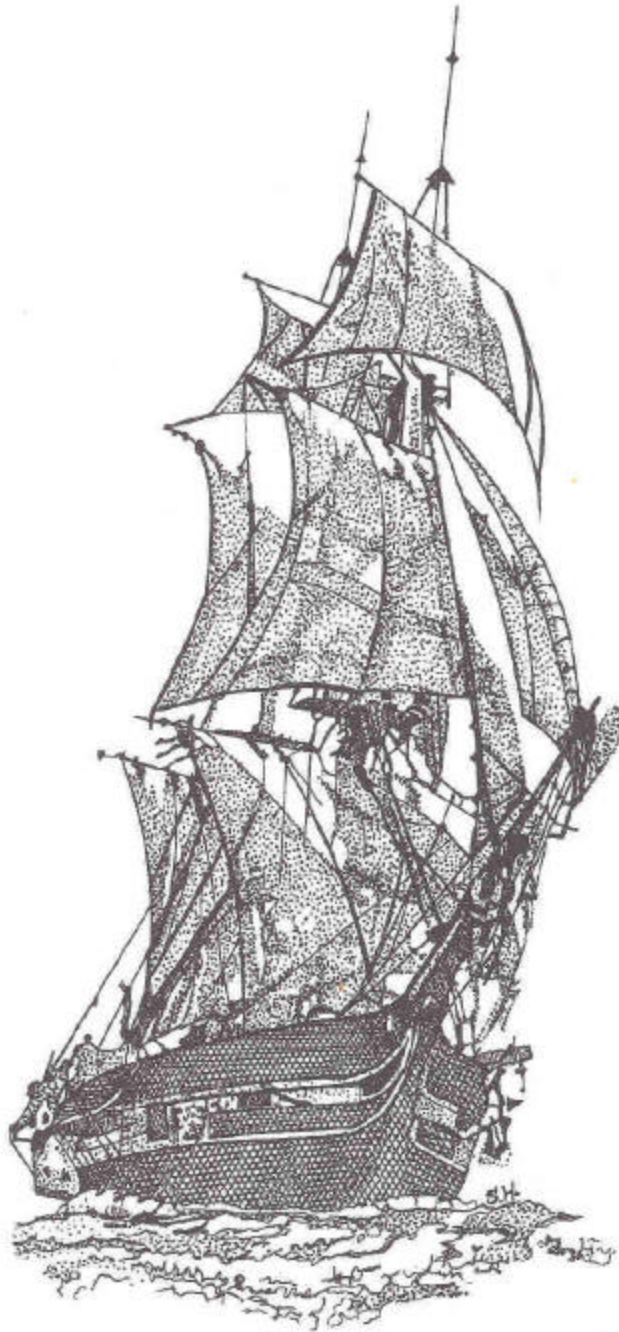


**ORANGE  
COUNTY  
GRAND  
JURY**



**The Pilgrim at Dana Point Harbor**

**FINAL  
REPORT  
2002-2003**

**The State of  
Orange County Jails**

**MAY 12, 2003**

# THE STATE OF ORANGE COUNTY JAILS

## SUMMARY

The Grand Jury is charged by the California Penal Code to review all detention facilities in the county. The California Board of Corrections (BOC) has the responsibility of inspecting all the detention facilities in the State of California. The 2002–2003 Grand Jury obtained current inspection reports for all detention facilities in Orange County. After reviewing these reports, several jails were visited to observe the condition of each facility. Most of the deficiencies noted in the BOC reports had either been corrected or were in the process of being corrected.

Overcrowding is a serious problem in the county jail system operated by the Orange County Sheriff's Department (OCSD). The Orange County jail system has faced overcrowding problems for more than twenty years. In 2002 the county jail system operated at an average of 121% over its state approved rated capacity. Overcrowding existed in spite of more than 8,500 early releases occurring in 2002 through a number of processes created to mitigate overcrowding.

The OCSD has begun assessing future jail requirements and estimates that there will be a need to increase from the current 4,133 beds to 8,050 beds by the year 2010. An updated needs assessment will provide planning information regarding the types and numbers of beds and facilities required. Age and overcrowding of the existing jail facilities have increased maintenance costs. Based upon current OCSD cost data for early 2003, the cost for jail maintenance and capital improvements for the next five years approaches \$25 million. OCSD is reviewing available space and current environmental documentation. Budget constraints are major problems facing local detention facilities.

In spite of the overcrowding problems, the OCSD operates several outstanding, beneficial and cost effective programs.

## INTRODUCTION

Penal Code §919 (b) states, "The Grand Jury shall inquire into the condition and management of the public prisons within the county." This includes county jails, city jails and court holding facilities. This report focuses on procedures to deal with overcrowding and beneficial programs currently operating within the county jail system.

The California Board of Corrections (BOC) is responsible for inspecting all local detention facilities to determine compliance with Minimum Jail Standards (Penal Code §6030 and §6031). The Grand Jury obtained current inspection reports from the BOC on all city jails, county jails and court holding facilities within Orange County. Where discrepancies were noted in the BOC reports, contact was made with the facility administrators. The deficiencies noted had either been promptly addressed or were in the process of being corrected. Budget constraints were part of the problems facing local detention administrators. City jails, other county jails and state prisons send inmates into the Orange County jail system. A significant problem is the lack of available space in the county jail system. Staff training and procedures received excellent marks on BOC inspection reports.

## **METHOD OF STUDY**

- Visited five Orange County jails (Central Men’s Jail, Central Women’s Jail, Intake Release Center, Theo Lacy Facility, and James A. Musick), city jails and court holding facilities.
- Interviewed the OCSD jail staff.
- Interviewed the staff of the California Board of Corrections.
- Reviewed the Board of Corrections current biennial inspection reports for all local detention facilities in Orange County.
- Reviewed the 2002 Orange County Jail monthly statistical reports sent to the Board of Supervisors.
- Reviewed California Board of Corrections Monthly and Quarterly Jail Profile Survey for 2002 and earlier.

## **BACKGROUND**

### **OVERCROWDING**

The Orange County Jails have been operating in an overcrowded condition for 20 years. During 2002, the jails operated at 121% over the rated capacity established by the State Board of Corrections and were not in compliance with several sections of Title 15 and Title 24 (Minimum Standards for Local Detention Facilities, California Code of Regulations). In monthly reports to the Board of Supervisors during 2002, OCSD

reported that overcrowding continued with more than an average of 700 early releases each month. The report included "Inmate releases affected by Jail Population". Types of releases include Own Recognizance (O.R.), Cite and Release, and releases allowed under Penal Code §4018.6 and §4024.1. The OCS D staff looked at jail population projections and future jail needs. It is estimated that 8,050 beds will be required by the year 2010.

As of January 2003, the Orange County Jails have the rated capacity of 4,133 beds. Two housing units are currently under construction at the Theo Lacy Facility which will bring the rated capacity to 5,093 beds by 2005. No additional beds are planned at this time. The construction at Theo Lacy began in July 1995, and completion is expected in August 2005. Staffing for the new housing unit at Theo Lacy has not yet been approved. Additional staffing must be approved before these jail beds can be used. Current staffing of the Orange County Jail is already one-half of the national average. Data on the 105 largest jail systems in the United States (jails with over 1000 inmate population) ranks Orange County 104<sup>th</sup> lowest in staffing ratio. The Research and Development Division of the OCS D estimates that from the beginning of the environmental documentation through the final phase of construction will take eight years.

Any major construction project requires an in-depth assessment to determine the number and type of housing units that will be required (Title 24, §13-102 (c) 2). An in-depth needs assessment should be undertaken every five years with yearly updates to account for changes in the law and policy. The needs assessment has not been updated since 1998. A new assessment is needed to determine the type of construction and number of beds required for the proper housing of the following classification of inmates: maximum, medium, minimum, administrative segregation, disciplinary, or medical. The new needs assessment should also indicate the number and types of housing needed (i.e., single cell, double cells, or dormitories). This assessment may include a jail population profile, population projections, alternatives to incarceration, and evaluation of current jail facilities.

A jail profile study should include, but not be limited to: male and female jail populations, sentenced and pretrial inmates, type of crime, length of stay, and other factors to adequately determine the future jail population. The jail population projection should include recent changes in the law, crime trends, arrest rates, type of criminal filings, early release policies, county population and numbers of jail bookings.

Alternatives to incarceration should include the use of both pre and post booking alternatives. These could include the use of: citation release, release on own recognizance, Probable Cause hearings, expansion of the Community Work Program, electronic confinement, early releases allowed by Penal Code §4018.6 and §4024.1, county parole, and the expansion of successful substance abuse treatment programs, such as Drug Court.

An evaluation of existing jail facilities should include the current facilities and support areas of the Orange County Jail system. Projections currently in place assume that all of

the existing jail facilities will remain habitable. These projections also include a large number of non-rated beds as classified by the state. Title 15 California Code of Regulations (C.C.R.), Minimum Standards for Local Detention Facilities, §1006, defines “rated capacity.” It is defined as “the number of inmate occupants for which a facility’s single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained in Title 24.”

An aspect that must be considered is the age and condition of the current facilities. The cost of maintenance for the past two years in the aging jail facilities in Orange County has been nearly \$10 million. Projected costs for the next five years are approximately \$25 million for maintenance and capital improvements. The Central Men's and Women's Jails are nearly 40 years old and have been overcrowded most of that time. This overcrowding has caused an earlier replacement of the aging infrastructure.

The permanent housing units at the Musick Facility were built in 1962. The remainder of housing units at the Musick Facility are temporary (tents and trailers) structures built in the mid-1980s to relieve overcrowding. The tents, which house 360 inmates, were built to last for 90 days after construction. The trailers were expected to last two years while permanent structures were being planned and constructed. These temporary structures continue to house inmates. The integrity of the structures for an additional five to ten years is questionable. Major repairs and capital improvements must be planned for the continued use of existing jails. Space and environmental documentation exists for the expansion of the Musick Facility.

## **FOOD SERVICES**

The mission of the OCSJ Food Services is to provide three nutritionally balanced meals daily to each inmate. The meals meet or exceed the requirements set forth by the California Board of Corrections, the National Academy of Sciences and the California Food Guide. Food Services must also prepare the special dietary meals for inmates, ordered by the Correctional Medical Services staffed by the Health Care Agency. A bag lunch meal is prepared for all court bound inmates and inmates on work crews.

In 2002 Food Services reported that approximately 6,282,400 meals were served to staff and inmates at a cost of \$0.427 per meal. Savings were derived from the production of approximately 600 tons of fruits and vegetables at the James A. Musick Facility. The Musick Facility also provides Food Services with an excess of 2,275,600 eggs. The total value of the food produced at the Musick facility was approximately \$500,000.

Additional cost savings are obtained from “opportunity buys” and from federal surplus food and non-food items. An “opportunity buy” is a substantial discounted item that has been discontinued, leftover from promotional sales, or is an overrun of a product. This kind of purchase saved the county approximately \$332,900 during 2002.

Food Services is planning a cook-chill system, a food preparation process used by many restaurants which stores blast chilled cooked food, that is reheated just prior to serving. This process will further reduce labor and food costs when initiated. The estimated total yearly labor savings are \$280,000. The projected pay-off for the initial expense is approximately two years.

Food Services coordinates with the Orange County Department of Education (OCDE) school lunch program at the county juvenile facilities. It has provided 77,420 meals to the County's Cold Weather Feeding Program for the homeless operated by the Housing and Community Development Department. These services were provided seven days a week during the months of December 2001 through March 2002.

## **CORRECTIONAL PROGRAMS**

The Correctional Programs Unit (CPU) of the Orange County Jails provides an array of educational, vocational, and life skills training, recreational opportunities, and individual and family counseling during incarceration. The unit is divided into two major teams, 1) Inmate Education Team and 2) the Inmate Resources Team. Inmate telephone revenues and the proceeds of the Inmate Commissary (pursuant to Penal Code §4025) primarily fund the CPU.

The **Inmate Education Team** works in collaboration with the Rancho Santiago College District, the Orange County Department of Education, the Community Services Agency, and the Orange County Public Library/READ literacy services. Academic programs include General Equivalency Diploma (GED), Government and Citizenship, English/Second Language, Job Development and Developmental Programs, Parenting and Health, Substance Abuse, Life Skills, and Literacy Tutoring.

The BEST (Behavior Education Social Support Transition) Choice Program is an in-custody alcohol and drug treatment program created by OCSJ. The BEST Choice Program is offered to male inmates with at least 90 days left to serve who have a history of alcohol and/or drug abuse. Upon release, the participants agree to attend community aftercare recovery programs such as sober living, outpatient counseling, family counseling, and ongoing 12-Steps meetings and support. An inmate enrolled in the Best Choice Program was interviewed by the Grand Jury. His positive response is presented in Appendix A of this report.

There were over 205,000 hours of instruction for the above classes in 2002. Inmates earned more than 3,400 certificates of completion in that time. The literacy program addresses the 58% literacy rate in the jails. Volunteers contributed more than 1,000 hours of one-on-one tutoring services annually. In 2001, 398 inmates earned the GED certificate. For the past several years, the jail GED program has exceeded the state's pass rate by at least 10%. In 2002 the state pass rate for GED was 78%; the Orange County Jails rate was 92%. Developmental programs include pre-release planning, substance abuse treatment and after care, and domestic violence prevention.

The Vocational Education Unit teaches classes in Construction, Cabinetry and Furniture, Welding, Painting, Horticulture, Sewing, Culinary Food Service, and Computer Skills. In 2002, more than 2000 inmates participated in these programs. The tasks completed by these inmates produced more than \$265,000 in cost savings to the county.

The **Inmate Resources Team** is responsible for a variety of recreational and support activities. These include Library Services, Inmate Law Library, Religious Programs, community volunteer programs and public visiting.

Library Services - Recreational-reading materials are distributed weekly to all housing areas except those that have access to a browsing library. Library Services receives over 600 newspapers from three major publishers daily. Books are available in a number of languages. Large print books, Braille, and books on tape are also available. During 2002 inmates borrowed over 108,500 books.

Inmate Law Library - Inmates have access to legal materials and law books from the Inmate Law Library or the Orange County Law Library. In 2002, in excess of 12,750 requests were made through this program.

Religious Programs - The jail provides nearly 100 worship services per week. In addition, nearly 50 Bible studies are conducted each week. Extensive pastoral counseling and confessions are conducted by facility chaplains and community based clergy on a request basis.

The program opportunities presented to inmates create a positive influence in their lives. Literacy is increased, GEDs are earned and various skills are improved. Evaluating the effectiveness of the various educational and vocational programs is difficult because no tracking element is available.

The 1999-2000 Orange County Grand Jury recommended that the OCSD budget and develop a tracking system for all jails to collect data from program participants and other inmates who have been released from jail. OCSD agreed with the recommendation and responded it has been piloted through the Job Training Partnership Act. The program was budgeted during fiscal year 2000-2001; however, it has not been implemented due to other budget priorities.

## **FINDINGS**

Under California Penal Code §933 and §933.05, responses are required to findings. The 2002-2003 Orange County Grand Jury arrived at the following findings.

## **Overcrowding**

1. The county jails have been overcrowded for the past two decades.
2. The current rated capacity of the county jail system is 4,133 beds.
3. The jails operated at 121% over rated capacity in the year 2002.
4. The OCSD uses several options to reduce inmate population.
5. Approximately 8,500 inmates were released early in the year 2002.
6. The Theo Lacy Facility will be completely built out during 2005.
7. The only current jail site that is available for expansion is the James A. Musick facility.
8. The OCSD predicts a need for 8,050 total beds by the year 2010.
9. The most recent needs assessment by OCSD was completed in 1998.
10. Jail maintenance costs for the past two years have been nearly \$10 million.
11. Staffing for the beds at Theo Lacy, scheduled to open in 2005, has not received budget approval.

## **Food Services**

12. The James A. Musick Facility produces food products for annual savings of \$500,000.
13. Food Services is planning the implementation of a cook-chill system. A \$280,000 cost savings within the first two years of operation is projected.

## **Correctional Programs**

14. A wide variety of educational and vocational programs are available in the Orange County jails.
15. The Sheriff's Department does not collect data to evaluate program success.



Responses to Findings 1- 15 are required from the Orange County Sheriff.

Responses to Findings 1,7,9, and 11 are required from the Board of Supervisors.

## **RECOMMENDATIONS**

In accordance with California Penal Code §933 and §933.05, each recommendation requires a response from 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 2002-2003 Orange County Grand Jury recommends that:

### **Overcrowding**

1. The OCSD attempt to achieve compliance with State standards for local detention facilities and begin planning for new jail beds. (Findings 1, 2, 3, 4, 5)
2. The OCSD begin an in-depth need assessment immediately.  
  
(Findings 7, 8, 9, and 10)
3. The OCSD develop a master plan of the James A. Musick facility. (Findings 3, 4, 5, 7, and 8)
4. The OCSD seek funding approval for staff at the Theo Lacy expansion. (Findings 6, 11)

### **Food Services**

5. Food Services continue the planning of a centralized cook-chill food production system to provide a more cost-effective system. (Finding 13)

### **Correctional Programs**

6. The OCSD continue to operate programs that provide educational and vocational skills for inmates, and continue to increase the literacy rate and the “pass” rate for GED testing. (Findings 14, 15)
7. The OCSD collect data to evaluate success of programs. (Finding 15)

Responses to Recommendations 1-7 are required from the Orange County Sheriff.

Responses to Recommendations 1-5 are required from the Board of Supervisors.

**APPENDIX A TESTIMONY BY AN INMATE ENROLLED  
IN THE “BEST CHOICE” PROGRAM  
AT THEO LACY FACILITY ON AUGUST 22, 2002**

The letter quoted below was received from a Lieutenant in the Orange County Sheriff’s Department stationed at the Theo Lacy Facility. This is what the Lieutenant wrote to the Grand Jury after a tour of his facility by the Grand Jury. The names have all been changed but the incident is true.

“As you will recall, during your visit to our facility, you had the opportunity to listen to an inmate discuss his perspective of the ‘Best Choice’ Program. Unbeknownst to me, following that presentation, the counselors asked the inmate to write down his personal feelings regarding that experience. I am told that the keeping of personal journals is a regular part of the Program.

“Today, upon receiving permission from the inmate to do so, the counselors shared his journal entry with me. Upon reading what the inmate had written, I thought that it would be appropriate to afford you with the opportunity to see how your participation in the spontaneous, if somewhat unorthodox, circumstances I precipitated may have positively influenced this individual.”

## The Inmate's Letter

(As written, and unedited, dated August 22, 2002)

“Today as I was waiting in line for lunch Fernando came and pulled me out. I had no idea what he wanted me for because he's not my counselor. As I stood there and listened to Alphonso talk to the Grand Jury I realized what was about to happen. That's when I got nervous and said to myself “You better figure out what you've learned in this program and you better figure it out quick.

“For the first time in my life I had to identify what I truly learned about myself, which is who I am in the disease. Then the Lieutenant introduced me & asked me to share my story with the Grand Jury. At that moment I felt honored to be chosen to be the person to share my story. I also felt proud to represent Best Choice.

“As I told my story I was able to stand outside and look at my life thus far, both good & bad parts. I identified that I haven't been there for wife and kids during this time in jail because of my own actions. Right then I could have sworn that my voice cracked because I felt the emotions well up in me. I think that's some shame and guilt, which helps me to remember the person I was in the disease, is in the person I never want to be again.

“I also voiced the fact that I may have been taught bad values & wrong beliefs and enabled me to believe that I can be a man of those values. An honest man with integrity whom is accountable for his actions.

“Members of the Grand Jury commended me for the Best Choice I've ever made in my life and told me the best thing I can do for other addicts is walk the walk I'm about to walk.

“At that point walking the walk became a reality for me. Hearing it come out of a member of the Grand Juries' (sic) mouth not only made it a reality but fear of the actual challenge & work it takes to walk the walk hit me. So basically I feel better then I've ever felt in my life with a touch of fear for what I'm about to do upon my release. I don't think I've ever been able to hold my head as high as it was at that moment when they wished me well and shook my hand.”

Inmate's name withheld.