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County of Orange

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California

September 11, 2012

Honorable Thomas J. Borris  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Detention Facilities Report: Part 1-Adult

Dear Judge Borris:

Per your request, and in accordance with Penal Code 933, please find attached the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Office of Independent Review and the Orange County Board of Supervisors. If you have any questions, please contact Michelle Zink at (714) 834-7487 in the County Executive Office who will assist you or direct you to the appropriate individual.

Sincerely,

Robert J. Franz  
Interim County Executive Officer

Attachment

cc: 2012-13 Orange County Grand Jury

*County Executive Office*  
333 W. Santa Ana Blvd.  
Third Floor  
Santa Ana, California  
92701-4062

Tel: (714) 834-6200  
Fax: (714) 834-3018  
Web: [www.ocgov.com](http://www.ocgov.com)

**ORANGE COUNTY BOARD OF SUPERVISORS**  
**MINUTE ORDER**  
**September 11, 2012**

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2011-12 Grand Jury Report "Detention Facilities Report: Part 1-Adult" - All Districts

***The following is action taken by the Board of Supervisors:***

APPROVED AS RECOMMENDED  OTHER

**Unanimous**  (1) NGUYEN: Y (2) MOORLACH: Y (3) CAMPBELL: Y (4) NELSON: Y (5) BATES: Y  
*Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order*

**Documents accompanying this matter:**

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 49

Special Notes:

Copies sent to:

*CEO/Budget*  
*Superior Court*  
*Grand Jury*



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.  
Susan Novak, Clerk of the Board

By:   
Deputy



**AGENDA STAFF REPORT**

**ASR Control 12-000940**

RECEIVED  
SUPERVISOR'S OFFICE

**MEETING DATE:** 09/11/12  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office (Approved)  
**DEPARTMENT CONTACT PERSON(S):** Michelle Zink (714) 834-7487  
 Margaret Cady (714) 834-3646

**SUBJECT:** Detention Facilities Report: Part 1-Adult

**CEO CONCUR**  
Concur

**COUNTY COUNSEL REVIEW**  
N/A

**CLERK OF THE BOARD**  
Discussion  
3 Votes Board Majority

**Budgeted:** N/A

**Current Year Cost:** N/A

**Annual Cost:** N/A

**Staffing Impact:** No

**# of Positions:**

**Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** N/A

**Prior Board Action:** N/A

**RECOMMENDED ACTION(S):**

1. Approve proposed response to FY 2011-12 Grand Jury Report entitled "Detention Facilities Report: Part 1-Adult".
2. Direct the Clerk of the Board to forward this ASR with exhibits to the Presiding Judge of the Superior Court and the FY 2012-13 Orange County Grand Jury no later than September 18, 2012, 2012.

**SUMMARY:**

Approve proposed response to the FY 2011-12 Grand Jury Report entitled "Detention Facilities Report: Part 1-Adult".

**BACKGROUND INFORMATION:**

In June 2012, the Grand Jury released a report titled "Detention Facilities Report: Part 1-Adult". This report directed Findings and Recommendations to the County of Orange. Enclosed as Exhibit 2 is the response to these Findings and Recommendations.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**EXHIBIT(S):**

1. Grand Jury Report
2. Response to Grand Jury Report
3. Transmittal Letter

**2011-2012 Grand Jury Report  
Detention Facilities Report: Part I-Adult  
Office of Independent Review/Orange County Board of Supervisors  
Responses to Findings and Recommendations**

**Responses to Findings F.6**

**F.6** The Office of Independent Review provides a valuable risk management service to the county but may be improperly assigned and underutilized. Direct reporting to the Board of Supervisors results in inconsistent expectations, direction, and evaluations. Additionally, there is a perception that the operation is unduly influenced by the Sheriff's Department. This is reinforced by the physical location of the OIR office in the OCSD headquarters.

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

The Office of Independent Review ("OIR") appreciates the thoughtfulness and attention that the 2011-12 Grand Jury gave to OIR, its operations, and its place in Orange County government. The Grand Jury's Report accurately identifies some of the challenges OIR has faced since its establishment in 2008. The Board of Supervisors believes, however, that the basic structure of the Office, as documented in County Ordinance 1-2-225, remains sound. The model set forth in the Ordinance is one that provides a desirable combination of access, influence, and flexibility.

OIR's attorney-client relationship with the Sheriff's Department, and its mandate to consult with the Department on individual cases as well as systemic reforms, is critical in this regard. It helps provide an unprecedented outside perspective on processes that are otherwise confidential under state law. Additionally, OIR's relationship with the Board of Supervisors helps ensure that the Office is providing transparency and remains responsive to public concerns. More effective communication from the Executive Director of OIR to the Supervisors has lessened some of the frustrations cited by the Grand Jury.

For these reasons, the Board of Supervisors believes that OIR's place in the County organizational chart is appropriate. Moreover, it believes that OIR's physical location helps promote the access and regular contact that contribute to its monitoring function.

**Responses to Recommendation R.6**

**R.6** The Board of Supervisors should review the role and responsibilities of the Office of Independent Review with a view toward expanding the scope of work to include the Probation Department facilities and reassign management control to the Chief Executive Officer as part of the County Risk Management operation. The OIR office should be relocated to the Hall of Administration. (See F7).

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

OIR provides civilian oversight for the County's Sheriff's Department from an independent, outside perspective and coordinates with various public and private groups to ensure that relevant issues are identified and addressed. Stakeholders include the Board of Supervisors, County Counsel, District Attorney, County Executive Office, Human Resources, Human Relations Commission, employee unions, relevant federal agencies, and various community-based groups and individuals.

In 2010, the Board of Supervisors added a provision to the contract of OIR's Executive Director that establishes an attorney-client relationship with the Probation Department and allows OIR to perform the recommended monitoring function for selected cases. That option has been utilized on selected occasions, and the Board of Supervisors can also expand the role on an as-needed basis in the future.

OIR's Executive Director provides regular status reports to the Board of Supervisors "on all investigations and significant matters within the purview of OIR." Additionally, OIR provides written reports to the Board to address the outcome of individual matters relating to the OIR oversight responsibilities. Some of these reports may be confidential and protected by the attorney-client privilege; in other instances, the Board may choose to release the reports in a manner consistent with state law and the privacy rights of involved parties. OIR should continue to report to the Board rather than reassigned to the County Executive Officer to enable the Board continued oversight and involvement in OIR activities.

Although the physical OIR office location is located within the Orange County Sheriff Department headquarters, OIR's Executive Director and professional staff of the OIR are independent contractors – not employees of the County or part of the OCSD chain of command. This promotes the objectivity of OIR's findings and recommendations. The location of the office is critical to OIR's ability to respond in person to critical incidents, consult regularly with OCSD decision-makers, and review OCSD operations, files, and records in an unfettered way.