



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**SANDRA HUTCHENS
SHERIFF-CORONER**

OFFICE OF SHERIFF-CORONER

August 7, 2013

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

Subject: Response to Orange County Grand Jury 2012-2013 report, "Detention Facilities Report: Part I- Adult Jails."

Dear Judge Borris:

In accordance with Penal Code sections 933 and 933.05, enclosed please find the response to the FY 2012-2013 Orange County Grand Jury report, "Detention Facilities Report: Part I-Adult Jails." If you have any questions, please contact Assistant Sheriff Lee Trujillo at (714) 647-1839.

Sincerely,

Sandra Hutchens
Sheriff-Coroner

SH/ec

Enclosure

cc: Raymond Garcia, Grand Jury Foreman
Members, Board of Supervisors
Michael Giancola, County Executive Officer

550 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 647-1800

*Integrity without compromise, Service above self, Professionalism in the performance of duty,
Vigilance in safeguarding our community*

FINDINGS

F.1

Some Sheriff-Coroner Department employees are unfamiliar with the confidentiality and process of Grand Jury proceedings in civil investigations and the authority of the Grand Jury to admonish witnesses.

Response: *Agrees with finding.*

Not all Sheriff-Coroner Department employees are familiar with Grand Jury processes and the Department can do more to make sure guidelines for interacting with the Grand Jury are clear. It is important to note, however, that the Grand Jury also has an obligation to follow the rules and make its procedures clear. This particular Grand Jury's method of admonishment of confidentiality was inconsistent with the practice of past grand juries who utilized this tool in the grand jury room when employees were providing testimony. In fact, the California Attorney General's opinion upon which the Grand Jury relies in its Report (No. 02-1108) addresses the Grand Jury's authority to admonish witnesses not to disclose information that the witnesses learned in the grand jury room. The Attorney General stated: "We conclude that in order to carry out the Legislature's policy of preserving the secrecy of grand jury proceedings, a *grand jury*, sitting in its civil watchdog capacity, may admonish a witness not to disclose what the witness learns *in the grand jury room.*"

The Grand Jury report left the impression that Department's supervisors were nefariously pressing employees for information and details of their interviews with grand jurors. This assertion is highly inaccurate. In one incident an individual grand juror came to the jail, demanded to speak with particular employees and then admonished those employees to keep their conversation confidential or risk contempt of court. This approach by the grand juror caused department employees to ask their supervisors questions about protocol. Department members were instructed to be fully cooperative and to provide any and all information requested by the Grand Jury. Supervisors spoke with their employees, not to violate the confidentiality of grand jury proceedings, but to ensure that complete information was provided to the grand juror who requested it. The insinuation that they were failing to abide by confidentiality rules is unfair to the professionals who were doing their best to be transparent and efficient.

F.2

The attention to data tracking of AB 109 inmates is excellent.

Response: *Agrees with finding.*

F.3

The Theo Lacy Dining Hall has an outdated video VHS camera system.

Response: *Agrees with finding.*

F.4

The Theo Lacy Housing modules do not have cameras in the day rooms.

Response: *Agrees with finding.*

F.5

The Central Jail Complex camera systems are inadequate for the (1) dining hall, (2) booking loop, (3) housing areas, and (4) on the roof areas.

Response: *Partially disagrees with finding.*

The current video systems cover the high traffic areas that are mentioned in the Grand Jury Report (dining room, booking loop, housing areas, and roof recreation areas) but improvements could be made to give more clarity of picture and span of coverage.

F.6

The Commissary employs Community Work Program inmates who with more training could leave the Commissary with a marketable job skill.

Response: *Agrees with finding.*

OCSD is currently providing occupational practices to our Community Work Program inmates at the Commissary Warehouse location. The Inmate Services Division is continuing to partner with a local Community College to provide this training at the Commissary facility and is completing the certification process for the program.

F.7

The Commissary Account code 600 has a mixture of business cost and resale items.

Response: *Agrees with finding.*

The Commissary Account code 600 had a mixture of business cost and resale items. This format complies with government code and standard government accounting practices.

RECOMMENDATIONS**R.1**

Sheriff-Coroner Department shall make sure employees are aware of the importance and necessity of the confidentiality of the Grand Jury process and the Grand Jury admonition process.

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

Sheriff Department employees will be made aware of the Grand Jury process through a training memorandum. The training memorandum will be developed in consultation with County Counsel and the Grand Jury and will be issued within the next two months.

R.2

Sheriff-Coroner Department employees shall continue to track AB 109 inmates.

Response: *The recommendation has been implemented.*

The Sheriff Department has tracked AB 109 inmates since the onset of public safety realignment. The Department will continue to track AB 109 inmates.

R.3

Theo Lacy shall upgrade the dining hall video system.

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

Upgrading the dining hall video system is listed as one of the Department's capital improvement projects. Although it has been listed as a capital improvement project for some time, funding constraints have delayed its implementation. This project will be completed as funding becomes available.

R.4

Theo Lacy shall add four cameras to each day room in the Housing Modules.

Response: *The recommendation requires further analysis.*

As funding becomes available the need for cameras in the Theo Lacy day rooms will be evaluated. The type of technology available at the time will determine the number of cameras needed for each day room.

R.5

The Central Jail Complex shall upgrade and provide cameras for the (1) dining halls, (2) booking loop, (3) housing areas, and (4) roof areas.

Response: *The recommendation requires further analysis.*

Technology in this field is rapidly evolving and the cost to implement the recommendation is significant. The Department will add new cameras in phases (as funding allows) utilizing systems that are upgradeable, expandable, and allow for storage/retrieval of archived footage.

R.6

The Commissary shall develop an inmate worker program that partners with a local educational institution to teach skills that will produce employment opportunities that will result in credits leading to marketable skills certification when the inmate is released.

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

The Inmate Services Division has developed a Vocational Warehouse Worker Program Course and is continuing to partner with a local Community College to provide this training at our Commissary facility. Staff continues to work on the process to certify and offer a mutually beneficial program for all parties involved. Staff will continue efforts to complete the certification of this course through the college however the Department is currently providing occupational practices to Community Work Program inmates at Commissary Warehouse location.

R.7

Financial administration services shall place the resale items, currently located in the Commissary Clothing and Personal Supplies account 600, into a more suitable account.

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

The current accounting format is in compliance with the government code. Changing the format would not be consistent with best practices.