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SHERIFF-CORONER DEPARTMENT  
COUNTY OF ORANGE  
CALIFORNIA

OFFICE OF SHERIFF-CORONER

August 11, 2006

MICHAEL S. CARONA  
SHERIFF-CORONER

ASSISTANT SHERIFFS  
STEVE BISHOP  
JO ANN GALISKY  
KIM MARKUSON  
CHARLES L. WALTERS

The Honorable Nancy Wieben Stock  
Presiding Judge  
Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report,  
"Perspective of Orange County Jails A Continuing Dilemma"

Dear Judge Wieben Stock:

In accordance with California Penal Code sections 933 and 933.05, you will find my response to the above referenced FY 05-06 Grand Jury Report enclosed.

I would like to commend the members of the Grand Jury for their review of the Orange County jail system. As pointed out by the Grand Jury, jail overcrowding has been a continuing dilemma for decades. Our jail system is the eighth largest system in the country and one of the most overcrowded in the State. Overcrowded jail facilities are a contributing factor to acts of violence inside jail facilities. However, even though the Orange County jail system is overcrowded, the Grand Jury had no findings or recommendations related to the safety of inmates or staff.

While we press forward in our efforts to expand the jail system, I am proud of the job that the men and women of the Orange County Sheriff's Department do everyday in operating our jail system. I am proud to report that Orange County is 60% below the national average of inmate-on-staff assaults, is 45% below the national average of inmate-on-inmate assaults, and has the lowest inmate suicide rate among the 10 largest jail systems in the nation. These statistics are a direct result of the training we provide to our staff, the emphasis placed on properly classifying inmates, the planning to house inmates in appropriate housing units, and the hard work and dedication of the jail staff.

PROUDLY SERVING THE UNINCORPORATED AREAS OF ORANGE COUNTY AND THE FOLLOWING CITIES AND AGENCIES:

ALISO VIEJO • ANA POINT • LAURELA HILLS • LA HABRA NUEVA • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO  
RANCHO SANTA MARIE • SAN CLEMENTE • SAN JUAN CAPISTRANO • STANTON • VILLA PARK  
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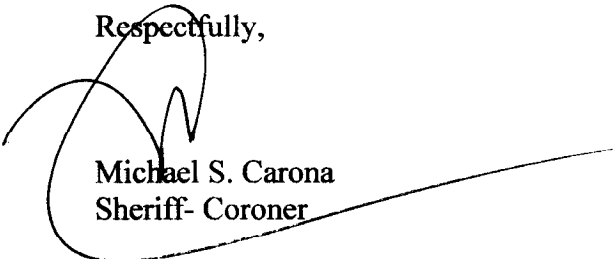
**DRUG USE  
IS  
LIFE ABUSE**

8/11/06

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If you have any questions regarding this response, please contact Assistant Sheriff Charles Walters at (714) 647-1815.

Respectfully,



Michael S. Carona  
Sheriff- Coroner

CC: Michael Penn, Grand Jury Foreman  
Members, Board of Supervisors  
Thomas G. Mauk, County Executive Officer

**Responses to the Grand Jury**  
**“Perspective of Orange County Jails A Continuing Dilemma”**  
Final Report 2005-2006



**Sheriff- Coroner Michael S. Carona**

Orange County Sheriff's Department

Charles Walters, Assistant Sheriff  
Chief of Jail Operations  
Santa Ana, California  
August 2006

**Orange County Sheriff's Department Response to the Grand Jury Report**

**The State of Orange County Jails**

California Penal Code section 919(b) mandates the Grand Jury to inquire into the state of all jails (county and city), holding cells, and other detention facilities for adults and juveniles located in the County and issue findings and recommendations of these inquiries.

Under California Penal Code sections 933 and 933.05, the 2005-2006 Grand Jury requests responses from the Sheriff-Coroner for the following findings and recommendations. The Sheriff-Coroner's response is noted below each finding and recommendation.

**Finding 6.1                      Unused Theo Lacy Capacity:**

*Despite current overcrowding, the full capacity of Theo Lacy is not being utilized.*

➤ **Response: The Sheriff-Coroner agrees with the finding.**

For over a year, the Sheriff's Department has been phasing-in occupancy of the latest (and final) newly constructed jail housing unit at Theo Lacy (Building "B" with 576 jail beds). At the time the Grand Jury toured the jail facilities, the third floor of Building "B" (192 beds) was not occupied due to issues relating to the installation of an electronic system that controls some of the security features of the building and due to staffing shortages.

Since then, the Sheriff's Department has developed procedures to safely occupy that floor until the electronic security system is fully functional. In addition, the Board of Supervisors approved staffing increases for support positions in the FY 2006-07 Budget. The staffing shortage for Deputy positions is still an issue; however, the Department has increased its recruiting efforts and is able to utilize existing Deputy staff on overtime to be able to occupy the third floor of Building "B" until the positions are filled. Currently, all jail housing facilities at Theo Lacy are now being occupied.

**Recommendation 7.1      Use all Theo Lacy capacity:**

*The OCSD should make use of the full capacity of the Theo Lacy Facility. (See Finding 6.1.)*

➤ **Response: The recommendation has been implemented.**

See response to Finding 6.1 above.

**Finding 6.2**

**Insufficient planning:**

*Despite recent and planned jail expansions and alternatives to incarceration, inmate overcrowding continues at county jails and, based on projected data, will only get worse during the next five years.*

➤ **Response: The Sheriff-Coroner disagrees partially with the finding.**

The Sheriff-Coroner agrees with the text of the finding but disagrees with the heading of the finding which reads “Insufficient Planning.” In the mid-1990’s the County jail system was so overcrowded that tens of thousands of inmates were released early each year. During the same period of time, despite the financial difficulties of recovering from the County’s bankruptcy, the Sheriff, Board of Supervisors, and CEO developed and implemented plans to build out Theo Lacy to its maximum capacity as allowed under the agreement with the City of Orange. The County committed about \$100 million for design and construction and about \$40 million per year in annual operating cost. While the current jail population still exceeds the rated capacity of the facilities, the Department has minimized the number of inmates released early.

In the late 1990’s, the Sheriff and the Board of Supervisors continued the planning process by completing the EIR to expand the James A. Musick facility up to 7,500 jail beds. In addition to jail expansion plans, the OCSD, the Board of Supervisors, and other public safety agencies have identified program options to address inmate overcrowding including expanding the Community Work Program, home confinement monitoring, working with the State to pick up their inmates more quickly, and drug and alcohol diversion programs.

**Recommendation 7.2 Additional planning for county-operated jails:**

*The BOS and the OCSD should work together to develop quantified plans, in addition to those for James A. Musick expansion, to handle projected inmate populations during the next five years. (See Finding 6.2.)*

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

The Grand Jury report did not define the term “quantified plans.” For the purpose of this response, we have assumed it means that the County should develop several options to address rising inmate populations until Musick is expanded and each option should specify (i.e. “quantify”) the number of inmates that each option can address.

The Sheriff's Department already works with the Board of Supervisors, as well as other public safety agencies to identify and implement alternatives to incarceration. Those alternatives include community work programs, home confinement monitoring, and diversion programs related to drug and alcohol offenses. These alternatives to incarceration reduce the number of inmates in jail, thus reducing overcrowding.

The part of this recommendation that will not be implemented is specifying ("quantifying") the number of inmates that will qualify to participate in these programs. This number cannot be determined because it is based on the number of inmates at any particular time that qualify for those programs. Those who qualify are based on variables such as type of offense, judicial sentencing, security classification, risk of escape, etc. The Sheriff's Department will work to maximize the number of inmates assigned to these alternatives to help address inmate overcrowding until Musick is expanded.

**Finding 6.3**                    **Non-availability of data:**

*Each grand jury must study conditions of Orange County jails; however, the data to accomplish this was not provided by the OCSD in a timely fashion.*

➤ **Response: The Sheriff-Coroner disagrees partially with the finding.**

The OCSD tracks a variety of jail and inmate related statistics. Much of this data is compiled into standard, automated reports. Some of the data requested by the Grand Jury was not data that OCSD includes in the automated reports. In some cases, OCSD staff developed computer programs to search computer data bases for the requested information. In other cases, OCSD staff performed manual searches through historical documents to compile the requested data. Some of the data was gathered and sent to the Grand Jury but some of the data requested by the Grand Jury is not data that OCSD records and; therefore, does not exist.

**Recommendation 7.3** **Measuring and reporting county jail data:**

*The OCSD should review the process used for selection, access, and reporting of data related to jail operations with the objective of providing to jail management and future grand juries complete and timely access to and reporting of this data. (See Finding 6.3.)*

➤ **Response: The recommendation has been implemented.**

The OCSD has discussed providing future Grand Juries copies of existing jail and inmate data reports at the beginning of the Grand Jury's review of jail facilities. The Department and the Grand Jury could then discuss the data that is available and determine what additional data the Grand Jury might need to complete its review. If the Grand Jury requests data that OCSD does not record, the Department could begin capturing that data for future Grand Juries. In addition, the Support Services Bureau has now been designated as OCSD's single point of contact for information requested by the Grand Jury. This will help track requests for information and ensure timely responses.