

SECURITY OF COUNTY EMPLOYEES: COUNTY JUSTICE FACILITIES HALL OF ADMINISTRATION

SUMMARY

The Grand Jury is mandated by the *California Penal Code* §919(b) “to inquire into the condition and management of the public prisons within the county.” The Grand Jury, in fulfilling this mandate, visited all county jails, selected city jails and all six of the detention (temporary holding) facilities associated with the county’s justice facilities.

This report concerns primarily the security of county employees working in and around the county’s public buildings. The Grand Jury found that the Sheriff-Coroner Department transports large numbers of jail inmates every week, at considerable cost, between the county’s jails and the temporary holding facilities in the county’s six justice facilities. This practice raises the following problems:

- Transporting jail inmates creates potentially hazardous situations for deputy sheriffs and marshals, jail inmates and the public.
- Some of the justice facilities (West, Harbor and South) receive transported inmates without sallyport protection (secured enclosure) to minimize escape attempts.
- Separation of the South Justice Facility into two locations presents strain on manpower requirements to provide adequate security with manpower for a single site.
- Limited scope of medical treatment options in the jails requires inmate transport to public medical facilities thus exposing deputies to possible ambush attempts.
- Except for the Central Justice Facility and the Lamoreaux Justice Center, there is no weapon screening to protect against the introduction of weapons into the county justice facilities and Hall of Administration.

The Grand Jury recommends that the Board of Supervisors, Sheriff-Coroner, and the County Marshal confer among themselves, and with Officers of the Superior Court, to determine the necessary steps needed to improve the security of county employees and the public. Specific suggestions are:

- Investigate the possibility of greatly expanding the use of video arraignments in order to reduce the number of jail inmates being transported in the county, or, alternatively, consider conducting arraignments in jail-based courtrooms.
- Re-examine the cost effectiveness of constructing a secure passageway interconnecting the Central Jail with the detention cells beneath the Central Justice Facility. Such a structure would reduce transportation costs of inmates, reduce overcrowding and greatly improve security of county employees charged with control of jail inmates.
- Consider, without delay, construction of a much-enlarged South County Justice Facility at a single site in conjunction with a jail and sheriff substation.
- Construct, as soon as possible, sallyport enclosures on all justice facilities currently lacking them in order to improve the security of the public and the county's employees.
- Take immediate steps to develop weapon interdiction for the county's justice facilities and Hall of Administration.
- Better define what the limits of the county's responsibilities are for safety of the public and its employees and what, exactly, are the limits of the state's responsibility. Unfortunately, AB233 (1997) and Rule 810 of the California Rules of the Court, which specify that courthouse security has become the responsibility of state government, created confusion over the limits of responsibility between the county and the state. The Grand Jury believes that poorly defined jurisdictional boundaries place the security of county employees and the public at unnecessary risk.

INTRODUCTION AND PURPOSE

The Grand Jury, in carrying out its mandate to oversee the operations of the county jails and detention facilities, observed that transportation of prisoners between the jails and courthouse detention facilities presents a security risk to county employees and the public. Alternative measures are available to reduce the number of transported prisoners. The Grand Jury noted security risks to the public and county employees working daily in and around some of the county's public buildings (justice facilities and Hall of Administration). Weapon interdiction practices used in airports, federal buildings, and most courthouses in heavily populated counties are lacking. Because risks to county employees and the public were observed, the Grand Jury studied the nature and extent of these risks with the purpose of recommending steps to mitigate them.

METHOD OF STUDY

The Grand Jury conducted on-site visits to all the county jails, some city jails, and all the courthouse temporary holding facilities to which jail inmates are delivered daily for courtroom appearances. The practice of loading prisoners into busses, and

unloading them, was carefully studied including information about costs of transportation, numbers of inmates transported and the security risks associated with the process. Personal interviews were scheduled with representatives of Orange County's law enforcement agencies, Superior Court officials and Orange County government officials. Officials responsible for security of county employees and the public in and around public buildings in other California counties were interviewed by telephone. The panel received statistical information from various county marshal and sheriff's offices concerning weapon interdiction efforts. Counties known to use airport-style weapon screening for security are listed in Table 1 (See Appendix). Courthouse security officers in ten of the counties listed in Table 1 were contacted and interviewed. Orange County appears on the list because it has four facilities with weapon screening, the Central Justice Facility, the Riley Terminal at the John Wayne Airport, the Juvenile Hall and Family Courts (the latter two located in the Lamoreaux Justice Center).

BACKGROUND

RISKS TO COUNTY EMPLOYEES

Criminal and civil proceedings occur Monday through Friday at each of the six justice facilities (courthouses) in Orange County. By law, criminal defendants must be present in court for trial or sentencing. This means that those incarcerated in the county's jails must be transported to the justice facilities in the morning and returned to their cells for the evening. Many of the inmates being transported are brought to the courts for trial or sentencing for felonious crimes. These individuals pose a security risk to county employees guarding them (marshals and sheriffs) and to the public at large should one escape. Some are career criminals who face second- or third-strike felony convictions for which punishment can be severe.

INMATE TRANSPORTATION

The County Sheriff-Coroner Department is responsible for the transportation of inmates to and from the jails and holding facilities in each of the justice centers. The County Marshal's Department receives and guards inmates in these facilities. Transportation of prisoners is an unavoidable necessity, but the scale of the existing operation is large, costly and risky. The task requires expensive, specialized vehicles, two individuals (a deputy sheriff and a special services officer) per vehicle and numerous trips to deliver inmates to their scheduled court appointments. Because large numbers of inmates are transferred each day beginning as early as 5:00 a.m. and ending sometimes after 7:00 p.m., deputies are occasionally paid overtime thus adding to transportation costs.

Transportation of prisoners throughout the county creates security risks for the public and the county employees who drive the vehicles and maintain security. Occasionally prisoners attempt to escape and one such attempt resulted in a prisoner's death. Sheriff deputies involved in transporting inmates, and marshals guarding them in courthouse temporary detention facilities, are continually exposed to potential violence. Furthermore,

crowded conditions in the temporary holding cells have led to violent fights between inmates that have resulted in injury or death.

The Orange County Sheriff's Department transports 102,000 jail inmates annually to the county's justice facilities alone. The average number of jail inmates transported each working day, to each of the regional courthouse detention units, is 401 but it can be more than 500 on occasion. The total number of inmates transported annually for all reasons, including transport of prisoners to state prisons, is in excess of 400,000. Annual transportation costs for the regional courts alone amount to about \$350,000. The number of inmates bussed daily to the Central Justice Facility from various jails was 212, of which 32% were for arraignment purposes. Transportation costs for the Central Justice Facility alone may exceed \$300,000 annually.

Inmates bussed to the justice centers sometimes wait all day on concrete benches in the holding facilities to make a five-minute court appearance for a routine procedure such as an arraignment. When called to appear, inmates reach the courtrooms through secured corridors isolated from public access. With the exception of the Harbor Justice Facility, where the holding cells are at ground level, all cells are located below ground level in courthouse basements for added security. These cells are designed strictly for day use. At day's end, often as late as 7:00 p.m., inmates are loaded on busses and returned to their cells for the night in Type I or Type II¹ detention facilities.

A particularly dangerous component of inmate transportation is the occasional need to deliver an inmate to an outside hospital for medical treatment accompanied by two deputies to prevent an escape attempt. The problem with this procedure is that an inmate with a chronic health problem, requiring regularly scheduled medical appointments, is a serious security risk for the deputies. Inmates have access to the postal and telephone services and can receive visitors. As a result they can organize an ambush of the deputies.

VIDEO ARRAIGNMENT

In 1983, §977.2 was added to the *California Penal Code* as a pilot project to permit two-way audio-video communication for misdemeanor and felony arraignments in Municipal Court between a defendant in custody and a courtroom. After several amendments it became §977(c) of *the Penal Code*. In spite of a strong recommendation by the 1989–1990 Orange County Grand Jury for the courts to use video arraignment procedures as a cost saving and security enhancing measure, the Orange County Justice Facilities did not adopt the procedure until late in 1993 and then only as a pilot study. The use of video conferencing is enthusiastically endorsed in several states and some California counties, but it has not been adopted in this county to the extent originally hoped for or recommended. The Santa Ana Police Department routinely uses video technology to arraign both misdemeanor and felony defendants in the Central Justice Facility. The Orange County Central Jail uses video arraignment technology primarily for misdemeanor violations.

¹ A Type II detention facility is a maximum security jail where incarceration can extend for months or years. A Type I facility, as found in some city jails, is designed to hold inmates for no longer than 96 hours.

Video conferencing can be used to enhance efficiency of court operations and reduce transportation costs by reducing the numbers of inmates transported in the county by 10 to 30%. Audio-video communication could also be used for:

- Arraignments
- Pleas
- Motions
- Pretrial settlements
- Bail reviews
- Mental health hearings

At present the only use of video technology for video arraignments is an analog COMCAST system linking the Central Jail and the Santa Ana Jail with Divisions 203 (misdemeanor) and 311 (felony) in the Central Justice Facility. The county recently installed a high-speed, Coordinated Multi-Media Network (COMMNET) through which every agency and entity in the county, including all courthouses and jails, are interconnected by a digital Asynchronous Transfer Mode (ATM) system. All that is needed to make the system operate is to furnish each facility with a video studio (cost approximately \$55,000 for each) and tap into the ATM system to telecommunicate with any other county entity. Because the ATM system is now fully available and operational there is little reason not to use it for video arraignments between all the jails and the justice centers other than opposition by the judiciary.

The advantages of expanding the use of video arraignments are numerous:

- The number of jail inmates currently being transported in the county will be reduced.
- Fewer inmates being transported will reduce transportation costs.
- Fewer inmates being transported will reduce the risks of escapes and increase security for marshals and sheriffs.
- Fewer inmates in justice temporary detention facilities will ease overcrowding and improve inmate security.
- Release of defendants will be expedited and will relieve the chronic problem of jail overcrowding.
- Pre-arraignment detention time can be reduced.
- Video arraignments would improve the efficiency of court operations by simplifying court scheduling.

There is an alternative to conducting video arraignments that would achieve the same objective of reducing the number of inmates requiring transportation. A small courtroom could be built in each county jail where a judge could arraign defendants. This would eliminate the need to build and equip a telecommunication studio at each site. If the judiciary were opposed to expanding video arraignment practices, the alternative of having judges travel to the jails for arraignment proceedings would serve the purpose of reducing the transport of jail inmates. A small courtroom could be set up in each of the jails at less cost than installing telecommunication studios.

SECURITY OF COUNTY EMPLOYEES AROUND JUSTICE FACILITIES

Violence in and around courthouses in the United States has escalated over the past 20 years according to the National Sheriffs' Association. It is a public safety issue that impacts county government because county employees (marshals and sheriffs, district attorney personnel, probation officers, public defenders, etc.) are at risk. Currently, the Orange County Marshal's Office has responsibility to provide a secure environment in the county's justice facilities, but legislation being considered in Sacramento may shift this responsibility to the Sheriff-Coroner Department.

Certain of Orange County's public buildings are relatively unprotected from the introduction of weapons in comparison to those in other large-population counties. This is especially noticeable in the county's justice centers. Airport-style perimeter security (magnetometers, X-ray machines and hand-held metal-detecting wands) is lacking and needed.

Capital improvements such as construction of courthouses, their detention facilities, and related structures like sallyports, appear clearly to be the responsibility of the county even though AB233 manifestly states that funding for equipment and personnel required for perimeter court security is the responsibility of the state. Where, precisely, does the state's responsibility for security end and where does the county's responsibility begin?

SECURITY ISSUES IN NEIGHBORING COUNTIES

Other counties with a history of record keeping for weapon interdiction programs provided the Grand Jury with valuable insight into some of the county's security problems. San Diego County, only slightly larger in population than Orange County, installed weapon-screening equipment in the early 1990s and kept records of the numbers and types of weapons intercepted at checkpoints in nine buildings. Seventy-six guns and 6,655 knives were seized in 1993 alone. The number of persons screened per year was about 3.6 million. In 1996, 11,559 items were intercepted including 4 firearms and 8,451 knives, scissors or cutting tools. In 1997 San Diego County intercepted 16,034 potential weapons including 3 guns and nearly 8,400 knives, scissors, etc.

Los Angeles County has a population roughly 3.5 times that of Orange County. Installation of weapon screening stations in Los Angeles County courthouses began in 1994-95, and is only 65% complete as of this date. A total of 108,627 potential weapons were intercepted in 1997, including 28 guns. Los Angeles County's statistics for the first 6 months of 1998 showed an alarming increase in the overall rate of weapons taken.

Riverside County had 3 litigants killed on court premises in the past five years. There are 16 courtroom facilities in Riverside County, but only five of them have perimeter security with X-ray machines and walk-through magnetometers. In 1991 alone these five stations intercepted about 25,000 potential weapons, including 63 firearms.

SECURITY ISSUES IN ORANGE COUNTY

There are two general classes of employees working daily in the courts: employees of the state (superior court judges and certain court personnel) and employees of the county (marshals and sheriffs, public defenders, district attorney personnel, probation department personnel, etc.). County sheriff deputies are responsible for delivering inmates to the justice facility detention cells and county marshals are responsible for security in the courthouses and courtrooms and control of the inmates held in the detention cells. In the event of violence in the detention cells, is it the state's or the county's liability for security? If violence occurred on the courthouse steps or in neighboring parking lots, would the state or the county be liable for the security lapse?

Weapons are brought into some of the Orange County justice facilities in large numbers daily because there are no metal-detecting devices to prevent it. As of this writing, the Central Justice facility has been equipped with airport-style screening in May 1999, but no plans exist for providing similar protection in the county's regional justice facilities. The presence of armed marshals is an obvious deterrent to bringing weapons into justice facilities, but this is not as effective a deterrent as metal detection screening. An example of the scope of the problem can be learned from the experience of marshals who used weapon screening at the Lamoreaux Justice Center (LJC) that has an average daily attendance of 3,400 individuals. Perimeter screening equipment intercepted 3,537 items defined as weapons in the penal code in the first six months of 1998 including one gun and 15 illegal knives (See Table 2, Appendix).

It is reasonable to assume that Orange County residents have no known greater or lesser criminal tendencies than people in other California large-population counties. If one calculates the number of weapons intercepted, per one million inhabitants, in justice facilities in neighboring counties, the number was between 6,000 and 11,000 per year. Given that Orange County has a population of about 2.7 million, the estimated number of weapons that would enter the county's justice facilities annually would fall somewhere between 16,200 and 29,700. In reality, the actual number will be higher because *there will always be more weapons present in facilities without perimeter security than in those equipped with them*. Those wishing to bring weapons into places protected with airport-style security equipment realize their contraband may be detected and retreat to stash their weapons elsewhere. The mere presence of such equipment can be a deterrent. However, even with properly functioning equipment, there can be no guarantee of complete security. Actions of a deranged individual, such as the one who killed two police officers in the United States Capitol in 1997, can never be completely prevented.

According to the National Sheriffs' Association, there is a growing threat from explosives in or near justice facilities. These can be firebombs, letter bombs, pipe bombs, dynamite, chemical and biological weapons. Bombing incidents occurred in recent years in Contra Costa County, CA, Birmingham, AL, Urbana, IL, Atlanta, GA, Chicago, IL and Hendersonville, NC. The FBI has warned that bomb use is likely to increase; any future security plans should take account of this risk and plan accordingly.

An additional threat to security is the presence of gangs, many of which are engaged in criminal pursuits. Orange County has at least 386 known street gangs numbering nearly 21,000 individuals. Four of the county's justice facilities (LJC, North, West and Central) are situated in known gang territories. County employees working in or around these facilities are exposed to the possibility of gang violence.

SOUTH COUNTY JUSTICE FACILITIES

The South County Justice Facility occupies buildings in *two* locations about nine miles apart. The main courthouse building in Laguna Niguel, originally used as a sheriff's substation, is about 30 years old and used almost exclusively for criminal matters. There are only five courtrooms in the building, but, because of overcrowding, a trailer located east of the building serves occasionally as a sixth courtroom that offers poor security. The average daily count of visitors to this courthouse is 811.

Civil, small claims, family law and traffic court functions are handled in the South Courthouse Annex on Moulton Parkway in Laguna Hills. An additional average number of 738 persons visit the Annex on any given day.

The physical division of the South County Justice Facility into two widely separated sites presents a logistical problem for marshals to provide adequate security with manpower designed for one site. Security would be significantly improved if the South Justice Facility could be consolidated in one location. Staffing requirements for marshals at the Laguna Niguel site takes precedence over the Annex because of greater security concerns there. As a result, the Annex presents a peculiar security risk because it was not designed to be a justice center; it was designed to a commercial office building. The county has leased the space there for the past 10 years and constructed three courtrooms. Security is very poor because the building has multiple access routes. The panic alarm system in each courtroom is inadequately designed. Too much time can be lost in obtaining help should an emergency arise. If the present facility is to be used for a few more years, the existing alarm system should be upgraded so that all marshals on duty in the facility can be alerted simultaneously as to the location of the disturbance. There was an incident when assistance failed to appear for a disturbance because all the telephones were busy. Bailiffs in neighboring courtrooms only a few feet away from the disturbance were not made aware that their help was needed.

The separation of the south justice facilities into two widely separated locations creates periodic staffing problems for the marshal responsible for security operations. On occasion there are not enough deputies available to provide proper security at both sites simultaneously. Therefore, it may become necessary for the Marshal Department to provide manpower with field service officers.

Temporary Restraining Orders are currently issued at the Annex. These can become highly emotional confrontations that could result in violence. Although the majority of cases heard at the Annex are low-risk matters such as traffic, civil and small claims, there are times when there may not be enough deputies available to quell a disturbance.

The rapid population growth in the south county region has essentially rendered the existing South Justice Facility obsolete. Between 1994 and 1998 the northern part of the county encompassing the First, Second and Fourth supervisorial districts experienced a population growth of 1.3%. The south county region, supervisorial districts three and five, which includes most of the county's unincorporated areas, had a population growth of 7.3% during the same period. The rate of growth in the south county region was 5.7 times the rate of growth seen in the northern sectors of the county. According to the Orange County Register's 1998 Market Profile, the number of jobs in the south county region is projected to increase 52% between 1995 and 2005. During the same period the number of jobs in the north county region will increase by 20%. The disparity in regional growth rates in population and jobs underscores the urgent need for construction of a new, consolidated justice facility in the South County. Discussions have been underway for some time between the Board of Supervisors and Officers of the Superior Court concerning construction of a new justice facility in that region. In planning for construction of this facility the number of courtrooms should be more than doubled and attached to a sheriff's substation and Type I or II jail. The county has already committed funds toward this project and the Sheriff-Coroner Department is willing to contribute funds to it.

On the average, one busload of 40 inmates is sent daily to the Laguna Niguel courthouse holding facilities. Some of these would not need to be transported if video arraignments were implemented on a countywide basis. This simple step would improve the safety of the inmates, deputies and the public; it would also create cost savings to the Marshal's and the Sheriff-Coroner's Departments.

Prisoners brought to the temporary holding cells beneath the Laguna Niguel Justice Facility must first be offloaded in an area outside the building in full view of the public with no physical barrier separating them. There is no sallyport system there to prevent prisoner escape attempts. The absent sallyport permits possible communication between the inmates and the public, a violation of the penal code. As a result marshals and deputy sheriffs are needed to maintain control of the transported prisoners each time they are brought into and out of the detention facilities.

The South County Justice Center's temporary holding facility has a rated capacity of 125 prisoners. However, because of laws requiring inmate separations, the maximum safe number detained should not exceed 70, a number occasionally exceeded. There are inadequate numbers of cells to provide for the optimal separation of prisoners. While access for prisoners to the courtrooms is through secure corridors; this is not the case for prisoners in wheelchairs. These inmates can be brought to the courtrooms only through public areas. Prisoners appearing in the courtroom trailer on the East side of the building must be shackled because they are also taken through public areas.

Working conditions for the marshals in the South Courthouse are substandard. Despite physical improvements in the number of detention cells in 1998, workspace available to the marshals is inadequate. Three to four marshals work in space barely

adequate for two. There are insufficient numbers of surveillance cameras. There is no weapon interdiction equipment at the Laguna Niguel Justice Facility to reduce the chance that weapons will be brought into its courtrooms.

NORTH COUNTY JUSTICE FACILITY

The North County Justice Facility in Fullerton, built in the early 1970s, has an average of 3,531 people entering each day through its six doors. Night court on Tuesdays accounts for 340 more. Because the exterior doors are widely separated, three of them would require screening posts for weapon interdiction to provide optimal security and pedestrian traffic flow. The remaining three doors would serve as emergency exits only, protected by alarms, and monitored by TV surveillance cameras. The marshals responsible for the security of the building are in the process of re-evaluating the costs for equipment, personnel and building modifications necessary to improve security.

The security measures for county employees transporting prisoners to and from the North Justice Facility is notably better than the other regional courthouses but it could be improved. An open-air, sallyport yard is surrounded by a wall topped with wire to discourage escapes. There are two spots in the yard's perimeter where the walls should be higher and more difficult to scale. A prisoner once escaped from the yard because it was not secure enough. There is also a porch overlooking the yard that should be made inaccessible to the public.

Another aspect of North Justice Facility requiring improvement is the arrangement of the heavily used traffic windows on the bottom floor inside the south end of the courthouse. The present arrangement permits access by too many people to the building's interior thereby significantly weakening the perimeter security of the building. Removal of the doors and glass partition at ground level on the south side of the building would place the traffic windows on the building's external wall, and make them directly accessible to visitors from the adjacent parking lot. The remaining doors, currently inside the building near the traffic windows, should be provided with restricted-access (key-carded) doors. The corridor leading to the elevator should be walled off and equipped with a restricted-access door and monitored by TV cameras. This arrangement for traffic windows would render use similar to that found at the West and Harbor Justice Facilities. Access by the public to the interior of the North Justice Facility would then be restricted to the building's West side.

The North Justice Facility is the only regional justice facility in Orange County with a courtroom equipped for video conferencing. It has never been used for its intended purpose, video arraignments, because there were differences of opinion among various law enforcement agencies on how the post-arraignment malefactors were to be handled.

WEST JUSTICE FACILITY

The West Justice Facility, built in 1967, has 16 courtrooms. Its average daily pedestrian traffic is 2,406 persons entering three heavily used front doors and one lightly used back door. Wednesday night traffic court accommodates 181 additional persons. One excellent feature to enhance security of the building is the presence of exterior traffic

windows to reduce the number of pedestrians requiring entry. Security of this facility could be greatly improved with installation of two weapon-screening stations at the front of the building. The southeast front door and the back door should be used as emergency exits only and outfitted with alarms and surveillance TV cameras. One glaring security problem is the lack of a sallyport containment area for the transport of jail inmates to and from the courthouse detention facility in the basement. Inmates are offloaded from the bus directly into a public area at the back of the building before they are led down a stairway into a secure area. With an adequate number of deputies present, the inmates are usually under good control, but an organized escape attempt would be very difficult to stop. Approximately 2,000 or more inmates are bussed to the West Justice Facility each month. This translates to more than 100 inmates and a minimum of two round-trip busloads of inmates per day from the jails. Because many of them are bussed to the courthouse for arraignment purposes, some dollar savings could be achieved with regular use of video arraignments. The holding facility at the West Justice Facility has a rated capacity for 253 inmates. However, because of the requirements for prisoner separations (gender, ethnicity, gang affiliations, health, protective custody, etc.), the facility cannot safely hold more than 150 inmates. The holding facility also needs improvement in surveillance equipment and more flexibility for required inmate separations. Additional video cameras are needed to properly monitor prisoner movements through custody corridors leading to the courtrooms. Though the space occupied by the marshals controlling the detention facility are not as cramped as those in the North, South and Central Justice Facilities, it is nevertheless marginally adequate. Estimates of the costs necessary to improve the building's security are presently underway by county marshals.

HARBOR JUSTICE FACILITY

The Harbor Justice Facility in Newport Beach, built in the seventies and expanded during the eighties, suffers from general security shortcomings. The long narrow building has 3 main doors, one of which needs to be modified into an emergency exit with alarms and surveillance TV cameras in order to improve the building's perimeter security. Two weapons interdiction posts would be ideal for this building. One good feature of building security is the presence of traffic windows on the building's exterior that are directly accessible to the public from the adjoining parking lot. This feature, also found at the West Justice Facility, reduces the number of pedestrians requiring access to the interior of the courthouse, thus improving security.

The temporary holding facility at the Harbor Justice Facility differs from those in the other courthouses in the county in that it is built on ground level rather than below ground. Breaching of the walls is possible and could lead to prisoner escapes although such an eventuality seems remote. There is a much higher probability of prisoner escape from the west side of the facility where prisoners offload from the jail bus in direct view of the public. As with the West and South Justice Facilities, no sallyport exists, a fact that invites trouble. County employees and the public at large are at risk if there were an escape attempt. There are plans for the construction of a sallyport yard, but the status of the project is uncertain. Workspace for the marshals in the holding facility is arguably the

best of the county's justice facilities. The observation room for the marshals in the center of the detention facility is among the more commodious ones. The average number of inmates bussed daily to the Harbor Justice Facility is approximately 40. About half of these are brought to its holding facility for arraignment purposes only.

CENTRAL JUSTICE FACILITY

The Central Justice Facility in Santa Ana was built in the mid-1960's but the years have not been kind. Crowded, and in some respects outmoded, the structure resembles a monument to deferred maintenance. While evidence of the dilapidated nature of the building can be seen almost everywhere, the temporary holding facilities for jail inmates in the subbasement attracted the Grand Jury's attention. Of all the courthouse detention facilities, the one under the central justice facility is the worst of the lot, being a modest improvement over a medieval dungeon. Overcrowded working conditions for the marshals are deplorable. Because some judges insist that inmates have pencils (a potential weapon) available when present in courtroom hearings, the walls of the elevators and detention cells throughout the building are encrusted with gang graffiti, some of it pornographic or anti-Semitic in nature. The cell walls require repeated cleaning and repainting. This cost could be averted if paint were placed on the walls which pencil lead could not mark. A coating of Teflon paint would solve the problem, but it is considered to be far too expensive. A less costly and safer solution would be to markedly restrict the use of pencils among inmates and drastically reduce the number of inmates detained in the cells at any one time.

County employees working in and around the Central Justice Facility are most at risk for violence. With its 66 courtrooms, the largest average attendance, approximately 7,500 people, pass through its doors every business day. Based on the interception of weapons at the Lamoreaux Justice Center for the first six months of this year, the Grand Jury conservatively estimates about 20,000 weapons enter the Central Courthouse annually. When the building was constructed in the mid-1960s, there was little consideration given to design for the security needed today. Funds have been obtained in the 1998-1999 budget cycle for weapon screening for the Central Justice Facility, but there are no existing approved plans for similar security measures for four regional Justice Facilities of Orange County.

SECURITY PASSAGEWAY BETWEEN THE JAIL AND THE CENTRAL JUSTICE FACILITY

When the Central Justice Facility in Santa Ana was built in the mid-1960s, construction of a tunnel was planned to interconnect the Central Jail with the temporary holding facilities in the subbasement of the courthouse. At some point in time a decision was made to cancel the tunnel project as a cost-saving measure. With the wisdom of hindsight this proved to be a costly error because the total non-recoverable cost of bussing inmates for about 30 years between the Central Jail to the Central Justice Facility has probably greatly exceeded what the capital improvement of a tunnel would have initially cost. If the county does not intend to build a new Criminal Court Building, or convert the Central Justice Center into a criminal court building, the possibility of

constructing a secure passageway between the Central Jail and detention facility beneath the Central Justice Facility should be reconsidered. The benefits of such a passageway are as follows:

- To solve the overcrowding problem of inmates in the detention facilities.
- To allow easier segregation of inmate types and improvement of their safety.
- To reduce costs of transporting prisoners by bus from the central jail.
- To alleviate overcrowded working conditions for the marshals.
- Safety of marshal and sheriff deputies would be significantly improved.
- To enhance public safety because the risk of prisoner escapes would be reduced.
- To reduce the possibility of external intervention for an organized escape attempt.
- To reduce the number of inmates in the detention facilities and save personnel costs because fewer marshals are required for guard duty.
- To reduce costs for the Sheriff's Department as transport personnel are reduced.

A secure passageway linking the jail to the detention facilities need not be a tunnel. There are formidable underground obstacles between the two structures; a high water table is one, which might make a tunnel prohibitively expensive to build. A properly designed, custody corridor above ground, bridging Flower Street, would work as well as a tunnel to shuttle inmates back and forth, and should cost substantially less than a tunnel. This would make good sense if the Board of Supervisors decided to renovate the existing Central Justice Facility for long-term future usage. If, on the other hand, the idea of building a new criminal court building resurfaces, build it in close proximity to the Central Jail (and the Intake and Release Center) so that a secure custody passageway can link the two facilities. Detention facilities in the existing courthouse would not need to be further expanded. With a new criminal court building, there would be a minimum need for detention facilities.

OTHER SECURITY CONCERNS

Grand Jury members attended regularly scheduled meetings of the Board of Supervisors. The Grand Jury noted that security is limited for county employees working in the Hall of Administration. The shooting incident in the Riverside City Hall Council Chambers on October 6, 1998, which miraculously did not result in a fatality, brought into sharp focus the need to improve security in the Orange County Hall of Administration. A single, armed deputy on the ground floor of the Hall of Administration is flimsy security. On occasion there is no deputy present. Access to the offices of the County Supervisors, by anyone with mischief in mind, is a simple matter.

FINDINGS

Under *California Penal Code* Sections 933 and 933.05, responses are required to all findings. The 1998–99 Orange County Grand Jury has arrived at 10 major findings.

1. Temporary holding facilities in the county courthouses are occasionally overcrowded with inmates because of requirements for inmate separations. Working conditions for marshals in these facilities range from fair to deplorable. Overcrowding of prisoners creates health and security risks for inmates as well as for marshals and sheriffs (county employees).

A response is required for Finding 1 by the **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

2. The West, Harbor and South Justice Facilities lack proper sallyport enclosures to prevent prisoner escapes. An escape at these locations could endanger the public as well as the county employees (deputy sheriffs and marshals) responsible for controlling inmates transported to the courthouse temporary holding facilities.

A response is required for Finding 2 by the **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

3. The South Justice Facility is small, outmoded and inefficient. If the courthouse was located at a single site, marshal staffing would be improved. The chronic shortage of jail beds in time will get worse. An opportunity exists to incorporate in this new facility a sheriff's substation in conjunction with a Type I or II jail to reduce the need to transport inmates from existing county jails.

A response is required for Finding 3 by the **Orange County Marshal Department**, **Orange County Sheriff-Coroner Department** and the **Board of Supervisors**.

4. Transporting 400–500 prisoners per day between the jails and the county's justice facilities is costly and a potential threat to the safety of deputies, inmates and the public. Steps should be taken to reduce the number of inmates being transported between the jails and the justice facilities.

A response is required for Finding 4 by the **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

5. Video arraignments were recommended by past Orange County Grand Juries. Video arraignments have been used primarily as a pilot project linking only the Central Jail (and the Santa Ana Jail) to the Central Justice Facility. Video arraignments are not being used in five of the county's regional justice facilities although a high-speed communication system interconnecting all county agencies is now in place (COMMNET) and operational. Advantages (cost savings, improved security) of doing video arraignments to reduce transportation of inmates appear to outweigh disadvantages.

A response is required for Finding 5 by the **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

6. Construction of a secure passageway linking the Central Jail with the Central Justice Facility was planned but never carried out because of cost considerations. The intended purpose of the passageway was to reduce inmate transportation costs and improve security for county employees and the public. The decision to transport inmates to the Central Justice Facility from the Central Jail by vehicle, rather than via a secure passageway, appears, in retrospect, to have been an error. The combined unrecoverable costs of years of transportation would have easily paid for the cost of the passageway.

A response is required for Finding 6 by the **Orange County Marshal Department**, **Board of Supervisors** and **Orange County Sheriff-Coroner Department**.

7. The National Sheriffs' Association and the FBI noted that violence in and around the nation's courthouses has increased significantly over the past twenty years and recommended that courthouse security should be a major public safety concern. With the exception of the Lamoreaux Justice Center, the neighboring Juvenile Hall, and the Central Justice Facility, Orange County Justice Facilities lack proper weapon screening equipment. As a result, safety of county employees and the public are at risk in Orange County. The Central Justice Facility was equipped with weapon screening equipment and personnel in May 1999. Plans for similar security measures for the other county justice facilities remain uncertain.

A response is required for Finding 7 by the **Orange County Marshal Department** and the **Board of Supervisors**.

8. Orange County's Hall of Administration does not appear to have adequate security. The presence of a single armed sheriff deputy seems insufficient for violence-prone society today.

A response is required for Finding 8 by the **Orange County Sheriff-Coroner Department** and the **Board of Supervisors**.

9. Transportation of chronically ill inmates to outside medical appointments represents a potentially serious security risk to deputy sheriffs responsible for providing the transportation.

A response is required for Finding 9 by the **Orange County Sheriff-Coroner Department** and the **Orange County Marshal Department**.

10. The Grand Jury found that AB233 has created unresolved confusion concerning the limits of responsibility of the Board of Supervisors for the security of county employees. Inability to define where the limit of the state responsibility ends and the county responsibility begins compromises the safety of county employees. *There is nothing in AB233 absolving the county from its responsibility to protect the public and county employees.*

A response is required for Finding 10 by the **Board of Supervisors**.

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, each recommendation must be responded to by the government entity to which it is addressed. These responses are submitted to the Presiding Judge of the Superior Court. Based on the findings, the 1998–1999 Orange County Grand Jury proposes that the **Board of Supervisors** consult with **Officers of the Superior Court** and other county entities mentioned below to find solutions to the following recommendations.

1. Improve working conditions for marshals in the temporary holding facilities of the county's courthouses. Expand the marshal workspace in holding cell workstations for health and safety reasons and reduce the number of inmates transported between jails and detention facilities to ameliorate overcrowding. (See Finding 1)

A response to Recommendation 1 is required from the **Board of Supervisors** and the **Orange County Marshal Department**.

2. Expand the practice of video conferencing (video arraignments) between all county and city jails and county justice facilities. The county's telecommunications network (COMMNET) is now online and available for this purpose. Conduct both felony and misdemeanor arraignments through video conferencing whenever possible. If expanded use of video conferencing is impractical, consideration should be given to constructing a courtroom in each of the jails for arraignment purposes. This could achieve the objective of reducing the number of inmates transported to the detention cells of the justice facilities. (See Findings 1, 4 and 5)

A response to Recommendation 2 is required from the **Board of Supervisors**, the **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

3. The Grand Jury recommends that the Board of Supervisors provide funding to build sallyport enclosures at the West, Harbor and South Justice Facilities. The absence of sallyport protection is an invitation for an escape or organized ambush. These security structures should be built as soon as possible for the protection of law enforcement personnel, jail inmates and the public. If a new, consolidated justice facility is built in the south county region, it should contain a properly designed sallyport. (See Finding 2)

A response to Recommendation 3 is required from the **Board of Supervisors**, **Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

4. Consolidate the South County Justice Facility into one location with at least double the number of courtrooms presently existing. Incorporate a Sheriff's substation and a Type I or II jail as part of the new justice complex. (See Finding 3)

A response to Recommendation 4 is required from the **Board of Supervisors**, **Orange County Marshal Department** and **Orange County Sheriff-Coroner Department**.

5. Reconsider constructing a secure passageway between the Central Jail and the Central Justice Facility. Such a passageway would reduce crowding in the detention facilities, reduce transportation costs and improve security for deputy sheriffs and marshals and inmates. (See Finding 6)

A response to Recommendation 5 is required from the **Board of Supervisors, Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

6. The Grand Jury recommends that the **Board of Supervisors** meet with **Officials of the Superior Court, the Orange County Marshal Department and the Sheriff-Coroner Department**, as soon as possible, to find ways to improve the security of the public and county employees in and around Orange County's justice facilities. Existing security risks need solutions, especially the lack of weapon interdiction equipment and personnel in the county's regional justice facilities. (See Findings 7 and 10)

A response to Recommendation 6 is required from the **Board of Supervisors, Orange County Marshal Department** and the **Orange County Sheriff-Coroner Department**.

7. The Grand Jury recommends that the **Board of Supervisors** consult with the Sheriff-Coroner about steps necessary to improve security of county employees working in the Hall of Administration. (See Findings 8 and 10)

A response to Recommendation 7 is required from the **Board of Supervisors** and the **Orange County Sheriff-Coroner Department**.

8. The **Orange County Sheriff-Coroner Department** expand in-house medical services to minimize the necessity of transporting inmates with chronic medical conditions to health facilities available to the general public. (See Finding 9)

A response to Recommendation 8 is required from the **Orange County Sheriff-Coroner Department** and the **Orange County Marshal Department**.

9. The **Board of Supervisors** define, with greater precision, its limits of responsibility for the security of the county's employees and the public. (See Finding 10)

A response from Recommendation 9 is required from the **Board of Supervisors**.

INTERVIEWS

Meeting of the Grand Jury Panel with representatives of the County Executive Office,
July 30, 1998.

Meeting of the Grand Jury Panel with representatives the Office of the District Attorney,
July 9, 1998.

Telephone interviews with officials charged with courthouse security matters in
Alameda, Contra Costa, Fresno, Los Angeles, Riverside, Sacramento, San Diego and
San Francisco counties.

Personal interviews with selected Superior Court Officials; August 12, 1998;
August 13, 1998 and October 13, 1998.

County Officials in the months of August, September and October.

Orange County Marshal Department Office, July 8, 1998, July 22, 1998 and
July 27, 1998.

Visits and interviews with marshals at the outlying justice facilities between August 31,
1998 and September 1, 1998.

Interviews on numerous occasions with members of the Orange County Sheriff-Coroner
Department, September 2–3, 1998 and November 9, 1998.

PUBLISHED SOURCES

Court Security and the Transportation of Prisoners: A National Study National Sheriffs' Association. Publication 1995.

Orange County Marshal Department collection of newspaper articles describing violent incidents in courtrooms in various parts of the country.

Court Security Conference, Proceedings of the California State Sheriffs' Association, held at the Marriott Hotel, Oakland, California, April 6–8, 1998.

Video Arraignments, 1989–1990 Orange County Grand Jury Final Report, pp. 75–86.

Application of Video Technology in the California Courts. The Court Technology Advisory Committee of the Judicial Council of California, 1997.

APPENDIX

TABLE 1

CALIFORNIA COUNTIES WITH COURTHOUSE WEAPON SCREENING

Alameda County	Los Angeles County	Sacramento County
Contra Costa County	Marin County	San Francisco County
Fresno County	Orange County	San Mateo County
Kern County	Riverside County	Santa Clara County

TABLE 2

LAMOREAUX JUSTICE CENTER SECURITY SCREENING REPORT-1998

DESCRIPTION	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Knives (general)	254	210	260	221	254	243	1442
Knives (illegal)	4	3	3	0	0	5	15
Scissors	88	70	91	89	72	87	497
Razor Blades	12	33	68	24	52	36	225
Mace/Pepper Spray	44	45	71	53	79	59	351
Martial Arts Weapons	0	1	0	0	2	1	4
Firearms	1	0	0	0	0	0	1
Ammunition	36	48	10	8	2	5	109
Drugs/Narcotics	0	0	1	0	0	1	2
Narcotic Paraphernalia	0	0	6	0	0	1	7
Metal Knuckles	2	1	0	0	0	0	3
Handcuffs	20	6	15	8	8	5	62
Corkscrews	32	33	56	55	55	32	263
Stun Guns	0	2	7	4	4	1	18
Tools	53	38	28	33	33	49	234
Letter Openers	3	24	72	1	1	4	105
Graffiti Tools	1	5	2	11	11	9	39
Alcohol	3	3	6	0	0	2	14
Misc. Items	30	12	61	25	25	43	196
TOTALS	583	534	757	532	598	583	3587