



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

**SANDRA HUTCHENS
SHERIFF-CORONER**

OFFICE OF SHERIFF-CORONER

June 27, 2013

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

Subject: Response to Orange County Grand Jury 2012-2013 Report, "Jail Rehabilitation Program, Are They Effective?"

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, "Jail Rehabilitation Program, Are They Effective?" If you have any questions, please contact Assistant Sheriff Lee Trujillo at (714) 647-1839.

Sincerely,

Sandra Hutchens
Sheriff-Coroner

SH/ec

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

The FBA balance has been declining as the expenditures have exceeded revenue since 2009. The problem is enhanced with the diminishing income from interest and OC Bankruptcy repayment. What will happen to the Correctional Programs with the FBA balance becomes zero is unknown.

Response: *Agrees with finding.*

A May 16, 2012 report issued by the Orange County Internal Auditor did find that there was a declining Fund Balance Available for the Inmate Welfare Fund. However, since that time the Internal Auditor has released a final follow-up report that shows the Sheriff's Department has successfully implemented all recommendations included in the original report. In particular, the March 27, 2013 follow up report found that steps have been taken to reverse the decline in FBA. The Department has created FBA procedures and policies to more closely govern the administration of such funds. Additionally an increase in jail population and a reduction in salary costs have helped to increase revenue and decrease expenditures.

F.2

The Grand Jury found that the current staff of the OCSD Correctional Program Unit is providing numerous programs designed to educate and mentor inmates during incarceration.

Response: *Agrees with finding.*

The Orange County Sheriff's Department's currently provides 54 programs for inmates. Many of these programs are designed to educate and rehabilitate inmates during their incarceration. Other programs are more recreational in nature and are designed to meet requirements set out by state law.

F.3

The County has no definition for recidivism.

Response: *Agrees with finding.*

There is no universal definition of recidivism that is used countywide. Most agencies and departments, however, have their own definition of recidivism that is related closely to that respective agency/department's mission. The Sheriff's Department's definition of recidivism is similar to that of the California Department of Corrections and Rehabilitation. The Sheriff's Department defines recidivism as an individual incarcerated in any of the five (5) Orange County Jails who is released during a defined time period and subsequently returned to jail during a specific follow up period. In the future OCSD has plans to develop recidivism rates based on one year and three year periods.

F.4

Neither the effectiveness of any particular rehabilitation program nor the Correctional Programs Unit as a whole is known.

Response: *Partially disagrees with finding.*

While no formal metrics may exist, the quality of OCSD rehabilitation programs are continually monitored

and evaluated. Each rehabilitation program is designed to meet the needs of the inmates and the requirements of state statutes. Internally OCSD tracks all in custody program to ensure the classes have merit and value. Metrics to measure the post-release impacts of particular classes needs to be added and is in the process of being developed.

F.5

There is very limited classification of inmates regarding issues of age, race, type of crime, etc. as these differences might apply to rehabilitation.

Response: *Agrees with finding.*

OCSD Inmate Services focuses on individuals criminogenic needs not on race, type of crime etc. When providing rehabilitation services many individuals require the same types of resources such as substance treatment, housing, employment etc. Race, type of crime, etc. plays little to no bearing when identifying an individual's needs both in custody and post release.

F.6

The new programs being considered by OCSD Correctional Programs Unit staff are not accompanied with metrics to measure the effectiveness.

Response: *Disagrees wholly with the finding.*

The new rehabilitation programs that are being considered by OCSD will include metrics designed to measure effectiveness.

F.7

The "Transitions from Jails to Communities" program was completed at the beginning of 2012. The results have yet to be released and utilized.

Response: *Disagrees wholly with the finding.*

The results of the "Transitions from Jails to Communities" program were released in September 2012. The TJC technical assistance report was completed and released in June of 2011.

F.8

There is a lack of universal acceptance by the rank and file of the OCSD of the benefit of rehabilitation programs.

Response: *Agrees with the finding.*

While it is accurate to say that not all OCSD employees may recognize the benefits of rehabilitation programs, it is important to note that key decision makers (as well as many rank and file) at OCSD do support such programs and know the benefits. The leadership of OCSD will continue to make rehabilitation programs an integral part of the Sheriff's Departments mission.

F.9

UCI has professional and academic talent in the area of criminology and social studies which could play a significant role with researching data about the effectiveness of rehabilitation programs.

Response: *Agrees with the finding.*

UCI has served as a resource for OCSD in the past and that partnership will continue. OCSD is currently working to develop metrics with UCI for new inmate rehabilitation programs.

F.10

OCSD Correctional Programs could benefit by sophisticated statistical analysis from UCI.

Response: *Agrees with the finding.*

OCSD is currently working to develop metrics with UCI for inmate rehabilitation programs.

F.11

The effectiveness of jail sponsored rehabilitation programs could be financed by closing down dubious programs and re-directing those monies towards research and statistical analysis of the remaining rehabilitation programs.

Response: *Disagrees wholly with the finding.*

Each of the rehabilitation programs offered by OCSD are done so in order to meet requirements of our inmate population and standards set by the State. None of the programs offered would be considered dubious. Programs are constantly monitored and evaluated to determine if they meet the current needs of the inmate population.

RECOMMENDATIONS

R.1

Correctional Programs Unit must address the budget issue immediately.

Response: *The recommendation has been implemented.*

On March 27, 2013 the Internal Auditor released a final follow-up report that shows the Sheriff's Department has successfully implemented all recommendations made by a previous Internal Audit Report issued on May 16, 2012. The initial report expressed concerns about the decline in FBA. Since the initial report was issued the Department has reversed that decline. OCSD created FBA procedures and policies to more closely govern the administration of such funds. Additionally an increase in jail population and a reduction in salary costs have helped to increase revenue and decrease expenditures

R.2

The Sheriff's Department must encourage the establishment of a meaningful definition for recidivism.

Response: *The recommendation has been implemented.*

The Sheriff's Department defines recidivism as an individual incarcerated in any of the five (5) Orange County Jails who is released during a defined time period and subsequently returned to jail during a specific follow up period. In the future OCSD has plans to develop recidivism rates based on one year and three year periods.

R.3

Continuation of any correctional program without metrics shall be maintained at minimum cost until a meaningful program to assess its effectiveness can be implemented not later than December 31, 2013.

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

All correctional programs are currently maintained at the most cost effective level. Not all programs are designed for rehabilitation purposes and not all programs can incorporate metrics. For example, by State law OCSD is required to offer recreational programs for inmates. Additionally due to some inmates' short sentences, there is not sufficient time for a program to have a significant impact.

R.4

The Grand Jury recommends new programs be implemented only if metrics are attached.

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

While OCSD will be incorporating metrics into a majority of rehabilitation programs, some programs are not designed to include metrics. As stated in the response to R.3, a recreational program would likely not include metrics. Also as noted in the response to R.3, the short length of sentence for some inmates does not provide sufficient time for a program to have significant impact. For those new programs that do have metrics in place, it will take up to three years to gather enough data to use the metrics to measure the effectiveness of the program.

R.5

Rehabilitation programs must be tailored for differences between inmates: age, race (cultural and gang issues), type of offense, etc.

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

As stated in the response to F.5, OCSD Inmate Services focuses on individuals criminogenic needs not on race, type of crime etc. When providing rehabilitation services many individuals require the same types of resources such as substance treatment, housing, employment etc. Race, type of crime etc. plays little to no bearing when identifying an individual's needs both in custody and post release.

R.6

The Correctional Programs Unit shall continue to compile the necessary data started with the TJC initiative.

Response: *The recommendation has been implemented.*

OSCD Inmate Services continues to compile the necessary data from the TJC initiative through various jail management system reports and daily data collected from ISD staff on programming. This data is used to create monthly, quarterly and yearly reports for ISD management. Reports are used to determine number of participants in programs, graduation of program rates, number of programs offered etc.

R.7

The Correctional Programs Unit should develop a partnership with the UCI criminology department. The purpose would be to aid in measuring the efficiency of the entire Corrections Programs Unit and individual programs in particular. The measure of effectiveness must gauge the change in recidivism. The statistical support sought from UCI must measure the financial cost of supporting those who recidivate and the savings realized by preventing recidivism.

Response: *The recommendation requires further analysis.*

OCSD is currently working with UCI to develop baseline measures for a programs impact on recidivism. Once three years of data is available the Department will be able to use the metrics to determine the success of a particular inmate program.

R.8

If the partnership with UCI fails as recommended in R7 above, a research department must be established by the Correctional Programs Unit to perform the statistical analysis as outlined in R7 above.

Response: *The recommendation requires further analysis.*

If the partnership with UCI fails, OCSD will need to evaluate what next steps are most appropriate in order to effectively measure recidivism. Establishment of an in-house research department may result in undue costs and unnecessary duplication of efforts that could be provided by other public or private research institutions. Additionally the regulations governing the use of the Inmate Welfare Fund may not allow for funds to be expended on the establishment of a research department.

R.9

The Sheriff's Department must demand and gain positive commitment and cooperation from its entire staff for rehabilitation.

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

Each individual staff member of OCSD has their own opinions about criminal justice public policy. It is not possible to convince 100% of staff to wholeheartedly support a given program. However, the men and women of the Sheriff Department are professionals who carry out their duties as assigned. Whether they personally agree or not, the rank and file will carry out rehabilitation programs as directed by Department leadership. Even though individual deputies may not be involved in the intricacies of rehabilitation program efforts, deputies are responsible for providing access to those services and will ensure all proper standards are clear and being met.