

Review of Orange County Detention Facilities



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SUMMARY

The 2010-2011 Grand Jury has completed an inspection of all the detention facilities in Orange County under the requirements of the California Penal Code. Orange County detention facilities were found to be clean, in good repair and not overcrowded. Fighting and other disruptions have been kept at a minimal level, due in part to well-designed management techniques and modern technology. The following report will elaborate on the findings from these inspections.

REASON FOR STUDY

California Penal Code section 919 (b) requires the Grand Jury to “inquire into the condition and management of the public prisons within the county.” Areas of inspection were guided by Title 15 of the California Administrative Code which governs housing conditions and treatment for incarcerated adults and juveniles. The purpose of this report is to relate the findings of the Grand Jury’s visits to all Orange County detention facilities.

METHODOLOGY

The Criminal Justice Committee of the Grand Jury developed a list of questions to be asked during the visits to the adult and juvenile facilities. The areas of concern were facility capacity, current population, number and training of the staff, general state of repair, cleanliness, booking process, inmate monitoring, inmate privileges, inmate segregation, facility emergency planning and special programs.

Also, some members of the Criminal Justice Committee participated in sheriff department ride-alongs and observed many of the routine operational situations that deputies face daily. A general briefing was scheduled before each shift including the events of the day, warrant information, and cautions. The patrol officers went through their car check procedure, explained gang terminology, pointed out gang graffiti, gang attire and which neighborhoods had the greatest concentration of gang activity.

FACTS

Fact: There are four types of adult detention facilities in Orange County.

Fact: There are two types of juvenile detention facilities in Orange County.

Fact: Three detention facilities are participating in a federal program to house undocumented immigrants awaiting deportation hearings or deportation to their native country.

Fact: Some facilities are managed by the Sheriff's Department, others by city police departments, some by city employees and others by private correctional companies.

Fact: The Orange County Superior Court has developed a plan to adjudicate specific concerns of the law.

Fact: The Strategy, Accountability, Focus and Evaluation (S.A.F.E.) Division is a new program initiated by the Orange County Sheriff's Department.

Fact: All facilities maintain current policies, procedures and accreditation.

ANALYSIS

The following types of detention centers are referenced by Title 15 of the California Code of Regulations. The most common type of jail in Orange County is "Temporary Holding", a local detention facility used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court. Temporary Holding facilities are located in the cities of Brea, Cypress, Fountain Valley, Garden Grove, Irvine, Laguna Beach, La Palma, Los Alamitos, Orange, Placentia, Tustin and Westminster.

The second type of detention facility is the "Type I" facility, a local detention facility used for the confinement of persons for not more than 96 hours, after booking excluding holidays. A Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker. They may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used

in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week. Type I facilities are located in Anaheim, Buena Park, Costa Mesa, Fullerton, Huntington Beach, La Habra, Newport Beach and Seal Beach.

The third type of detention facility is the "Type II" facility, a local detention facility used for the confinement of persons pending arraignment, during a trial, and upon a sentence of commitment, generally for one year or less. Type II facilities are located in Irvine (James A. Musick), Orange (Theo Lacy), Santa Ana (Santa Ana City Jail), and (Central Men's Jail, Intake/Release Center).

The fourth type of detention facility is a Court Holding Facility managed by the Orange County Sheriff's Department. These justice centers include Central Justice Center in Santa Ana, Harbor Justice Center in Newport Beach, Lamoreaux Justice Center in Orange, North Justice Center in Fullerton and West Justice Center in Westminster. The Grand Jury does not have responsibility for review of these court holding cells. These facilities are part of a contract package between the Sheriff, Orange County and Administrative Office of the Courts. The agreement and transfer/transition of responsibility for these holding cells to state control became effective as of April 10, 2010.

The juvenile detention facilities are operated by the Orange County Probation Department. The current juvenile facilities are Juvenile Hall (Orange), Theo Lacy Juvenile Annex (Orange), Joplin Youth Center (Trabuco Canyon), Youth Guidance Center (Santa Ana) and Youth Leadership Academy (Orange). Juveniles housed in these facilities are likely to have experienced one or more of the following situations: family problems, abuse of legal or illegal substances, truancy, criminal street gang association and mental health issues. Juveniles considered high-risk (committed violent crimes) are held at Juvenile Hall and the Theo Lacy Juvenile Annex. After court-processing, low-risk (committed non-violent crimes) juveniles may be transferred to a minimum security facility such as Joplin Youth Center, the Youth Guidance Center or the Youth Leadership Academy. The Orange County Department of Education provides educational opportunities through the Education Access Program.

During the Criminal Justice Committee's visit to the Central Jail Complex Intake Release Center, a significant finding of minimal inmate disruption was made. One reason is a direct result of using experienced classification deputies with special training to screen and evaluate every incoming prisoner. After booking, each prisoner answers a computer-generated checklist questionnaire, followed by a one-on-one interview

with a classification deputy. These veteran deputies have the ability to converse with the inmates and elicit information by interaction and observation. Ultimately, the deputy classifies inmates who are compatible, can interact well with other inmates and ultimately assigns housing accordingly.

The deputies assigned to the housing modules routinely observe inmates for any potential problems, thereby preventing adverse situations before they arise. Further, the Orange County Sheriff's Department communicates with state prison officials to learn of any gang related activities or issues that could affect Orange County jail inmates.

Upon inspection, the Orange County detention facilities appeared to be clean, in good condition and in compliance with state policies and procedures. Overcrowding in these facilities had been a major issue in prior years. To date, for reasons unexplained, there is no overcrowding. Understanding this phenomenon may be useful information for future planning.

The Orange County Sheriff's Department met the federal guidelines necessary to compete with other outside agencies for participation in a program commonly referred to as "Beds for Feds". Therefore, it is the recipient of funds paid by the federal government for this housing service. The program is administered through the Immigration and Customs Enforcement (ICE) agency. The program allows empty space in selected facilities to be used for housing of undocumented immigrants, whose criminal matters have been adjudicated. These detainees, as they are known, are awaiting deportation to their native countries. The Orange County facilities participating in this include: James A. Musick and Theo Lacy which are managed by the Sheriff's Department and the Santa Ana City Jail which is managed by city employees. The James A. Musick and Theo Lacy facilities received their first detainees in August and September 2010, respectively. Santa Ana City Jail has housed ICE detainees since October 2006.

Community Court, a division of the Orange County Superior Court, is in place to reduce the time of confinement and to reduce inmate recidivism. Specifically, the Veteran's Court, the Homeless Court, the DUI Court and the Mental Health Court fall into this category. These unique and specialized courts, collectively called Community Court, are designed to handle the well-defined needs of certain groups who violate the law.

The Sheriff's Department Inmate Services Division, Inmate Re-Entry Unit provides ongoing monitoring of programs designed to assist inmates upon their release. The James A. Musick detention facility offer the following programs to aid in the transition from incarceration to mainstream society: GED educational classes, culinary certification,

computer classes, sewing, welding, ESL (English as a second language), parenting, substance abuse and workforce readiness. The Theo Lacy facility and the Central Jail Complex offer: Phoenix House New Start Program (for substance abuse treatment), community work program, and rehabilitation programs. Collected empirical data from the Reentry Program indicates inmates have found success outside of the jail system, due in part, to these programs.

City jails and county detention facilities have commonalities such as the monitoring of holding cells by high-definition video cameras, motion sensors, as well as direct staff observation. These monitoring activities are performed on a regular schedule that fulfills the requirements of the California Code of Regulations Title 15 and Title 24. All jails visited had current policies and procedures available. These policies referenced the Peace Officers Standards and Training established in 1959 mandating that all California law enforcement personnel receive training standards for accreditation. Every police officer is obligated to continue their professional training requirements of 24 or more hours of qualifying Peace Officers Standards and Training during every two-year cycle.

It was observed during inspections of the city and county facilities that some of the departments are taking a proactive approach to minimizing their liabilities and maintaining required training. Additionally, recognizing a need for accountability and transparency regarding Sheriff's Department personnel engaged in all areas of law enforcement including detention facilities, the S.A.F.E. (Strategy, Accountability, Focus and Evaluation) Division was established. This early-warning system, initiated by the current Orange County Sheriff-Coroner, is a new program which became fully operational in 2010. S.A.F.E. examines the Orange County Sheriff's Department's areas of potential liability by establishing a pro-active methodology. Critical self-review allows the Sheriff's Department to monitor, evaluate and make necessary changes to reduce risk, follow current laws and best practices while providing transparency in the process. The daily function of the S.A.F.E. Division involves four areas of concern. One area of oversight includes managing civil litigation claims, both monetary and property. Another aspect of S.A.F.E. involves issues dealing with worker's compensation and employee injuries. A third area of responsibility insures departmental compliance with local, state and federal safety mandates. The final area is in statistical tracking and reporting. This involves staffing levels, overtime usage, use of force, internal affairs investigations and trend analysis.

Two software programs that are currently in use at some facilities are Commission on Accreditation for Law Enforcement Agencies (CALEA) and LEXIPOL. The CALEA was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive

associations. The goal is to improve the delivery of public safety services, primarily by maintaining standards developed by public safety practitioners. LEXIPOL was founded and designed by a team of public safety veterans (law, public service and business) and staffed by legal and law enforcement professionals. LEXIPOL, in collaboration with law enforcement representatives within California, developed essential policies to meet key operational needs within law enforcement departments. LEXIPOL is compatible with all major accreditation organizations using this technology to minimize risk, assure law enforcement operations are up-to-date concerning recent court decisions and is cost efficient.

FINDINGS:

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requires or 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 of detention facilities in Orange County, the 2010-2011 Orange County Grand Jury has arrived at six principal findings, as follows:

Finding F.1: The facilities visited were generally clean and in good condition.

Finding F.2: The use of trained personnel as well as high definition cameras, motion sensors and other modern technology have kept disruptions in the jail to a minimum.

Finding F.3: The programs instituted by the Sheriff's Inmate Services Division as well as other governmental entities are attempting to reduce inmate recidivism in Orange County.

Finding F.4: Orange County detention facilities are not overcrowded.

Finding F.5: Due to recent implementation of the federal ICE program, the financial impact is too new to be assessed.

Finding F.6: The S.A.F.E. Division initiated by the Orange County Sheriff-Coroner in 2010 is an early-warning system designed to enhance sheriff department operations.

RECOMMENDATIONS:

In accordance with California Penal Code 933 and 933.5, the 2010-2011 Grand Jury requires 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 of detention facilities in Orange County, the 2010-2011 Orange County Grand Jury makes the following four recommendations.

- R.1: Continue to keep facilities in clean and good condition as well as keep inmate disruption at a minimum.**
- R.2: Collect and analyze data to evaluate the present financial impact of the ICE program on Orange County.**
- R.3: Develop a study to better understand the causes of the reduced inmate population that currently exist in Orange County detention facilities.**
- R.4: Continue to assess and present evidence-based data from the S.A.F.E. Division of the Orange County Sheriff's Department to enhance transparency, provide effective law enforcement and reduce civil litigation.**

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Orange County Sheriff-Coroner	F.1, F.2, F.3, F.4, F.5, F.6	R.1, R.2, R.3, R.4
Orange County Board Of Supervisors	F.3, F.5, F.6	R.2, R.4

In accordance with California Penal Code Sections 933 and 933.05 the 2010-2011 Grand Jury 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.

Orange County

Probation Department

F.3

R.3

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code §933(c) requires 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 agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that 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 comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, 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 therefor.

- (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 therefor.

- (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.