



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

**MICHAEL S. CARONA  
SHERIFF-CORONER**

**UNDERSHERIFF  
JO ANN GALISKY**

**ASSISTANT SHERIFFS  
JACK ANDERSON  
STEVE BISHOP  
DANIEL MARTINI  
CHARLES WALTERS**

550 N. FLOWER STREET  
P.O. BOX 449  
SANTA ANA, CA 92702-0499  
(714) 647-7000

**OFFICE OF SHERIFF-CORONER**

August 1, 2007

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

Subject: Response to the Orange County Jury Report, "The State of Orange County Jails and Programs"

Dear Judge Wieben Stock:

Per your request and in accordance with California Penal Code sections 933 and 933.05, enclosed please find the Orange County Sheriff's Department response to the above referenced FY 06-07 Grand Jury Report.

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

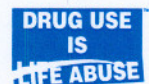
Respectfully,

  
Michael S. Carona  
Sheriff-Coroner

cc: Ann Andres, Grand Jury Foreman  
Members, Board of Supervisors  
Thomas G. Mauk, County Executive Officer

**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



**Response to the Grand Jury**  
**“The State of Orange County Jails and Programs”**



**Sheriff-Coroner Michael S. Carona**  
Orange County Sheriff's Department

**Charlie Walters, Assistant Sheriff**  
**Chief of Jail Operations**  
**Santa Ana, California**  
**August 6, 2007**

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Orange County Sheriff Department Response to The Grand Jury Report

**FINDINGS:**

Findings F-1

*The entire Theo Lacy Building B is staffed almost exclusively by OCSD deputies working scheduled overtime.*

**Response: Agree with the findings.**

The Theo Lacy Facility Building B is almost exclusively staffed by deputies working overtime. This is due to staffing vacancies at the Theo Lacy facility. If overtime was not expended to staff Building B, this section of the Theo Lacy facility would be closed, eliminating 572 beds. The use of Building B is an integral part of operations at the Theo Lacy facility. Although operations are conducted by staff on overtime, the use of building B allows the Department to maintain compliance with the California Department of Corrections & Rehabilitation Regulation § Title 15 mandates and it averts the necessity for inmate early releases.

Findings F-2

*The proposed California State Prison Reform Plan would significantly increase the number of inmates at the OC Jails.*

**Response: Agree with the findings.**

The California State Prison Reform Plan (April 2007, AB 900), in its current format would increase the number of inmates in the OC jail system. The current proposal is under review and some revisions have been suggested. One suggestion removes the requirement for Counties to retain prisoners with sentences of three years or less. Even with the current proposed revisions, the State Prison overcrowding crisis would result in transfer delays, which in turn would result in State prisoners in OC Jail facilities, for a longer period of time.

Findings F-3

*Relief from inmate overcrowding in OC Jails is at least two years away.*

**Response: Agree with the findings.**

The Orange County Sheriff's Department is currently in the process of selecting an architect-engineering firm to prepare a master plan for the expansion of the James A. Musick facility. The Department intends to move through the planning, design, and construction phases of the expansion project as quickly as possible. It is anticipated that planning for the expansion will begin in the coming months. Once the planning stage is complete, development of the property will begin.

Findings F-4

*OC jails are housing a large number of California State prisoners and are not being compensated appropriately.*

**Response: Agree with the findings.**

The Department is compensated in accordance with State regulations. However, the State does not compensate the Department for all costs related to housing inmates. The average cost for housing State inmates is approximately \$100. Of this cost, 25% is related to medical and transportation expenses. The Department currently receives reimbursement from the State at the established maximum daily rate of \$77.17.

The State daily jail rate computation of allowable housing costs for State prisoners and parolee detentions is prepared pursuant to Section 4016.5 of the California Penal Code. The state rate is a projected rate based upon ratio of prior year actual costs to current year budget allocated among average inmate populations, which fluctuate year-to-year. This rate does not represent the complete cost to house an individual inmate as the state computational guidelines exclude the following cost components:

- Non-routine medical and dental expenses such as those incurred for providing treatment for a specific condition or specialized care that requires a specialized physician.
- Building and equipment use costs including the cost of capital assets, related interest costs, depreciation reserves and facility lease and use costs.
- Costs of inmate programs such as vocational, educational, rehabilitative, home detention and work furlough programs.
- Booking costs, including classification costs.
- Commissary costs.
- Communications or radio services, outside of the jail facility, necessary for jail communications.
- Legal expenses.
- Transportation outside of County lines.
- Certain allocable indirect costs such as salaries and benefits of elected officials, advertising, contingencies, fines and penalties, etc.



Findings F-5

*Inmate Re-entry Services (IRS) has insufficient staff to assess all the high-risk re-offenders in OC Jails.*

**Response: Agree with the findings.**

The Inmate Re-entry Program has insufficient staff to assess all of the individuals considered high-risk re-offenders in OC jails. The Sheriff's Department has requested an augmentation for funding to increase the positions allotted for this program, including staffing for the newly created Mentoring Program. This request was deferred until additional information is provided by the State regarding the impact of the Governor's State Prison Reform plan for Orange County.

## **RECOMMENDATIONS:**

Recommendations R-1      *The OCSD should expand their hiring program to reduce the need for using overtime deputies in the OC jails.*

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

The Orange County Sheriff's Department has expanded its recruiting efforts. In addition to traditional recruiting methods, we are focusing on updating department marketing tools, (internet, radio, television, and specific publications), attending job fairs and community events, and enlisting the assistance of all department employees in our expanded recruiting effort. We are also working extensively with local educational institutions and the military to recruit viable applicants.

Since January 2007, 2917 people applied to the OCSD for a deputy sheriff position. Of that, 112 completed the hiring process and moved on to begin the basic academy. Through July 2007, 78 deputies have completed basic academy training and 49 are currently attending the academy. Upon completion of basic academy training these newly promoted deputies will receive assignments in Jail operations, as well as other critical positions. It should be noted that 46 graduating deputies began their academy training in 2006.

The Orange County Sheriff's Department continues to maintain its high standards in the recruiting, background, and training process. The low numbers of qualified candidates to fill law enforcement vacancies is a national problem. Many law enforcement agencies have lowered their hiring standards to obtain candidates. The Orange County Sheriff Department will not lower its recruiting standards. Our current hiring practices ensure we employ the highest caliber of law enforcement officer in the State, if not the Nation.

Recommendations R-2      *The OCSD and OC Board of Supervisors should continue to work with State legislators to insure that the proposed State Prison Reform Plan does not burden the OC jails.*

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

The OCSD is continually working with the California State Sheriff's Association (CSSA), and other groups who are instrumental in the review, revision, and implementation of the State Prison Reform Plan. The Sheriff and/or his designee are available to provide input for any future revisions. The Orange County Sheriff Department is committed to ensuring that decisions which may burden the Orange County Jail system are addressed immediately.



Recommendations R-3     *The OCSD and OC Board of Supervisors should consider expediting contract approval for the expansion of the JMF and selecting construction companies who can quickly build-out the JMF.*

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

The Orange County Sheriff's Department is working diligently to select an architectural firm to prepare a master plan for the expansion of the James A. Musick facility. The Department intends to begin the expansion project as soon as a company is selected. It is anticipated that the planning and design phase will take between six and twelve months. Once the design is approved, and construction funds are identified, building will commence.

Recommendations R-4     *The OCSD should continue working with the California State Prison authorities to ensure OC inmates are transported expeditiously to California state prisons and to request more funding to cover the non-reimbursed cost of housing state prisoners.*

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

The Sheriff's Department continues to work with the State on the movement of county inmates committed to State prison. The State has consistently been willing to accommodate our transfer request as long as they have space available. The average number of days from commitment notification until the inmate is transferred to State Prison is currently ten days.

The OCSD will seek reimbursement from the state as permitted by law. Under PC Section 4016.5 and WIC Section 1776, the State shall pay the Department for costs incurred resulting from the detention of State inmates with the following limitations:

- The State pays cities and counties on a monthly basis only until budget appropriations for PC Section 4016.5 and WIC Section 1776 become inadequate during the current fiscal year. At such times, claims are paid in chronological order until funds are exhausted or until the State approves an increase in appropriations for that fiscal year.
- The State will not compensate the city or county for the cost of housing inmates, including medical cases, beyond the scheduled day of transport who are confirmed by the city or county as "ready to transport" and unavailable on the scheduled day, unless such delays are beyond control of the city or county.

Note: pursuant to Penal Code Section 4016.5, subsection (d), the county (Department) may begin charging the state for housing new prison commitments after receipt of abstract of judgment and after seven working days have elapsed from notification to the



state that the prisoner is ready to be transported. Our average number of days elapsed based upon Federal and State audit is 10 days.

Recommendations R-5     *The OCSD and OC Board of Supervisors should consider increasing Inmate Re-entry Services (IRS) funding for assessing high-risk re-offenders.*

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

Through the County's FY 07/08 budgeting process, the Sheriff's Department requested an augmentation for funding to increase staffing for inmate programs. During the budget hearings the Board deferred this augmentation request until additional information comes from the State related to the impact of the Governor's State Prison Reform plan for Orange County. The Sheriff's Department would like to clarify that the FY 07/08 budget augmentation request for funding to increase Inmate Re-entry Services staff was based solely upon the Department's mission to successfully reintegrate the Orange County inmates currently housed in our five jail facilities into the local community. The Board of Supervisors has the option of increasing Inmate Re-entry Services staff and funding during the regularly scheduled quarterly budget reviews throughout the current fiscal year.