



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

**MICHAEL S. CARONA
SHERIFF-CORONER**

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August 6, 2003

**Tom Staple, Foreman
FY 03-04 Grand Jury
Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702**

**Subject: Response to Orange County Grand Jury Report, "The State of
Orange County Jails, May 12, 2003"**

Dear Mr. Staple:

Per your request and in accordance with California Penal Code 993, enclosed please find my response to the FY 02-03 Grand Jury Report. If you have any questions, please contact Assistant Sheriff John "Rocky" Hewitt at 647-1815.

Respectfully,

**Michael S. Carona
Sheriff-Coroner**

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

**ALISO VIEJO • DANA POINT • LAGUNA HILLS • LAGUNA NIGUEL • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO
RANCHO SANTA MARGARITA • SAN CLEMENTE • SAN JUAN CAPISTRANO • STANTON • VILLA PARK
HARBORS, BEACHES & PARKS • JOHN WAYNE AIRPORT • OCTA • SUPERIOR COURT**

**DRUG USE
IS
LIFE ABUSE**

*Response to Grand Jury
“Final Report 2002 - 2003
The State of Orange County Jails
May 12, 2003”*



Sheriff-Coroner Michael Carona

ORANGE COUNTY SHERIFF'S DEPARTMENT
Rocky Hewitt, Assistant Sheriff
Chief of Jail Operations
Santa Ana, California
August 2003

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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. Beneath each is the Sheriff-Coroner's response to that finding:

Overcrowding

1. The county jails have been overcrowded for the past two decades.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
2. The current rated capacity of the county jail system is 4,133 beds.
 - The Sheriff-Coroner agrees with the Grand Jury finding. This was the rated bed capacity as of December 2002.
3. The jails operated at 121% over rated capacity in the year 2002.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
4. The OCSD uses several options to reduce inmate population.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - These options (custody releases) are:
 - i. Pre-trial:
 - (a) Own Recognizance
 - (b) Cite and Release (bail under \$5,000)
 - ii. Sentenced:
 - (a) Penal Code 4018.6 (three days, return to the community)
 - (b) Penal Code 4024.1 (accelerated release, 10% of sentence, up to a maximum of five days)
 - (c) 10%, 20% and 30% "Early Out". No inmates have been released using 10%, 20% or 30% "Early Out" options since 1999.
5. Approximately 8,500 inmates were released early in the year 2002
 - The Sheriff-Coroner disagrees with this finding.
 - The Sheriff's Department defines "early releases" as convicted and sentenced inmates who receive types 10%, 20%, and 30% "Early Outs". In 2002, no sentenced inmates were released with a type 10%, 20%, or 30% "Early Out", as opposed to the approximately 8,500 listed in the Grand Jury findings. These releases included both pre-trial and sentenced inmates.
 - i. Pre-trial releases:
 - (a) Own Recognizance – 1,362
 - (b) Cite and Release – 4,840
 - ii. Sentenced releases:
 - (a) Penal Code 4018.6 – 2,331
 - (b) Penal Code 4024.1 – 35
 - All other custody releases considered "early releases" by the Grand Jury fell into one of categories (i)(a) through (ii)(b) outlined under #4 above.

6. The Theo Lacy Facility will be completely built out during 2005.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - Building B is currently under construction and it should be completed in September 2004. Building B is the last phase of the Theo Lacy expansion project and, when complete, will increase Theo Lacy's capacity to 3,111 beds.
7. The only current jail site that is available for expansion is the James A. Musick facility.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - The James A. Musick facility is the only jail site with an approved Environmental Impact Report (EIR) for future expansion.
8. The OCSD predicts a need for 8,050 total beds by the year 2010.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - OCSD staff's projections indicate that the need for jail beds by the year 2010 will be in the range of 7,640 to 8,050.
9. The most recent needs assessment by OCSD was completed in 1998.
 - The Sheriff-Coroner disagrees with the Grand Jury finding.
 - 1998 was the last formal needs assessment study done by a consultant. That needs assessment was done, in part, to confirm the need to build-out the Theo Lacy facility.
 - OCSD staff conducts ongoing assessment and planning for both long- and short-term jail bed needs. The latest projections prepared by OCSD staff estimated the range of jail bed needs by the year 2010 referenced in Finding # 8 above.
10. Jail maintenance costs for the past two years have been nearly \$10 million.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - Maintenance costs for the jail system average about \$5 million per year and can vary depending upon the number of major maintenance projects completed during a particular year. Maintenance costs for the jails will increase this year with the addition of Building A at Theo Lacy. Maintenance costs for the jails will increase in FY 04-05 with the completion of Building B at Theo Lacy.
11. Staffing for the beds at Theo Lacy, scheduled to open in 2005, has not received budget approval.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
 - There is no staffing plan for Building B because the housing plan for it has not yet been determined. One proposal calls for closing the Women's Jail and transferring its inmates and staff to Theo Lacy. Such a plan would not require the hiring of any new staff because the transferred staff would be sufficient to operate the new building. If Building B opens, and no staff is transferred from another facility, new staff would have to be hired. Once a housing plan has been finalized, a staffing needs assessment will be completed.

Food Services

12. The James A. Musick Facility produces food products for annual savings of \$500,000.
 - The Sheriff-Coroner agrees with the Grand Jury finding. In the last fiscal year the James A. Musick Facility produced 275,130 dozen eggs at an approximate cost savings of \$166,000. In addition, the Facility produced fruits and vegetables at an approximate cost savings of \$334,000.
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.
 - The Sheriff-Coroner agrees with the Grand Jury finding.

Correctional Programs

14. A wide variety of educational and vocational programs are available in the Orange County jails.
 - The Sheriff-Coroner agrees with the Grand Jury finding.
15. The Sheriff's Department does not collect data to evaluate program success.
 - The Sheriff-Coroner disagrees with the Grand Jury finding.
 - In a report on Programs Unit Achievements specifically written for the 02-03 Grand Jury, eight pages of data were submitted to demonstrate the success being achieved by the Unit's programs.
 - This same data, presented to the California Board of Corrections (BOC) compliance inspector, drew extensive praise for Orange County's inmate programs. The BOC Inspector stated that the quality inmate programs being provided by OCSD constituted a role model for Sheriff's jurisdictions all over the state to follow. In part due to that praise, the California Jail Programs Association then selected the Orange County Sheriff's Department to design and host the trade association's annual training conference for inmate program providers who are seeking to maximize the effectiveness of their own county's programs.

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. Based on the findings, the 2002-2003 Orange County Grand Jury developed the following recommendations. Beneath each is the Sheriff-Coroner's response to that recommendation:

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)
 - The recommendation has been implemented.
 - Over-crowded conditions in the 1980's and 1990's resulted in the County adding jail beds to existing facilities, which caused inmate populations to exceed State standards. OCSD has been attempting to achieve compliance with State standards by constructing new jail facilities, in compliance with State standards, at the Theo Lacy facility. Even with the final build-out at Theo Lacy, the inmate population of the Orange County jail system will still exceed State standards.
 - To continue our pursuit of compliance with State standards and to address the projected growth of the inmate population, OCSD is planning for the construction of new jail beds. With final build-out of Theo Lacy expected by early 2005, OCSD has begun the planning process for new jail beds at the James A. Musick facility. The Board of Supervisors approved \$2.5 million in the FY 2003-04 budget for development of a Master Plan at Musick. OCSD anticipates Board selection of an Architect-Engineer firm this year.
2. The OCSD begin an in-depth need assessment immediately. (Findings 7, 8, 9, and 10)
 - The recommendation has not yet been implemented, but will be implemented in the future.
 - The Board of Supervisors approved \$2.5 million in the FY 2003-04 budget to develop a Master Plan for the James A. Musick facility. Part of the master planning process will be a needs assessment. This needs assessment will serve as the basis for master planning the initial phases of expansion at Musick.
3. The OCSD develop a master plan of the James A. Musick facility. (Findings 3, 4, 5, 7, and 8)
 - The recommendation has not yet been implemented, but will be implemented in the future.
 - The Board of Supervisors approved \$2.5 million in the FY 2003-04 budget to develop a master plan of the James A. Musick facility. OCSD anticipates Board selection of an Architect-Engineer firm this year. Completion of the master plan is expected in FY 04-05.
4. The OCSD seek funding approval for staff at the Theo Lacy expansion. (Findings 6, 11)
 - The recommendation has not yet been implemented, but will be implemented in the future.
 - The Board of Supervisors approved OCSD's FY 03-04 budget request for 34 sworn and professional staff positions to operate Theo Lacy Building A expansion. Building B is the final phase of expansion at Theo Lacy and is expected to be operational in early 2005. OCSD will include a funding request for staff and operating costs for Building B in the next update of the County's Strategic Financial Plan.

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)
 - The recommendation has been implemented. Planning is underway, and will progress with approval of FY 2004 – 05 funding request to build a facility and purchase the equipment necessary to implement a Cook/Chill System. A Cook/Chill System will allow the efficient processing for food in bulk for all Sheriff-Department Jail Facilities from one central location.

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)
 - The recommendation has been implemented. Program staff demonstrates an ongoing commitment to expansion of inmate educational opportunities, as well as collection and evaluation of data that measure participant success and overall improvement, particularly for literacy rate and “pass” rate for GED testing.
 - ☞ **ACADEMIC EDUCATION:** In calendar years 2000 through 2002, the GED Program’s average successful pass rate has exceeded the State successful pass rate by at least 10%. The State’s average pass rate in 2001 was 78%. OCSD inmates obtained a 92% passing rate – a 14% advantage over the state pass rate.
 - ☞ **JOB DEVELOPMENT:** Goals for minimum wage of \$8.75/hr. are being met. Of the 21 participants (former inmates who have been released from custody) currently monitored for wages, five are earning over \$10.00 per hour.
 - ☞ **PRE-RELEASE PLANNING AND ADDICTION TREATMENT AFTERCARE:** 2,495 inmates attended classes during calendar year 2001, an increase of 81% over calendar year 2000. Through October 2002, 2,432 inmates attended class, which projects a 20% increase in attendance through the end of the year.
 - ☞ **LAW LIBRARY PROGRAM:** During 2001, 11,338 requests for legal books or material were filled. Through October of 2002, 11,412 requests were received, with an average delivery time of 24 hours. No court complaints from inmates have occurred in calendar year 2002.
 - ☞ **YOUTH DRUG AND ALCOHOL DIVERSION PROGRAM:** This program is a collaborative effort between the Volunteer Center of Orange County, the Sheriff’s Department, and the Courts to minimize the problem of youthful drivers who drink or use drugs before driving vehicles. Selected inmates address up to 10 program participants referred by the Courts, sharing their stories, and the results of their life choices.”
7. The OCSD collect data to evaluate success of programs. (Finding 15)
 - This recommendation has been implemented, as outlined in #6 directly above.