



# ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER  
SANDRA HUTCHENS

## OFFICE OF THE SHERIFF

June 16, 2017

Honorable Charles Margines  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Response to Orange County Grand Jury 2016-2017 report, "The Great Escape-Never Again?"

Dear Judge Margines:

In accordance with Penal Code sections 933 and 933.05, enclosed please find the response to the FY 2015-2016 Orange County Grand Jury report, "The Great Escape-Never Again?"

If you have any questions, please contact Assistant Sheriff Robert Peterson (714) 647-4655.

Sincerely,

A handwritten signature in blue ink that reads "Sandra Hutchens".

Sandra Hutchens  
Sheriff-Coroner

cc: Dr. Carrie Carmody, Grand Jury Foreperson  
Members, Board of Supervisors  
Frank Kim, County Executive Officer

**Orange County Sheriff's Department**  
**Response to Findings and Recommendations**  
**2016-2017 Orange County Grand Jury Report**  
*"The Great Escape-Never Again?"*

**FINDINGS**

**F.1 Failing to follow procedures**

Some OCSD staff allowed prohibited behavior by inmates and failed to follow written procedures, including:

- Properly conducting inmate counts
- Adequately searching plumbing tunnels, if at all
- Conducting comprehensive roof searches
- Requiring inmates remove and cease the use of tenting and ratlines
- Adequately searching inside cells themselves
- Accounting for all prison-issued sheets and clothing

**Response:** *Agrees with the finding*

Deputies now have more extensive training on proper count procedures. Sergeants and Lieutenants consistently monitor and observe the counts and random checks of the count are conducted daily. The required plumbing tunnel checks are being strictly adhered to each shift and deputies are checking for any sign of illicit activity. Deputies are conducting and documenting comprehensive roof searches/inspections each shift. Random inspections by jail management/supervisor ensure CMJ staff strictly adhere to the policy and procedure for removal of contraband. Deputies conduct random searches of inmate housing on a daily basis. All prison-issued sheets and clothing are being accounted for during distribution and collection.

**F.3 Lack of supervision/oversight**

There was a lack of consistent supervision at the CMJ to ensure that counts, searches and logs required by the policy and procedures manual were completed and conducted according to procedure. There was an overall lack of consistent supervision regarding plumbing tunnel checks, tenting and ratlines, inmate counts, etc. Additionally, inmate count issues raised by sergeants and lieutenants were not acted upon by executive jail management. Subsequently, OCSD has adequately addressed the personnel issues that led to the escape.

**Response:** *Agrees with the finding*

The Orange County Sheriff's Department places a strong emphasis on supervision and the significance of instructing, guiding, monitoring and observing employees while they are performing their assignments. Sergeants and Lieutenants are tasked with providing oversight and ensuring that deputies are strictly adhering to the policies and procedures manual.

#### **F.4 Confusion within the policy and procedures manual**

**The OCSD policy and procedures manual regarding inmate counts was confusing. Proper count procedure was defined in an inconsistent manner in the manual. The improper count procedure contributed to the escape and the approximately 15 hour delay in discovering the missing inmates. The escapee's awareness of insufficient accounting for inmates' whereabouts may have played a part in the inmate's planning the escape.**

**It should be noted that the OCSD is in the process of revising appropriate sections of the policy and procedures manual to eliminate any confusion and inconsistencies regarding proper count procedure.**

**Response:** *Agrees with the finding*

The Orange County Sheriff's Department has reviewed and amended the policy and procedure manual. Appropriate sections were revised to eliminate any confusion and inconsistencies regarding proper count procedure. Regular review of policies and procedure manual is ongoing and progressive.

#### **F.5 Inadequate security measures**

**The security measures in place at the CMJ were inadequate. Non-sworn employees, vendors, and visitors entering the facility were not searched on a regular basis, nor were their belongings; sworn deputies are never searched. With proper search and security measures in place and in practice, including searching all non-sworn employees and visitors, accounting for tools brought in by maintenance workers and vendors, and documenting the disposal of contraband, the tools that aided the January 2016 escape would likely not have been smuggled into the jail.**

**Response:** *Agrees with the finding*

New tool inventory and visitor search protocols were established after the escape. A metal detector has been installed, regular searches of non-employees and visitors have been initiated and a canine team is now in use. A deputy position has been established for tool control utilizing deputies on light duty status. Disposal of contraband is now being documented in logs and reports.

#### **F.6 Training**

**All deputies receive additional training upon assignment to the CMJ. Because of inconsistencies within the policy and procedures manual regarding inmate counts and a long standing practice of conducting "paper counts", incoming deputies to the CMJ were trained improperly. Changes to the manual were not adequately emphasized. Regular reminders of appropriate security and safety procedure were likewise inadequate.**

**Response:** *Agrees with the finding*

The Orange County Sheriff's Department Training recognizes that training is crucial for organizational development and success. All deputies now receive additional training upon

assignment to the CMJ. Sergeants and Lieutenants ensure the training and oversight of deputies' execution of the policy and procedures remains consistent.

#### **F.7 Unanswered Questions**

**The Grand Jury is concerned that there are key elements that remain unanswered about the escape, such as the silence of the 38 inmates who shared housing with the escapees, and what tools were used and how they were brought in. Leaving doubts as to whether the current upgrades will prevent future escapes.**

**Response:** *Disagrees with finding.*

Following the escape a complete security review of the Central Men's Jail was conducted. The review identified areas of improvement and security measures were implemented. Multiple interviews and assessments conducted during the review resulted in the recommendation that measures be taken to further secure air handling and wall vents in order to eliminate access to plumbing tunnels and roof penetration. Since the escape secondary grills have been added to security grates on vents, providing an additional layer of security. The Central Men's Jail is secure and in compliance with all regulatory standards.

#### **RECOMMENDATIONS:**

##### **R.2**

**Within 6 months of the publication of this report, the executive staff of the OCSD should develop and implement guidelines to hold all staff accountable for conducting their jobs in compliance with policy and procedures manual.**

**Response:** *This recommendation has been implemented.*

Guidelines for staff accountability are already in place within the department policy and procedures manual and are enforced via direct supervision, management oversight and the Internal Affairs Bureau.

##### **R.3**

**The OCSD should continue to review the department's policy and procedures manual on at least an annual basis, update it when necessary, and expeditiously inform all personnel of changes to the manual.**

**Response:** *This recommendation has been implemented.*

The Orange County Sheriff's Department has completed a thorough review of the custody and corrections operations manual (CCOM) and the vague and ambiguous language was removed and updated to avoid any confusion. Policy and procedure review is ongoing and progressive. Necessary training has been implemented on policy updates.

**R.4**

**Within 6 months of the publication of this report, the OCSD should put additional security guidelines in place to provide security screening for visitors, vendors and staff. This may include full body scans, additional metal detectors, bag searches, and additional drug detection dogs.**

**Response:** *This recommendation has been implemented.*

Non-employee and visitor search protocols were established after the escape. A metal detector has been installed, regular searches of non-employees and visitors have been initiated and restrictions are in place limiting the amount and type of property sworn staff may bring inside security. A canine team is now in use. The canine team is used to detect illegal substances including marijuana, heroin, cocaine, methamphetamines and any derivative of those drugs. These canines are not used in an apprehension situation or to search for subjects.

**R.5**

**Within 6 months of the publication of this report, the OCSD should institute a policy of ongoing training of all staff members to ensure understanding of jail policy and procedures.**

**Response:** *This recommendation has been implemented.*

All employees in the Custody Divisions receive regular and ongoing training as mandated by law. New Department policies and Custody and Courts Operations Manual (CCOM) policies and updates must be acknowledged by all affected employees and are reviewed during daily briefings upon their release and implementation. The Division currently utilizes the Jail Compliance and Training Team (JCATT) to facilitate training and to provide updates to all Custody employees as they relate to legal mandates, food and inmate services, inmate and employee safety and security, and industry best practices.