

Perspective of Orange County Jails A Continuing Dilemma!

1. Summary

Title 15 of the California Code of Regulations defines a jail as "... a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment"

Not included in this definition are local facilities used for the detention of persons not to exceed 96 hours.

In this state-mandated study, the 2005-2006 Orange County Grand Jury considered the conditions of multiple types of local detention facilities and may refer to any of these adult facilities as "jails" in this report.

The Orange County Sheriff's Department (OCSD) operates five county jails and two jails in contract cities. City police departments operate 21 city jails.

The Grand Jury also considered the condition of the five juvenile facilities operated by the Orange County Probation Department.

The study reached the following conclusions:

- 1.1** County jails operated by the OCSD are overcrowded; however, the measurement of overcrowding differs depending on reporting agency standards. The OCSD data indicates inmate populations in county jails averaged 91% of bed capacity; the California Department of Corrections and Rehabilitation (DOC) data indicates an average of 121% of rated capacity; and, the latest U.S. Department of Justice data indicates an average of 135% of capacity.
- 1.2** Despite current and projected inadequate jail capacity, the only county facility expansion plan is for James A. Musick Facility (Musick) and this will take 5-7 years.
- 1.3** The location of inmates on worker-release programs during their time away from city jails is based on the "honor system" with inadequate tracking.
- 1.4** The five juvenile facilities provide exposure to positive life choices through socialized experiences, cultural activities, rehabilitation opportunities, and public-equivalent education.

2. Introduction and Purpose of the Study

Each year's grand jury is required to review the condition and management of detention facilities within the county. These facilities fall within three jurisdictions – the OCSD, the Probation Department, and local police departments in 21 of the county's 34 cities.

Some Acronyms in this Report

DOC	Department of Corrections and Rehabilitation (California)
OCSD	Orange County Sheriff's Department

Additional areas studied by this year's Grand Jury included work release programs, the OCSD Inmate Services Division, Probation's "8% Solution" for juveniles, and comparisons of the current state of county-operated jails with an OCSD report submitted to the 1998-1999 Grand Jury.

3. Method of Study

The study methodology was to:

- Determine if jails are overcrowded based on OCSD, California, and federal standards for inmate housing
- Review current status of the county efforts to increase inmate housing
- Review work release programs
- Compare the current state of county-operated jails with the overcrowded conditions of the late 1990s
- Develop a questionnaire based on a selected set of "Minimum Standards For Local Detention Facilities" specified by the California DOC "2005 Adult Title 15 Regulations"
- Use the questionnaire to evaluate adult jails during visits, with and without prior notice
- Interview OCSD employees, Probation Department employees, city police chiefs, jail personnel, and inmates
- Conduct an extended evaluation of the Santa Ana Police Department and the Santa Ana City Jail

4. Background

California Penal Code Section §919 (b) states "The grand jury shall inquire into the condition and management of the public prisons within the county". Each grand jury is mandated to study the five county-operated jails and other selected detention facilities within Orange County. The Grand Jury considered that inmates must be housed safely, including segregation by reason of gang affiliation, sexual predator tendencies, witness protection, and violent behavior.

4.1 County Jail Operations

The county adult facilities operated by the OCSD include:

- Central Men's Jail (Santa Ana)
- Central Women's Jail (Santa Ana)
- Intake and Release Center (Santa Ana)
- James A. Musick Correctional Facility (Irvine)
- Theo Lacy Jail (Orange)

4.1.1 Capacity Methods

The OCSD, the California DOC, and the U.S. Department of Justice use different methods to determine the inmate capacity for county-operated jails. The essential differences between these methods are that the OCSD method is based on number of available beds; the DOC rating is based on area/space; and, the federal method is based on "... the maximum number of beds or inmates allocated by state or local rating officials to each jail facility." The capacity figures shown in this background section are based on the OCSD method, unless otherwise indicated.

4.1.2 Central Jail Complex (CJX)

The Men's and Women's jails opened in 1968 while the Intake & Release Center (IRC) opened in 1988. The capacity of CJX is listed as 1,902 inmates by the California DOC and 2,634 inmates by the OCSD, and includes maximum security capability. CJX is allotted 324 sworn personnel plus non-sworn, professional staff members – such as records personnel and technicians.

As stated at the OCSD website, IRC is the entry point for all of the approximately 66,000 new arrestees brought into the county jail system each year and "... serves as a focal point for transportation of CJX inmates to court and in-custody transfers to other law enforcement and correctional agencies" Also, "Inmates are screened for medical and mental health needs upon entry, booked, and then classified to determine appropriate housing. The booking process serves to correctly identify inmates through photographs and fingerprints"

The Women's Jail has a capacity of 352 inmates, with overflows transferred to Musick or IRC, or released early. The span of time women inmates are held ranges from three months to several years, with drug-related offenses being the most common. As many as 6,000 women have reportedly passed through this facility in a recent 3-month period.

Many deputy sheriffs begin their careers at the Men's Jail, a 1,421 bed facility with a sworn staff of 125.

At least one faith-based organization in Santa Ana is available to provide coffee, water, and/or van transportation as inmates are released at the end of their sentences – "one minute after midnight".

4.1.3 Musick Facility

Musick is a minimum-security jail, located within a 100-acre portion of unincorporated county area, bordered by the cities of Irvine and Lake Forest and by the proposed Great Park.

First opened in 1963, the facility (often referred to as "The Farm") is named for James A. Musick, who was the Orange County Sheriff from 1947 to 1975. The inmate housing capacity at the facility is 1,250.

Inmates are housed in barracks or dormitories and are encouraged to participate in various off-site and on-site work and job training programs. Inmate work crews from Musick clear brush and assist the Orange County Fire Authority in the prevention of fires. Musick inmate workers also staff the kitchens at the Central Jail Complex. There is on-site training through vocational programs in construction, cabinetry, welding, horticulture, sewing, commercial painting, computer business skills, and food service.

The staff at the Musick Facility averaged 62 sworn deputy sheriffs for 2005.

4.1.4 Theo Lacy Jail

Theo Lacy opened in 1960 across from what is today The Block in the City of Orange. With the addition of three new housing modules completed in 2005, Theo Lacy can house 2,918 adult males, and up to 56 juvenile males for the Probation Department. One of the new modules, with 192 beds, was not being used during the Grand Jury visit because of a lack of available staff. The staff at Theo Lacy averaged 272 sworn deputy sheriffs during 2005.

4.1.5 Court Holding Facilities

On any given day, between 400-600 inmates are transported for attorney appointments and court appearances between county detention facilities and the five county justice centers located in Fullerton, Laguna Niguel, Newport Beach, Santa Ana, and Westminster. Deputy sheriffs assigned to court operations are in charge of getting each prisoner to the correct courtroom at the appointed time.

4.1.6 Inmate Services Division (ISD)

The ISD resulted from consolidation of Commissary Operations, Food Services, and Correctional Programs in 2004.

Commissary Operations: Provides products and services to county jail inmates while providing a source of income to the Inmate Welfare Fund (IWF). IWF was established to meet the California requirement which states "... funds shall be expended by the Sheriff primarily for the benefit, education and welfare of the inmates...."

The IWF monies are self-generated, non-taxpayer funds. An inmate can purchase commissary items such as snack foods, stationery supplies, personal care, and gift certificates. The purchase amount is deducted from that inmate's account provided from personal resources. An inmate's account is limited to \$500 maximum and no county funds are placed into inmates' accounts. Profits from inmate purchases generated \$1.3 million in FY 2004-2005 for the IWF. A 53,000 square foot warehouse was purchased with IWF monies for \$2.2 million in 1996-1997. A small amount of additional IWF revenue comes from inmate use of telephones,

reimbursement for educational services, and rent of excess warehouse space to the OCSD.

Food Services: Prepares and serves meals to county inmates, utilizing state and federal guidelines.

Approximately 20,000 meals are prepared per day, utilizing five kitchen facilities, five inmate and three staff dining areas, and warehouses located in Anaheim, the Central Men's Jail, Theo Lacy, and Musick. Food Services also provides over 77,000 meals and/or sack lunches annually for the county's Cold Weather Shelter program.

Correctional Programs: Provides county inmates the opportunity for an effective rehabilitative experience, utilizing state and federal guidelines. Examples of services offered include:

- academic and vocational education
- substance abuse counseling
- religious studies and counseling
- domestic violence/anger management

4.2 Probation Department Juvenile Operations

The juvenile correctional facilities operated by the Probation Department include:

- Juvenile Hall (Orange)
- Theo Lacy Juvenile Annex (Orange)
- Joplin Youth Center (Santa Ana Mountains)
- Los Piños Conservation Camp (Cleveland National Forest)
- Youth Guidance Center (Santa Ana)

Individual minors housed in juvenile facilities are likely to have experienced one or more of the following difficulties: family problems, abuse of illegal substances, criminal street gang affiliation, and mental health issues. Many have committed one or more felonies. High risk minors are held at Juvenile Hall and the Theo Lacy Juvenile Annex. When the court process is completed for low risk minors, they may be transferred to a minimum security facility – Joplin, Los Piños, or the Youth Guidance Center. Probation also leases 64 secure beds at the Santa Ana City Jail for those minors who are being tried in adult criminal courts.

4.2.1 Juvenile Hall

Juvenile Hall is a 434-bed institution for juvenile law violators operated by the Probation Department across from The Block. It houses both boys and girls, generally between ages 12 and 18, who are detained pending Juvenile Court hearings in the adjacent Betty Lou Lamoreaux Juvenile Justice Center or who remain in custody by order of the court.

Boys and girls are assigned to living units which are designed to house 20 to 30 minors each. The living units have sleeping rooms, restrooms, showers, and a day room for a multitude of structured and leisure activities. Teenagers are generally housed by age group and gender. Juvenile Hall's Intake and Release Center houses those minors newly arrested by police officers and awaiting their first court appearance. Each living unit is supervised during each shift by deputy probation counselors, who provide individual and group counseling, as well as maintain order.

The Orange County Department of Education provides a fully accredited academic program for minors at Juvenile Hall. Nurses and dentists from the Orange County Health Care Agency provide medical and dental care on-site. Psychiatrists and psychologists from the Health Care Agency evaluate and assist minors exhibiting emotional or mental problems.

Minors participate daily in outdoor sports and other recreation. Religious services and Bible studies are available to youths upon their request. Each living unit has a small library, as well as telephones to make collect calls. Visitations are scheduled weekly.

Representatives from the California DOC, Juvenile Court, and the Orange County Juvenile Justice Commission monitor conditions and the care of youths at Juvenile Hall.

4.2.2 Theo Lacy Juvenile Annex

The only juvenile facility located in a county jail, the Annex contains 64 beds; however, due to California standards for juveniles, the Probation Department can only house up to 56 juveniles. The number of juveniles averaged 50 for the January-November, 2005 period with a maximum of 52 juveniles for any one month. The Probation Department provides staffing and the appropriate programs and services to the juveniles. The OCSD assumes the cost for food and clothing.

4.2.3 Joplin Youth Center (Joplin)

This facility opened in 1956 at the base of Saddleback Mountain near what is now Santa Margarita and, for its first 24 years, was a working ranch. The original property was donated to the county by a family of ranchers as a place to rehabilitate "troubled" boys. The buildings were constructed by the original staff and many of the first boys sent there. The county later expanded the site which now has 64 beds and is limited to boys with 30-120 remaining detention days.

The thrust of the program is to enable boys to learn to eat, sleep, work, play, go to school together, and put any gang rivalries behind them. The boys are given different colored T-shirts based on their behavior and progress. They receive or lose privileges as they move up or down through the colors. Those who cannot get along with others, or cannot follow the rules, may be sent back to Juvenile Hall.

The Joplin mission is to prepare minors for a successful return to their home and community via:

- Re-involvement in academics
- Building fundamental social skills
- Dealing realistically with the gang culture

A balanced approach is used by building competencies with the minors, and holding them accountable for their behaviors and interactions with others. The staff's job at Joplin is to teach minors to make good decisions on their own and be accountable for their decisions.

Examples of active programs include Anger Management, Cultural Awareness, Career Quest, Graffiti Removal, New Minor Orientation, Parenting, Sail for Life, Substance Abuse Counseling, Total Fitness, Values Matter, Vehicle Maintenance, Victim Awareness, and Library.

4.2.4 Los Piños Conservation Camp (Los Piños)

This correctional facility, using buildings leased from the U.S. Forest Service, is located in a remote portion of the Santa Ana Mountains, reached from the Ortega Highway. The juveniles are generally of junior and senior high school age and are serving sentences of three months to one year.

With good behavior in other juvenile correctional facilities, boys and girls are eligible for assignment to Los Piños.

Los Piños has an academic program, vocational training (such as through the Regional Occupational Program), mental health services, as well as substance abuse services. These youth can work toward earning high school diplomas or General Education Development (GED) diplomas. AYSO soccer is available as are CIF athletic competitions in basketball, volleyball, and baseball. The job training programs focus on learning a skill, working together, making positive life decisions and being accountable for their decisions. Preparing these minors for a successful return to their home and community is the goal of probation counselors at Los Piños.

4.2.5 The Youth Guidance Center (YGC)

Opened in 1969, YGC is located in Santa Ana and houses up to 100 boys and 25 girls. The current focus is rehabilitation for substance and/or alcohol abusing juveniles in the 11-18 year old age group. Average detention time at the facility is between six months and a year, with 80% of the juveniles having committed felonies.

Although all five juvenile facilities that the Grand Jury visited had extensive programs dedicated to the rehabilitation of young people, this report uses the following YGC programs as a sample.

- A fleet of vehicles is used to transport juveniles to cultural, educational, and sporting experiences, such as Bowers Museum, Angels' games, and theatrical productions. Attendance is paid with donated tickets. In addition, opportunities are provided for juveniles to participate in community service projects such as Toys-for-Tots and service at a local food bank.
- Awareness of the responsibility for and care of babies is provided for both boys and girls through a program utilizing computerized dolls. These "infants" are programmed with uncontrollable crying spells, dirty diapers, illness, and feeding demands. The computer records each juvenile's responses and provides a format for discussion with counselors. The Center has 26 of these "computer babies."
- Required attendance in classes at the Rio Contigue School on campus enables students to complete education toward a GED diploma, which is awarded in a YGC graduation ceremony. Juveniles are also required to participate in cooking, serving, and/or cleaning of the kitchen and dining areas.

4.2.6 Juvenile 8% Group

In the late 1980s, the Probation Department conducted a 3-year research study for the purpose of tracking first-time juvenile offenders. The study concluded that 8% of the juveniles were re-arrested a minimum of four times during the 3-year study. This 8% was responsible for 55% of the total repeat cases during the study.

The research team identified those, which at first contact with the juvenile system, were most likely to become repeat offenders, based on the following:

- Involvement in crime at an early age
- Significant family problems (abuse, neglect, criminal family members and/or lack of parental supervision and control)
- Problems at school (truancy, failing courses, or a recent suspension or expulsion)
- Illegal substance abuse, gang involvement, stealing

Using these findings as a basis, Probation established the 8% Early Intervention Program to serve juvenile offenders who are not older than 15½ and exhibit at least three of the four characteristics listed above. The program's pilot phase began July 1994 with youths participating from Anaheim and Buena Park. The program has been readjusted to where the population now ranges from 13 to 18 years old, with an average age slightly over 16 years.

Youth and Family Resource Centers (YFRCs) were established, and by early 1999 five such centers were operating in Orange County. Because of subsequent budget limitations, only the Anaheim and Westminster YFRCs are currently operating. Probation is trying to reestablish state funding for an additional YFRC to support central county needs. Moreover, the restoration of closed YFRCs is a BOS strategic priority in the 2005 Strategic Financial Plan.

Since June 1998, full services at YFRCs for youth and their families have been provided through a joint team effort by public and private agencies, augmented during 1998-2002 by state funds through the Repeat Offenders Prevention Program. The services include on-site schooling for students in junior and senior high school; counseling for substance abuse; health education and services; employment preparation and job placement services; and, intensive family counseling at home for families that can benefit from it.

An expectation was expressed to the Grand Jury that through these early intervention programs and intensive follow-up of repeat youth offenders, there will be future crime rate reductions and increased likelihood that these juveniles will not become career criminals. The Probation Department indicated on-going follow-up shows that four years after leaving probation supervision, the YFRC group has nearly 30% fewer new law violations on average than did a control group of 8% juveniles randomly assigned to regular supervision.

4.3 City Jails

There are five classifications of California adult detention facilities as defined in "Minimum Standards for Local Detention Facilities", as set forth at Title 15, California Code of Regulations, Section 1006. Based on these definitions, interviews with detention facility personnel, and personal observation, the Grand Jury formed the following conclusions about the classification of the 18 city detention facilities visited:

Classification	State Definitions	Cities*
Temporary holding	"... a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court."	Brea, Buena Park, Cypress, Fountain Valley, Fullerton, Garden Grove, Los Alamitos, Orange, Placentia, Tustin
Type I	"... a local detention used for the detention of persons for not more than 96 hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such	Anaheim, Costa Mesa, Huntington Beach, La Habra, La Palma, Newport Beach

Classification	State Definitions (continued)	Cities*
Type I (continued)	placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week."	
Type II	"... a local detention facility used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment."	Santa Ana
Type III	"... a local detention facility used only for the detention of convicted and sentenced persons."	Seal Beach
Type IV	"... a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section §1208 for work/education furlough and/or other programs involving inmate access into the community."	None in Orange County

* Irvine, Laguna Beach, and Westminster were not visited

4.4 Work Release Programs

Several city jails, such as Anaheim, Huntington Beach, Santa Ana, and Seal Beach, offer and manage "work release" or commonly known as "pay to stay" programs. These are specific programs that are court ordered and allow an inmate to serve his or her sentence while maintaining normal aspects of life. City jails that maintain such programs for low risk inmates establish their own procedures for accepted participants.

In general, an inmate is released in the morning of a work day and returns to the facility that evening. For this service the inmate pays an initial fee, typically \$100, and a daily fee, typically \$75 and paid in advance. This process enables inmates to continue to work at their regular place of employment and earn a living for themselves and their families, as well as generating income to pay their fees. Privacy issues of inmates on work release programs are safeguarded by police authorities to the extent that inmates can complete sentences without places of employment having knowledge of their incarceration.

Upon completion of a sentence, facility authorities must clear the individual for final release. Their financial obligations to the facility, as well as their compliance with the procedures of the program during their sentence, are taken into account before final release is approved.

5. Observations and Discussion

5.1.1 Overcrowded Jails

The Grand Jury presents the following charts to help illustrate the extent of overcrowding for each county jail facility and for the county overall. Each chart shows number of inmates and the resulting percentage of capacity as measured by either the OCSD or the California DOC.

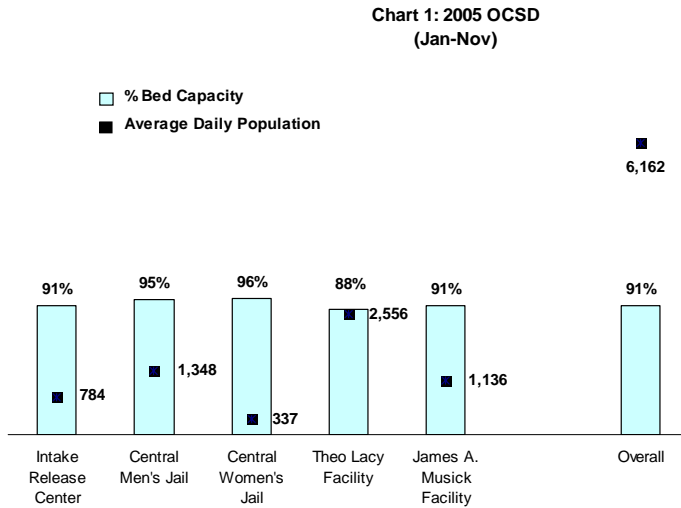


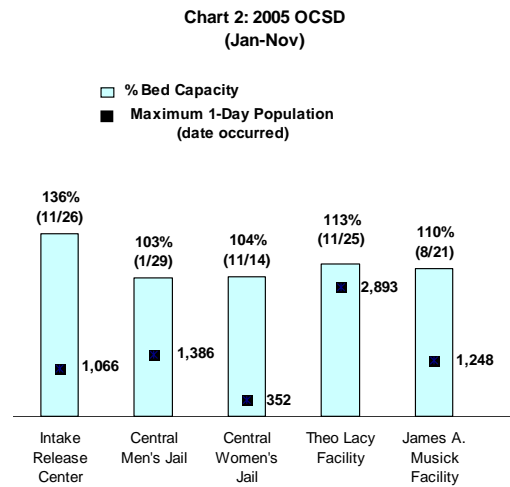
Chart 1 shows the percentage of bed capacity used to meet average daily inmate population.

The Chart 1 values tend to mask the challenge facing the OCSD, which becomes more evident when considering one-day maximum populations, rather

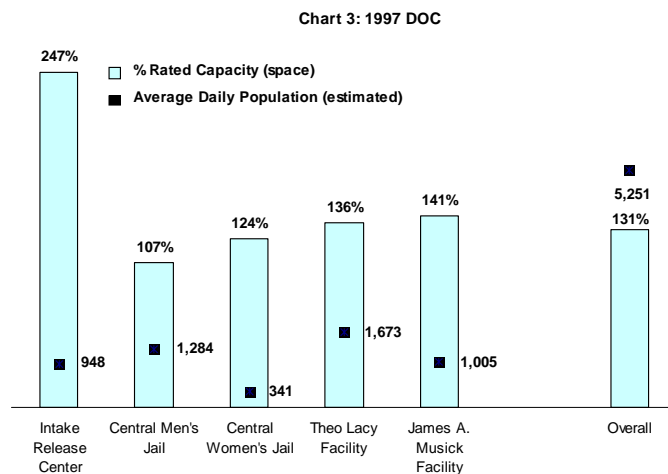
than average daily populations.

Chart 2 shows the maximum one-day inmate population experienced at each county jail, the related overcapacity percentage, and the date the maximum was experienced

To get another perspective and to provide a measure of jail overcrowding trends, the Grand Jury looked at 1997 and 2005 California DOC data related to jail capacity.



Using DOC data, the OCSD provided a report to the 1998-1999 Grand Jury that included statistics related to overcrowding percentages and facility capacities. Based on this report, Chart 3 shows the extent of overcrowding at each county jail during 1997. [Note: the daily average inmate populations are Grand Jury estimates

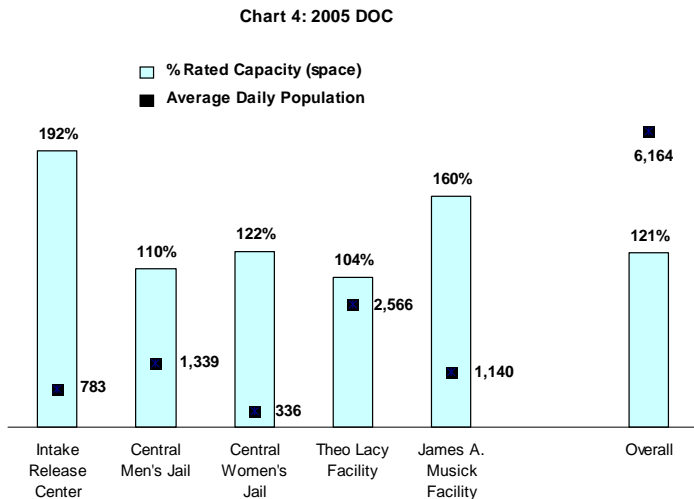


based on DOC capacity and overcrowding percentages data.]

Although showing a slight overall decline from 1997, overcrowding continued during 2005, as shown by Chart 4. In fact, because of increased demand,

overcrowding at both the Men’s Jail and at Musick has become even more severe.

Moreover, although the IRC overcrowding percentage was reduced, apparently by reduced inmate population demand, the daily demand is still almost twice capacity. [Note: The slight differences between OCSJ and DOC daily averages are because DOC data is for the year while OCSJ data is for 11 months.]



To compare Orange County jails with other jails in the

United States, the Grand Jury looked at the most recent U.S. Department of Justice study, a Bureau of Justice Statistics Bulletin using mid-year 2004 data. This study reported that of the 50 largest jail jurisdictions in the United States, Orange County had the third highest annual inmate population increase (20.1%) and the third highest percent of jail capacity (135%).

As to the future, the OCSJ projects 2,020 additional county beds will be needed by 2010 (1,020 to house projected inmate population and 1,000 to replace “temporary” tent and modular wooden barracks housing at Musick.)

5.1.2 Early Release of Inmates

Early release of inmates is a result of, and sometimes the court mandated answer to, overcrowding and was expressed as a significant concern in the OCSJ report to the 1998-1999 Grand Jury. To help understand the potential for problems, this table includes data for 4,016 of the 8,469 inmates released early in 1997:

Types of Offense	Total Releases	Average Number of Days Released Early	Maximum Number of Days Released Early
Involuntary Manslaughter	5	22	38
Burglary	1,147	10	100
Transportation/Sales of Narcotics	2,818	12	76
Kidnapping	46	10	58

Thankfully for the safety of Orange County residents, the number of early released inmates significantly declined from 19,340 in 1998 to a low of 252 in 2004. Of some

concern is the 2,057 inmates released early in 2005. The OCSD reports this increase was primarily because of inmates awaiting transport to overcrowded California prisons. For example, there were 659 inmates awaiting transport in August, declining to 382 inmates in December as the prisons accepted more inmates.

State prisons are full, and will not take prisoners from county jails until they have enough beds to do so. In addition, prison inmates who are witnesses in Orange County trials are transferred to, and temporarily held in, county jails.

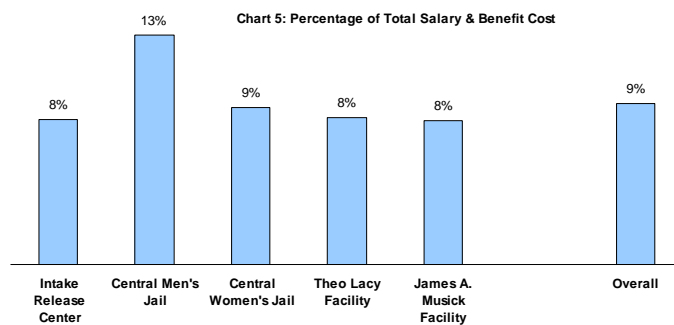
The OCSD reports “Currently, the most urgent cause of early release is a shortage of beds for female inmates. Due to a rising female inmate population and requirements to separate male and female inmates, the Department is limited in its ability to house female inmates.”

5.1.3 Jail Overtime – January-November, 2005

Given the combination of jail overcrowding and understaffing at Theo Lacy, the Grand Jury decided to look at OCSD overtime.

The OCSD reports that 231,770 overtime hours were worked at a cost of more than \$9 million. An OCSD analysis indicates that the cost of 122 equivalent full-time employees would have been more than \$14 million. As to staff recruitment during 2005, the OCSD hired 108 of the 781 applicants who passed the written examination for deputy sheriff trainees.

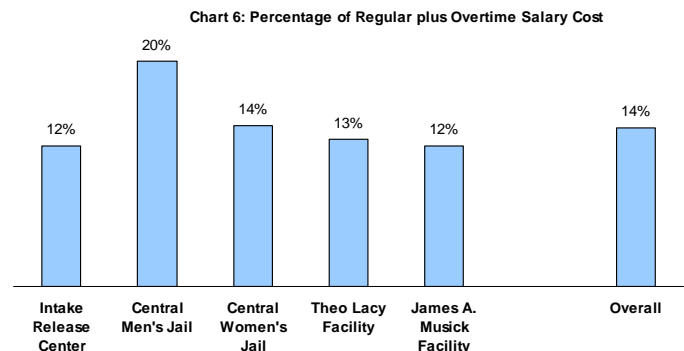
Charts 5 and 6, prepared by the Grand Jury using OCSD data, show January-November 2005 overtime costs as percentages of total costs.



The Grand Jury concluded that the overtime costs provided by the OCSD, as a percent of jail operation expenditures, appear reasonable.

Neither the OCSD nor Grand Jury analysis

considered related costs such as increased retirement costs and the human cost of overtime hours worked by employees in high stress jobs.



5.1.4 Musick Expansion

The county's 2005 Strategic Plan lists Musick expansion as one of the Top 10 Strategic Priorities with five year requested funding of \$220 million. The Board of Supervisors (BOS) has certified an Environmental Impact Report to allow expansion at Musick up to a maximum of 7,500 inmates. The BOS has also approved funding for development of a master plan by an architect engineering team to be selected in 2006; however, OCSD has estimated that it will take "...5 to 6 years to prepare the Master Plan, prepare final documents for the first phase of expansion, and to complete construction of the first phase of expansion." Musick is the only county jail expansion currently planned.

5.1.5 Alternatives to Incarceration

Faced with the long standing need for more jail capacity, the OCSD has considered or used other alternatives to incarceration. For sentenced individuals meeting qualifying criteria, these alternatives include:

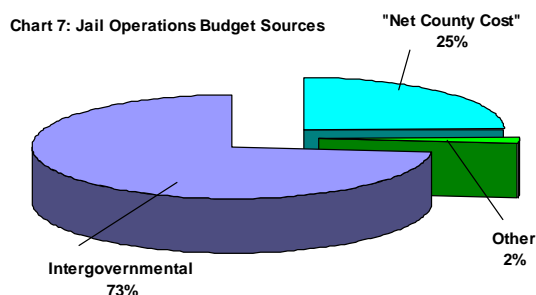
- Community Works Program (CWP) – offset one day of sentence with 10 hours of community labor
- Home Confinement Monitoring – those confined to their homes are fitted with electronic bracelets by the Probation Department
- Caltrans – sentence served by picking up trash
- Proposition 36 – community-based drug abuse treatment in lieu of jail (set to expire in 2007)
- "Good Time/Work Time" – sentence reduction in return for in-jail labor

In order to meet capacity needs until Musick is expanded, the OCSD is considering the following:

- Open up unused capacity at Theo Lacy
- Expand the qualifying criteria for the CWP
- Work with courts and Probation to expand Home Confinement Monitoring
- Work with the state to more quickly accept inmates sentenced to state prison
- Early release as a last resort or when court ordered

5.1.6 Funding of Jail Operation

Of the \$582 million OCSD budget, the "County of Orange FY 2005-2006 Final Budget" indicates the county jail operational dollar requirement is expected to total about \$127 million. Chart 7 summarizes expected funding sources for this total.



Most noteworthy is that 75% of total funding for jail operation does not come from discretionary funds. The 25% discretionary "Net County

Cost" is only about 5% of the \$551.4 million 2005-2006 Orange County discretionary General Fund.

5.1.7 Unavailable Jail Operation Data

Based on data categories determined by the Grand Jury, including some made available to the 1998-1999 Grand Jury, data was requested from the OCSD in late December 2005 and mid January 2006. The data categories included early release, maximum inmate populations, projected jail capacity, projected inmate populations, staffing, staffing costs, and recruitment.

The data requested was received by the Grand Jury on March 8 and March 27, 2006; however, the following, available in 1998, was not available for 2005:

- The types of offense committed by inmates released early
- The average number of days released early
- The maximum number of days released early

The Grand Jury is concerned about future grand juries' ability to conduct complete reviews of county jail conditions without timely access to requested data. Another concern is that jail management may also not be getting needed data in a timely fashion.

5.2 Juvenile Facilities

At all of its facilities, the Probation Department views its job as the rehabilitation of each minor in its custody. The goal is to return minors to the community with the ability to make good choices about their lives. Education, as a high priority, is part of the overall approach to rehabilitation. Accredited high schools with classrooms and libraries staffed by credentialed instructors are located at all of the facilities. In-custody juveniles who have not completed high school are required to attend classes. In addition, juveniles are counseled in such things as basic social skills, anger management, self-discipline, and accountability for their actions.

Mental health therapy, medical, and dental services are available, as are work activities, religious services, and recreational programs.

The budget to operate the five juvenile correctional facilities in fiscal 2005-2006 totals \$137.4 million. The annual net cost for housing at Juvenile Hall, Joplin or Los Piños is more than \$37,000 per juvenile. If they can afford it, parents of juvenile offenders pay part of the cost of incarcerating their minor children.

To alleviate long term overcrowding at the 434-bed Juvenile Hall, the Probation Department currently leases 128 beds from the City of Santa Ana and the OCSD. In addition, the BOS recently approved FY 2006-2007 funding for the following projects:

- 32-bed renovation at Los Piños
- Net gain of 60 by replacing 60 razed beds with a new 120-bed Youth Leadership Academy at Juvenile Hall
- An additional 60-bed expansion of Juvenile Hall

5.3 City Jails

Most city jails are temporary holding facilities where prisoners are housed for short periods of time before being released or being transferred to CJX or a medical facility. Juveniles are processed and taken to Juvenile Hall or released to their parents/guardians.

Some city jails operate under contracts with private firms that provide trained personnel. Others are staffed by police department employees who are trained correctional personnel but are not sworn police officers. In both cases, these jails are supervised by senior police officers, usually a lieutenant or captain.

A few city jails will house inmate workers - prisoners who can be trusted to work with limited supervision while serving their time.

The Grand Jury determined that none of the 18 city jails visited were at capacity, primarily because, after a few hours, arrestees in city facilities usually are transported to CJX where they must be accommodated.

5.3.1 Santa Ana City Jail

The Santa Ana City Jail and Santa Ana Police Department represent an exception to typical detention management and philosophy in the United States.

The intake process for arriving inmates involves an orientation program similar to that of a new student at an educational institution or a patient in a medical facility. A video explains the rules and inmates are moved through the intake process by reporting to color-coded areas. Rewarding good conduct with privileges provides a humanitarian atmosphere with less emphasis on military-style tactics. This new system provides for maximum safety of staff and inmates within manageable and cost-effective operations.

After a design process and construction period which began in May 1990, the Santa Ana Police Administration and Jail Facility was completed in January 1997. This facility incorporated concepts of new generation management utilizing "podular/direct" supervision and moveable walls. Manageable-sized units or pods, containing 50-64 beds, are divided into subsections of beds and/or cells to facilitate separation based on behavior.

The Santa Ana City Jail has the capacity to house up to 482 inmates. Included are men, women, juveniles being tried as adults, "pay to stay", and maximum security inmates, with each group housed separately and supervised by non-sworn detention officers. Inmates from federal, state and other local jurisdictions are also housed at the Santa Ana City Jail.

5.4 City Jail Work Release Programs

5.4.1 Santa Ana Program

The Santa Ana Police Department and Jail provides an example and a snapshot of how one worker release program is administered and operated. At the time of the visit, there were 13 inmates enrolled in the program, 11 males and 2 females. To get assigned to the program, four conditions must be met:

- The inmate, through his attorney, must request the Court to assign the inmate to the Santa Ana Detention Center Work Release Program.
- The Court Commitment order must specify “May be on Work Release” in order for the inmate to be considered.
- The inmate must qualify, a process that is carried out by the Detention Supervisor through a review of the records and a personal interview.
- The detainee must belong to a low risk class of inmates specifically serving a misdemeanor sentence or some minor felony charge. No sex or violent offenders are eligible.

Any violations of the established rules of the program, such as not being at the location reported, use of prohibited substances, and other infractions of the contract the inmate signs, can cause his immediate removal from the program. Such violators are referred back to the court for further action. The Grand Jury was informed by the detention authority that belonging to this program was considered a “privilege”.

The fees collected from inmates in this work release program are added to the Santa Ana Jail’s General Fund.

5.4.2 Tracking Inmate Workers

During 2005, newspapers reported that an Orange County inmate was accused of murder while on work release from a city jail. This led the Grand Jury to review work release programs and question how the location of an inmate on work release is tracked.

In all of the visits related to work release programs, the Grand Jury determined that inmate location verification during their time away from jail is based on the “honor system”, with occasional random calls to reported places of employment. This does not seem to be a reliable system when dealing with individuals who have committed felonies.

The Grand Jury found that Anaheim’s work release program is actively pursuing use of state-of-the-art electronic monitoring equipment. This equipment reports the exact location of an inmate through Global Positioning System (GPS) technology. The cost of such a system could be minimal (under \$10 per day) and added to the daily work release program fee.

5.5 General Observation

In meeting significant inmate population increases from 1997 to 2005, the OCSD was able to reduce the overall overcapacity percentage; however, overcrowding remains a fact and will only become worse during the next five years. The criticality of this situation is exacerbated by the absence of any facility expansion plans during this same five year period.

6. Findings

In accordance with California Penal Code §933 and §933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2005-2006 Orange County Grand Jury has arrived at the following findings:

- 6.1 *Unused Theo Lacy capacity:*** Despite current overcrowding, the full capacity of the Theo Lacy facility is not being utilized.
- 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.
- 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.
- 6.4 *Inadequate inmate tracking:*** Inmate location verification during work release time away from city jails is based on the "honor system", with occasional random calls to reported places of employment by detention facility personnel.

Responses to Findings 6.1 through 6.3 are required from the Orange County Sheriff-Coroner.

Response to Finding 6.2 is required from the Orange County Board of Supervisors.

Responses to Finding 6.4 are requested from the Police Chiefs of Anaheim, Huntington Beach, Santa Ana, and Seal Beach.

7. Recommendations

In accordance with California Penal Code §933 and §933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings, the 2005-2006 Orange County Grand Jury makes the following recommendations:

- 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.)
- 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.)
- 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.)
- 7.4** *Track inmates using available technology:* The Anaheim, Huntington Beach, Santa Ana, and Seal Beach detention facilities should consider a GPS-based solution for tracking inmates on work release. The solution should include devices that can be triggered on demand by detention supervisors. (See Finding 6.4.)

Responses to Recommendations 7.1 through 7.3 are required from the Orange County Sheriff-Coroner.

Response to Recommendation 7.2 is required from the Orange County Board of Supervisors.

Responses to Recommendation 7.4 are requested from the Police Chiefs of Anaheim, Huntington Beach, Santa Ana, and Seal Beach.

8.0 Acknowledgement

The Grand Jury commends the efforts of the Probation Department in all juvenile facilities to assist these young people in redirecting their lives through accredited education and behavioral counseling.

The Grand Jury recognizes the contributions of new practices in detention facility design and management made by the Santa Ana City Jail administration and the Santa Ana Police Department.

The Grand Jury recognizes the Inmate Services Division of the OCSD for consolidating three separate entities – Commissary Services, Food Services and the Correction Program Unit into a successful functioning division.

The Grand Jury recognizes the OCSD Community Work Program and the effort of the Anaheim City Police Department to use available technology to track work release inmates.

The Grand Jury commends the dedication and professionalism of the personnel of the OCSD and the municipal police departments.

9.0 Appendix

9.1 Acronyms

BOS	Orange County Board of Supervisors
CWP	Community Works Program
DOC	Department of Corrections and Rehabilitation (California)
CJX	Central Jail Complex
GED	General Education Development
IRC	Intake & Release Center
ISD	Inmate Services Division
IWF	Inmate Welfare Fund
OCGJ	Orange County Grand Jury
OCSD	Orange County Sheriff's Department
YFRC	Youth and Family Resource Centers
YGC	Youth Guidance Center

9.2 References

Following are some of the sources studied by the Orange County Grand Jury (listed by date):

1. "Report to the Grand Jury - Orange County Sheriff's Department Transition Issues, Section xvii 'Jail Overcrowding Committee'", Orange County Sheriff-Elect, September 25, 1998
2. "The 8% Solution", M. Schumacher and G. A. Kutz, 1999
3. "Minimum Standards For Local Detention Facilities", Adult Title 15 (2005) and Adult Title 24 (2001) Regulations, California Department of Corrections and Rehabilitation
4. "Prison and Jail Inmates at Midyear 2004", Bureau of Justice Statistics Bulletin, U.S. Department of Justice, April, 2005
5. "2005 Business Plan", Orange County Sheriff Coroner-Department, June 2005
6. "2004-2005 Grand Jury Final Report", Orange County Grand Jury, June 30, 2005
7. "Strategic Financial Plan – November 2005", Board of Supervisors Meeting, December 13, 2005