Ladera Ranch	Yorba Linda
Laguna Niguel	Wagon Wheel Ranch	
Laguna Woods	Las Flores	
San Clemente	Mission Viejo	
San Juan Capistrano	Santiago Canyon	
Rancho Santa Margarita	Rose Canyon	
	Lake Forest	

Table 3: Patrol Areas by Operational/Geographic Responsibility

According to the Orange County Sheriff's brochure titled, *A Tradition of Service, Honor & Values and Benefits of Contract Law Enforcement*, contract police services have four major benefits:

- Contract cities experience significantly lower costs for police services than non-contract cities;
- Contract law enforcement is a cost efficient, responsive and flexible option;
- Contract cities experience no reduction in service or loss of control; and
- Contract city benefits are not limited to per-capita cost savings, but also include reduction in liability, relief from POST (Peace Officer's Standards and Training) requirements, and elimination of collective bargaining, internal affairs, recruiting, training and other personnel issues.

Because a contract city may have unique requirements for law enforcement, the Sheriff can provide any of the enhanced services listed below:

Career Criminal Apprehension Team	Central Records
Cliff Rescue Team	Reserve Forces
Coroner	Sex Crime/Child Abuse
Crime Prevention detail	Tactical Support Team
Correctional Facilities	Recruit Training
Dive Team	Hostage Negotiations
Explorers	Mounted Patrol
Forensic Science Service	Narcotics Detail
Fraud/Checks Detail	Orange County Criminal Activity System
Fugitive Warrant Detail	Jail Inmate Transportation
Hazardous Device Squad	Helicopter Response
Homicide Detail	

The Sheriff will not differentiate or refuse service to any county entity and extends the courtesy of contributing personnel or equipment during an emergency or crisis at no additional cost, regardless of contract. Examples of this additional service include use of the Bomb Squad, SWAT or Aviation Support.

John Wayne Airport, (Airport Police Services Bureau)

General Comments

In 1923, Orange County resident Eddie Martin constructed a small landing strip on land owned by the Irvine Company. During this period in Orange County's history, there was not much need for a full time airstrip, as the amount of air traffic at the time did not warrant this. On Sundays, an adjacent former runway served as the "Santa Ana Drag" raceway until 1959 when air traffic trumped drag racing. As air traffic increased, Eddie Martin founded Martin Aviation, one of the nation's oldest aviation firms. It still operates at the airport today (History of OC Airport, 1985).

From its humble beginnings, the small landing strip grew to 500 acres. During the past decade the terminal building has grown to 337,000 thousand square feet, and accommodates roughly 270 daily carrier arrivals and departures while serving approximately 10.2 million airline passengers a year. Passenger projections for 2016 are upwards of 10.5 million travelers.

The Orange County Sheriff provides a wide variety of services to the public at the John Wayne Airport, which Orange County owns and operates. The average traveler may not be aware of the complex security and safety-oriented activity that occurs, beyond a deputy asking a visitor to move his vehicle. The entire Orange County population of three million does not compare to the annual transient traffic at the John Wayne Airport.

Orange County Sheriff's deputies Sheriff Special Officers are responsible for remaining vigilant for threats, and as airports have been, and remain, an increasingly popular terrorist target, the maintenance of safe and secure airport operations requires that the deputies be well versed in:

- Aviation Security measures;
- Transportation Security Administration regulations;
- Federal Aviation Administration regulations;
- Detection of explosives and/or drug smuggling and transport;
- General safety of visitors;
- General law enforcement;
- Emergency response to medical issues; and
- Lost items.

Sheriff's personnel share the duties of airport security with several Federal agencies. The United States Department of Homeland Security is solely responsible for the screening of passengers, their baggage and carry-on articles, and the Transportation Security Administration (TSA) provides personnel for this purpose. However because TSA personnel are not sworn peace officers, all illegal activity must be reported immediately to the Orange County Sheriff's Department for action.

In addition, while a civilian contract agency, Universal Protection Services (UPS) has responsibility for various remote locations on the perimeter of the airport's property; this entity has no powers of arrest and is required to notify the Sheriff's Department whenever it observes security infractions.

Finally, the Sheriff's Department must work closely and coordinate airport activities with the Deputy Airport Director of Operations. Interviews with both the Sheriff and Airport Operations staff indicated that this has historically been, and continues to be, a very cohesive and productive relationship.

Airport Command Center Observations

The Grand Jury noted that the Airport Command Center is currently equipped with outdated equipment that is overdue for update and replacement. The present systems lack backup should the primary fail, and in the event of a critical system failure, the entire airport security system could be at risk. Both the Sheriff and airport management are involved in the design process that will result in a general upgrade of the Airport Command Center, to include backup capability.

K-9 Unit Yard and Office Structure Observations

The Grand Jury toured the K-9 training area and animal pens on the airport grounds. The area houses three specially trained and certified dogs that can detect explosives and narcotics. The animal pens were hygienic and the training area/exercise yard was clean and trimmed.

The Grand Jury noted that the deputy dog handlers are using a wooden trailer as an office. The entry into the structure appears rusted, worn and unsafe. The Grand Jury believes John Wayne Airport management should replace this trailer with a more permanent structure that better represents the airport and supports the needs of the deputies.

Los Angeles International Airport, Lessons Learned

November 1, 2013, a man armed with an assault rifle walked into one of the busiest airports in the nation, Los Angeles International (LAX). Within minutes and before anyone could respond to this threat, the shooter had killed one TSA screener and seriously wounded three other people. When the Grand Jury discussed this horrific event with a senior representative of the Sheriff's Department, that deputy stated that the department consistently trains for events such as the LAX shooting, studying details and applying lessons learned to their own tactical procedures.

One of the requests made by TSA after the LAX shooting was to have armed officers strategically positioned so that they could respond to an emergency quickly. The Sheriff's Department accomplishes this by conducting tactical patrols with high public visibility. Deputies outfitted in tactical uniforms and armed with tactical weapons patrol the three terminals at the airport at non-specific intervals. This serves as a deterrent to violence.

Harbor Patrol Marine Operations Bureau

General Comments

The Grand Jury toured Newport Harbor, Orange County's largest harbor, which also serves as the base of operations for the Harbor Patrol Marine Operations Bureau, part of the Sheriff's Homeland Security Division. The Newport Beach location has overall command responsibility for Dana Point and Sunset Harbors and encompasses nearly fifty miles of patrol area that includes three miles of open water.

The Lieutenant assigned to the Harbor Patrol Marine Operations Bureau serves as the harbormaster for the Newport Harbor. Dana Point and Sunset/Huntington Harbors also have supervisors assigned as harbormaster. The harbormaster is responsible for monitoring the movement of all vessels in and out of port. Each vessel is required to check in with the harbormaster when seeking a visitor's anchorage.

Of the 70,000 watercraft currently registered in Orange County, 15,000 are home ported at these three harbors. Newport is homeport to the largest vessels. During the tour, the Grand Jury observed water borne training exercises involving a hypothetical distressed vessel (dead in the water and adrift in the harbor). The responding harbor patrol boats secured a towline to the two stories tall, 70 foot-long craft to stabilize its movement. Having safely secured the craft, two patrol boats tied along the port and starboard sides and used their engines to guide the vessel safely into its berth.

While observing this exercise, the Grand Jury noted that a deputy documented the event using a cell phone camera. Deputies advised the Grand Jury that none of the six fireboats or nine patrol boats is equipped with video recording equipment, such as dash cameras on patrol vehicles. The Grand Jury determined that adding this equipment would assist the Sheriff's Department to record significant events. Video or still photography would be invaluable in the case of search and rescue operations, firefighting documentation, accident investigation, law enforcement operations and distressed vessel response.

Personnel assigned to the Harbor Patrol are constantly involved in professional-level training in various disciplines. Firefighting and training staff use a craft designated as the burn boat. Under controlled conditions, deputies ignite containers in the boat to simulate a realistic fuel fire. Sheriff's deputies practice often for such emergencies at all three harbors.

The Harbor Patrol Marine Operations Bureau is also a vital arm of a multi-disciplined force that protects county residents against the threat of a potential terrorist attack. Under the umbrella of the Sheriff Department's Homeland Security Division, the Harbor Patrol Operations Bureau coordinates with the U.S. Coast Guard, Federal Bureau of Investigation, Immigration and Border Patrol and the Drug Enforcement Agency in support of a range of law enforcement duties. The Sheriff's Special Weapons and Tactics Team (S.W.A.T.), the Air Support Unit and other land-based elements of the Sheriff's Department are also able to support the harbor units as needed.

Additionally, the Harbor Patrol Marine Operations Bureau at Newport Beach serves as one of the backup dispatch centers for the County's primary Emergency Operations Center at Loma Ridge. In the event of a countywide emergency, this headquarters may serve as a dispatch communications center.

Dana Point Harbor Patrol

General Comments and Observations

The Grand Jury visited the Sheriff's station at the Dana Point Harbor and during their tour, noted that the deputies performing in the capacity of harbormaster did not have any modern surveillance equipment and were relying instead on visual observation, aided by binoculars. Advanced security monitoring equipment is not currently available to them, and the Grand Jury concluded that this could be a security oversight. In the event of a watercraft accident in the most congested area, the mouth of the harbor, deputies would have to go to the scene in order to determine what was occurring.

The Grand Jury had to interrupt its interview at Dana Point because of a vessel in distress radio call for assistance. The Grand Jury accompanied the responding deputies to the scene of the disabled vessel. Fortunately, the operator of the disabled vessel was able to start his engine without assistance and the deputies escorted the vessel into the harbor and secured it at its berth without further incident.

The Grand Jury accompanied the deputies in response to another radio request for back up of a land-based Sheriff's patrol. The public at one of the harbor facilities reported a suspicious person. With the public observing from a distance, deputies quickly identified, detained, and questioned the suspect. The Grand Jury observed that the conduct of the deputies during this event was very professional, and combined with other interactions observed, concluded that a good relationship existed between residents of the harbor community and Sheriff's personnel.

Patrol Areas

Southwest Operations Division (Aliso Viejo) Observations

A member of the Grand Jury participated in the Sheriff's ride-along program in several patrol areas, including Aliso Viejo and Dana Point in order to assess the operational readiness of the unit and serviceability of equipment.

During the tour of the Aliso Viejo Sheriff's Station and the surrounding grounds, the Grand Jury noted that while an electronically operated gate provided controlled entry into the patrol vehicle parking area, the Sheriff had not separated the rear of the substation from public land by any type of wall or fencing.

A heavily wooded slope adjoins the sheriff's parking area and extends approximately 100 feet above and to the direct rear of the facility. A pedestrian pathway lies between the street and wooded area. The slope offers ideal conditions for cover and concealment of anyone intending to trespass onto Sheriff's property.

During the ride-along with an Aliso Viejo Deputy Sheriff, the Grand Jury noted that deputies, while busy in the performance of their duties, always took the opportunity to acknowledge the public in a professional, pleasant manner. The Grand Jury accompanied and observed deputies during a response to a residential burglary, a field interview of a suspicious person, and several traffic violation stops. In every case, the deputy's conduct was in keeping with the policies and expectations of the Sheriff's Department.

Southeast Operations Division (Dana Point) Observations

A member of the Grand Jury participated in a ride-along during the evening shift with a Sheriff's patrol assigned in the city of Dana Point. The Grand Jury attended the shift briefing at the Aliso Viejo station, and deputies provided a brief tour of the facility prior to departing for the assigned patrol area. As directed by the Orange County Sheriff, the evening shift deputies received training during their briefing regarding active shooter responses.

The Grand Jury observed that the deputy assigned as escort conducted a thorough inspection of her patrol unit and checked all communications equipment for serviceability and proper function. She inspected the vehicle's lighting, emergency lighting, computer equipment, radios and all channels, local and remote. The Grand Jury noted the deputy checked the computer aided dispatch system. The deputy then explained how the equipment functions.

During the patrol, the deputy stopped several vehicles for minor traffic infractions. Given probable cause for the traffic stop, she used the opportunity to check the vehicle and passengers to determine the presence or use of alcohol. According to the deputy, it is important to ensure that persons who had been consuming alcohol are not driving on the roadways. None of the traffic stops conducted yielded an intoxicated driver, but a solid police presence was established.

It is important to note that the deputy's interaction with the public was professional and courteous during every contact with civilians. The Dana Point patrol area was crowded with visitors on this particular evening because of the annual Boat Parade in the harbor. During the evening, the Grand Jury accompanied deputies to several calls. A fight at a local bar resulted in one person sustaining a minor injury. The assailant fled the scene and deputies sent the injured party to the hospital. Deputies responded to a report of a person walking in the middle of a roadway. After interviewing the individual, deputies determined that he was intoxicated and on his way home. Deputies cautioned the man to stay off the roadway, and then a deputy drove him home.

Lake Forest and Unincorporated Area Observations

A member of the Grand Jury accompanied a Sheriff's deputy on his routine patrol in the community of Lake Forest. During the course of the ride-along, the deputy had reason to conduct a traffic stop. The Grand Juror noticed that the deputy increased the volume of the speaker system inside of the patrol vehicle, which enabled the Grand Juror to hear his interaction with the public as well as observe his conduct. After several other interactions with the public, it was clear that the deputy wanted the Grand Jury to see and hear how he conducts business. The deputy made an arrest, as well as multiple stops, and in all cases, his conduct was exemplary.

Homeland Security Division

General Comments

The average Orange County resident may be unaware of one of the most important commands within the Sheriff's Department, and one that is involved every day in order to ensure public safety, the Homeland Security Division.

Throughout Orange County, the Division's personnel are dedicated to the mammoth task of intelligence collection and counter-terrorism. The Sheriff has coupled this responsibility with the division's primary role as law enforcement officers. The Division includes but is not limited to the Special Enforcement Bureau, the Sheriff's Response Team, Harbor Patrol Marine Operations, Transit Patrol and the Orange County Intelligence Assessment Center.

The Division coordinates its counter terrorism responsibility with one of 78 fusion centers located throughout the nation. These highly classified centers collect and disseminate potential terrorist threat information to all law enforcement and counterintelligence bodies at the national, state, and local levels. In addition, the Division coordinates and prepares preemptive measures, as well as responsive measures to any threat situation.

At all times the Division maintains close contact with the Federal Bureau of Investigation, the Department of Homeland Security (national level) and other United States counter-terrorist entities. The Sheriff maintains a rapid reaction force able to assemble and respond to any crisis. This includes activation of the Emergency Operations Center located at Loma Ridge, mobile command posts, and redundant dispatch systems. Two of the most highly specialized units that are part of the Division are the Explosive Ordnance Disposal Team (EOD) and the Joint Hazardous Materials Assessment Team (JHAT).

Because we live in a potentially hostile environment and have been the target of a series of successful attacks and thwarted attempts in the recent past, it is imperative that the county's first line of defense against nuclear, biological and chemical (NBC) attack be able to respond and defend against such assaults. As new destructive chemistry is developed and new delivery systems designed, Homeland Security Agencies must continually update their counter measures

and equipment, which can ensure survival in a radiological, biological, caustic environment, is available to our first responders.

Special Enforcement Bureau, Air Support Unit

General Comments

In 1984, the Orange County Board of Supervisors approved establishment of the Sheriff's Air Support Unit to improve law enforcement services in the county.

In 2005, the Air Support Unit received the first of two AS350B2 (ASTAR) helicopters. The Sheriff put the second of these into service a year later. These aircraft are capable of responding to a scene at 150 knots and remaining for more than three hours. Additionally these aircraft are able to communicate with various law enforcement and fire agencies and initiate emergency broadcasts. Equipped with a moving map Global Positioning System and a 50 million-candle power searchlight these aircraft can easily find a target area with precision.

A member of the Grand Jury experienced first-hand the capability of this aircraft by seeing the airborne patrol assist in a traffic stop with multiple suspects involved, and then provide backup support from the air until ground units arrived. A short time later, the air support crew guided a fire crew responding to an emergency through heavily congested traffic, providing them the best route to their destination.

The Air Support Unit constantly trains to adjust quickly from its primary law enforcement role to other emergency support roles. Support Unit deputies can play an important part in search and rescue operations, provide medical emergency relief, spot fires, serve as an air ambulance, or carry a Special Weapons and Tactics Team.

John Wayne Airport Sheriff's Aircraft Hangar Observations

The most recent addition to the Sheriff's Department airborne capability is a refurbished UH-1 helicopter. The helicopter, fitted with a hoist system, greatly expands the scope of the air support unit from merely patrol and observation to deployment, insertion and extraction of tactical units (SWAT). John Wayne Airport management is working with OCSD on a development plan to provide a hangar at the airport to house the two patrol aircraft and the tactical helicopter.

Sheriff's Deputies Interaction with the Citizens of Orange County

General Comments

Throughout the course of this study, the Grand Jury had the opportunity to observe numerous interactions between the Sheriff's Department and the public it serves. Observations were not limited to any specific division, rank or function, but included every level within the department's structure.

While the Grand Jury recognized that those deputies hosting Panel Members for patrol area ride-alongs or other interviews or briefings were prepared to be on their best behavior, the Grand Jury also noted that on every occasion in which deputies communicated or interacted with the public, they were truly working to project a professional image.

It is important that the public base its attitude towards law enforcement on fact rather than perception. Honesty, training and a transparent commitment to service are critical as a deputy can wipe out all of the constructive effort of the Sheriff's Department with one unintentional violation.

In August 2009, *The Orange County Register* reported a 42% increase in complaints against Sheriff's Department employees since 2008. The article further predicted another dramatic rise for the following year if the trend continued. As uncomplimentary as this report initially appeared, the article also provided information from The Office of Independent Review (OIR). The OIR stated that the probable reason for the increase in complaint figures was a 2008 change in policy that made it easier for a citizen to file a complaint. At the same time, Sheriff's staff ceased warning complainants that inaccuracies in a complaint could result in criminal charges and placed renewed emphasis on transparency (Complaints, 2009).

Also in 2009, the Sheriff's Department created a link on their web site, which gave access to anyone who wanted to file a complaint on line. This action simplified the process and allowed citizens to remain anonymous if desired. As a result, there was an obvious and expected increase in reporting of founded and unfounded issues. Additionally, deputies now receive citizen complaints and then forward them to the immediate supervisor on duty. It is the policy of the Sheriff's Department to investigate every complaint received with an equal level of importance.

COMMENDATIONS

The Grand Jury appreciates the extraordinary time and effort that the Sheriff's Department provided to coordinate the numerous events essential to the completion of this report.

FINDINGS

In accordance with *California Penal Code* Section 933 and 933.05, the 2015-2016 Grand Jury requires (or as noted, requests) 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. Based on its investigation titled "Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services", the 2015-2016 Orange County Grand Jury has arrived at 11 principle findings, as follows:

- F1. The pedestrian screening areas located at the entrances to the Central Justice Center are heavily used and become congested during high traffic times. Pedestrian crowding prevents the Sheriff's Special Officers from having an adequate view of persons entering the facility.
- F2. The industrial/office grade partitions used in the Central Justice Center's screening areas to channel the public entering and departing the facility do not provide ballistic protection for Sheriff's Special Officers in the case of an active shooter emergency.
- F3. There is no system for regulating or channeling the public in order to prevent crowding at the scanning stations. Sheriff's Special Officers must use verbal commands in order to maintain public order and organization.
- F4. None of the County jail or court facilities visited uses full body scanners to prevent the public from bringing non-metallic weapons, tools or other contraband into the facility.
- F5. The current security/surveillance camera system on the exterior of the Harbor Justice Center is not adequate and until completion of on-going upgrades, does not provide for sufficient monitoring.
- F6. The roll-up doors located at the Harbor Justice Center do not prevent some observation of inmates arriving and departing the court by the Sheriff's transportation vehicles.
- F7. The Command Center at John Wayne Airport uses outdated surveillance equipment.
- F8. The K-9 office located at John Wayne Airport is in need of repair or replacement.
- F9. The Harbor Patrol Marine Operations Bureau does not have waterproof dashboard or handheld video cameras for use at all three harbors in its patrol area.
- F10. Adequate long-range surveillance equipment is not available to Dana Point deputies performing harbormaster duties.

F11. The outside parking/equipment staging area located at the Aliso Viejo Sheriff's Station provides inadequate protection along the rear of the enclosed area. No barrier exists to prevent unencumbered access onto Sheriff's property.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2015-2016 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.

Based on its investigation titled "Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Operations", the 2015-2016 Orange County Grand Jury makes the following 11 recommendations:

- R1. The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager no later than September 2017 to determine which space designation (County, Court, or Common) applies to points of ingress and egress at the county's courthouses to help determine fiscal responsibility for security/safety improvements. (F1, F2, F3, F4, F5)
- R2. The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager by January 2017 in order to develop a plan that includes objectives and funding options for providing a better system for channeling pedestrians at the points of entry for each court facility. (F3)
- R3. The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager by January 2017 to develop a plan to replace existing industrial/office grade partitions at the courthouse entrances and screening stations with ballistic partitions. (F2)
- R4. The Orange County Sheriff should continue best efforts to coordinate with the Court Facilities Manager by January 2017 to support the current project to upgrade and expand the video surveillance system at the Harbor Justice Center. (F5)
- R5. The Orange County Sheriff should make best efforts to coordinate with the Court Facilities Manager by January 2017 to plan for funding, procurement and installation of solid roll up doors at the inmate vehicle entrance to the Harbor Justice Center. (F6)
- R6. The Orange County Sheriff should continue working with John Wayne Airport management to develop a plan by September 2017 for the funding and replacement of outdated surveillance equipment at John Wayne Airport, to include placing a redundant off-site backup system. (F7)

- R7. The Orange County Sheriff should coordinate with the Airport Director for John Wayne Airport to develop a plan by September 2017 for the funding, and repair or replacement of the K-9 Staff Office at John Wayne Airport. (F8)
- R8. The Orange County Sheriff should develop a plan by September 2017 to fund and equip Harbor Control watercraft with dashboard and handheld cameras contained in waterproof housings. (F9)
- R9. The Orange County Sheriff should develop a plan by September 2017 to fund and equip the harbormaster deputies with long-range surveillance equipment. (F10)
- R10. The Orange County Sheriff should coordinate with the City of Aliso Viejo by January 2017 to develop a plan for the funding and construction of a wall or fence along the entire rear of the Aliso Viejo Sheriff's Station facility. (F11)
- R11. The Orange County Sheriff should develop a plan by January 2017 for the funding, purchase and installation of Full Body Scanners for each courthouse entrance. (F4)

REQUIRED RESPONSES

The *California Penal Code* Section 933 requires the governing body of 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 governing body. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, 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 elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, *California Penal Code* Section 933.05 subdivisions (a), (b), and (c), detail, 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.

(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 authority. The response of the elected agency or department head shall address all 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:

Responses Required:

Responses are required from the following governing bodies within 90 days of the date of the publication of this report:

90 Day Required Responses:	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11
Orange County Board of Supervisors	X	X	X	X	X	X	X	X	X	X	X
City Council, City of Aliso Viejo:											X

90 Day Required Responses:	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11
Orange County Board of Supervisors	X	X	X	X	X	X	X	X	X	X	X
City Council, City of Aliso Viejo:										X	

Responses are required from the following elected agency or department head within 60 days of the date of the publication of this report:

Sheriff's Temporary Detention/Holding Areas, Patrol Areas and Special Services

60 Day Required Responses:	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11
Orange County Sheriff/Coroner:	X	X	X	X	X	X	X	X	X	X	X

60 Day Required Responses:	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11
Orange County Sheriff/Coroner:	X	X	X	X	X	X	X	X	X	X	X

Responses Requested:

Responses are requested from the following non-elected agency or department heads:

Requested Responses:	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11
Superior Court Facility Manager:	X	X	X	X	X	X					
Deputy Airport Director of Operations:							X	X			

Requested Responses:	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11
Superior Court Facility Manager:	X	X	X	X	X						
Deputy Airport Director of Operations:						X	X				

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Crout & Sida. *Orange County Jail Assessment Project*. Nov. 18, 2008. (2026) Print.

APPENDICES

Appendix A: Continuity References

Entity Responding	Title	Street Address	City	Postal Code	Phone Number
Orange County BOS	CEO	333 W. Santa Ana Blvd.	Santa Ana	92701	714-834-3100
Orange County Sheriff	Sheriff	550 N. Flower St.	Santa Ana	92701	714-647-7000
Courts Facility	Manager	700 Civic Center Dr.	Santa Ana	92701	657-622-6878
Orange County Airport	Director	3160 Airway Ave.	Santa Ana	92926	949-252-5200
Aliso Viejo	City Mgr.	12 Journey, Ste. 100	Aliso Viejo	92656	949-425-2500