

THE GREAT ESCAPE – NEVER AGAIN?



Table of Contents

SUMMARY 3

REASON FOR THE STUDY 3

METHOD OF STUDY 4

BACKGROUND AND FACTS 4

Inmate Counts 5

Tenting and Ratlines 6

Plumbing Tunnels, Grills, Vents, Bars, and Roof 7

Funding 9

Other 9

Unanswered Questions..... 10

CONCLUSION 10

FINDINGS 11

RECOMMENDATIONS..... 13

REQUIRED RESPONSES..... 14

REFERENCES..... 15

The Great Escape - Never Again?

SUMMARY

On January 22, 2016, three inmates escaped from the Orange County Central Men's Jail (CMJ). The Grand Jury investigated the escape to determine how it occurred and to evaluate what steps have been taken, and still need to be taken, to ensure there are no future escapes.

Many factors contributed to the escape. Key among them were the lack of compliance with existing policies and procedures by a number of jail personnel and deficiencies in the training provided to Orange County Sheriff's Department (OCSD) deputies assigned to the jail. Some CMJ personnel did not correctly follow procedures regarding counts of inmates, and did not conduct inspections of plumbing tunnels and other infrastructure as required. Some staff was not trained adequately and consistently and supervision of staff was insufficient. Additionally, relevant sections of the OCSD's policy and procedures manual were confusing, allowing some deputies to ignore key security responsibilities. These personnel issues, combined with long-identified shortcomings in the CMJ's video security equipment, created an environment conducive to escape.

Since the January 2016 escape, the OCSD has taken various initial steps to physically and procedurally correct the deficiencies or 'harden' the jail. Additional closed circuit television (CCTV) cameras, improved lighting, added fencing, and modifications to grates and bars have all been put in place. Proper inmate counts and inspection procedures have been clarified and are being used. Policy enforcement by management has increased significantly. In spite of this, questions persist as to how and what type of tools were smuggled in and why none of the inmates in the same cell as the escapees claimed to have any knowledge of the escape, despite the likely months-long planning and execution process.

Additionally, the Orange County Board of Supervisors (Board of Supervisors) has provided a five-year \$10.9 million budget plan, with funding to be approved each year, to upgrade video cameras and recording equipment in the CMJ and Theo Lacy Facility maximum security jail complex.

REASON FOR THE STUDY

On January 22, 2016, the CMJ experienced its first jail break in many years and the most significant jail escape in the history of Orange County. Three incarcerated individuals planned and carried out an elaborate escape that was likely months in the making. The trio eluded law enforcement for more than a week before being caught and returned to custody. The escape served as a wake-up call for the OCSD and the Orange County community. Additionally, an assessment revealed, and a lawsuit charged, that conditions in the CMJ were in need of structural renovations and procedural changes, piquing the interest of the Grand Jury.

Penal Code section 919 (b) requires that "*The grand jury shall inquire into the condition and management of the public prisons within the county.*" As part of this charge, the 2016-17 Grand Jury chose to investigate the events leading up to and surrounding the escape, as well as what has been done to improve conditions to avoid future escapes.

METHOD OF STUDY

Numerous news articles have been written about the details of the escape and the Grand Jury familiarized itself with information already in the public domain by reviewing approximately 30 articles published in the Orange County Register, Los Angeles Times, The Seattle Times, Chicago Tribune, Press-Telegram, Reuters, The Mercury News, OC Weekly, CNN.com, ABC7.com, SCPR.com, and CBSlocal.com, as well as OCSO press releases. The Grand Jury then sought to verify what actually happened.

The Grand Jury toured the Orange County Central Jail which is comprised of the Intake and Release Center, the Central Men's Jail, and Women's Jail. During this tour, Sheriff deputies were very forthcoming about the escape and willingly showed Grand Jury members the cell, the vent, the plumbing tunnel areas and the roof area used in the escape. Conversations with deputies during the tour included speculation about how the inmates had staged the escape. Several additional tours of the CMJ were then conducted in an effort to place newly learned information in context. Prisoner counts were observed. As a method of comparison, the Grand Jury also toured other Orange County jails, including the Theo Lacy and James A. Musick facilities.

Follow-up interviews with over two dozen OCSO personnel were conducted where details of the jail conditions leading up to the escape and correctional changes put in place as a result of the escape were discussed.

Several thousand pages of OCSO internal reports, policy documents, training materials, and policy and procedure manuals were reviewed. The court documents, motions, and filings in the 2016 suit by the Association of Orange County Deputy Sheriffs (Association of Orange County Deputy Sheriffs vs Sheriff-Coroner Sandra Hutchens, 2016) were reviewed.

The Grand Jury evaluated the potential impact of 2011 realignment legislation addressing public safety (AB 109), as well as staffing levels at the CMJ, but found neither of these issues directly or indirectly led to the escape.

BACKGROUND AND FACTS

The CMJ is one of several facilities operated by the OCSO that houses prisoners incarcerated in Orange County. In addition to the CMJ, other facilities include the Central Women's Jail, the Intake/Release Center, the Theo Lacy Facility, and the James A. Musick Facility. The CMJ is a maximum security facility which opened in 1968. Sections of the CMJ are "linear" in design such that jail deputies are at one end of a long walkway and must traverse that walkway to observe and count inmates housed in cells or dormitories in that section. When deputies are observing inmates at one end of the walkway, they cannot observe inmates at the opposite end of the walkway, essentially leaving these inmates unsupervised (Smith, 2013). Although the CMJ was state-of-the-art when it was built in the late 60's, the current or "new-generation" approach to jail construction provides a central secure viewing area for guards from which they can observe all prisoner housing areas at all times. Additionally, a linear layout requires moving prisoners from their housing area to other areas of the jail for various services (meals, health care, etc.). New-generation jails allow services to be brought directly to prisoners in their housing areas/cells.

The Great Escape - Never Again?

On January 22, 2016, the OCSD discovered that three inmates had escaped from the roof of the CMJ. While there have been several jailbreaks from the CMJ since it opened - the last was in 2007 when an inmate worker walked through an open gate during a delivery at a loading dock - the last major jailbreak was almost 30 years prior to the 2016 escape.

The 2016 jailbreak was not a spur of the moment event; rather, it likely involved several months in planning and execution. The escapees sawed through a metal bunk and grate to access a plumbing tunnel. They then sawed through another series of bars in the tunnel to access a ventilation shaft that provided access to an area of the roof outside of the fenced exercise zone. On at least two occasions, the escapees lowered a line to the ground from the edge of the roof where they had prearranged to have an accomplice attach a backpack with clothing, shoes, rope, and cell phones. The prisoners raised the backpack to the roof and later used the smuggled rope to climb down from the roof where a getaway vehicle awaited. It is still unknown who provided the escapees with the cutting tools or how the tools were smuggled into the jail, however the escapees did use the jail phone to arrange for the clandestine delivery of other items that aided in their escape.

The Grand Jury uncovered several troubling factors that contributed to the escape and these are detailed in the following sections.

Inmate Counts

Per the current policy and procedures manual used by the OCSD relative to custody operations and procedures, inmate counts are to be conducted at set times each day. There are two basic types of counts: Module Book Counts and Statistical Body Counts. Module Book Counts are to be conducted twice daily, once in the early morning and again late at night, while Statistical Body Counts are to be conducted three times a day.

Module Book Counts require the deputy to compare each inmate to their module card photo. Module card books contain photographs of each prisoner assigned to a specific cell/housing area of the jail. Housing staff makes an announcement over the housing area's public address system for all inmates to be awake and standing by their assigned bunk for the count. All inmates return to their assigned housing location. A deputy takes the module card book into the housing area and conducts the count. The deputy asks the inmate's last name and requires the inmate to answer with either their correct first name, date of birth, or other descriptor as necessary to identify the inmate. After the deputy matches all module cards to the corresponding inmates, they check the total at the bottom and electronically sign the count sheet. A facility-wide notification is made when the count is clear.

Statistical Body Counts require the deputy conducting the count to count all inmates in an area. Inmates will be on their assigned bunks during this count. The deputy verifies that each person counted is human and not an object intended to appear as a person. However, some inmates may be in court, in class, or receiving medical care. Such inmates are identified on an electronic count sheet. The deputy must reconcile the number physically counted with the number on the electronic count sheet. Once the count has been reconciled, a facility wide notification is made over the public address system.

The Grand Jury found that, prior to the escape, the CMJ Statistical Body Counts were not being conducted as required by the policy and procedures manual. Many deputies at CMJ were

The Great Escape - Never Again?

conducting what was called a “Paper Statistical Count” during which no actual bodies were counted. The module book cards were simply compared to the electronic count sheet. Previous editions of the policy and procedures manual contained references to conducting “paper counts” at certain times at the CMJ; however, the sections of the manual defining when and how Module Book Counts and Statistical Body Counts were to be conducted applied to all Orange County jail facilities. Most deputies were not aware that they were not following proper count procedures, because they had done counts this way since they were first assigned to the CMJ and, in fact, were trained to perform counts this way at the CMJ so that the erroneous “paper count” procedure became the de facto operating method. Apparently, counts had been done this way for many years.

Contributing to the inadequacy of the statistical body counts was the fact that inmates’ bunk assignments were not consistently enforced, which made it easier for inmates to confuse deputies. Some OCSD staff complained that there was a large degree of complacency among many deputies. All of these factors helped account for a lapse of about 15 hours before the escape was discovered. It may have been that the escapees knew that actual bodies were not being counted and took advantage of this procedural error.

Approximately one year prior to the escape, OCSD personnel who had recently been assigned to the CMJ raised concerns about how the counts were being conducted. They had previously been assigned to another facility where the importance of conducting the counts “by the book” had been emphasized and strictly enforced. They brought this concern to CMJ leadership. These concerns were never acted upon. CMJ management decided to continue to conduct the counts the way they had been incorrectly conducted for many years, despite the count policy dictating otherwise. After the escape, discrepancies between the required count procedure and actual in-place count procedures became obvious and were immediately addressed by the OCSD. Deputies were re-briefed on the proper procedure and now strictly follow this procedure. Sergeants and lieutenants monitor and observe counts visually on a regular basis. The prisoner count is supervised at least once a day at random, thereby increasing accountability. New deputies now have more extensive training relative to proper count procedures and all references to “paper counts” are being removed from the policy and procedures manual.

Tenting and Ratlines

Prior to the jail escape, tenting and ratlines were common in housing locations. Tenting prevents deputies from directly observing inmate activity. Inmates hang sheets or blankets across their bunks allowing them to conceal their activities from the deputies. Ratlines are ropelike lengths constructed from clothing, bedding, etc., that can be strung from bunk to bunk to enable tenting and can be used to pass “kites” (notes) from one cell to another. Because some staff did not strictly account for inmate clothing and bedding ratlines were not difficult to construct. It was reported the escapees frequently had tenting around their bunks, which helped them to carry out their escape.

It should be remembered that the linear layout of the CMJ makes it difficult to continuously supervise inmate activity. While there was some CCTV monitoring capability in the CMJ it was not extensive, nor was it state of the art. Cameras were not directly pointed inside all housing areas, further making monitoring of inmates difficult. When deputies observed tenting and ratlines, they were required to have inmates immediately remove them. However, once deputies were out of sight, inmates would reconstruct their fortresses. Because of the constant vigilance

The Great Escape - Never Again?

needed to carry out the enforcement of the tenting and ratline policies, some deputies were lax in administering the policy and some supervisors did not follow-up to ensure enforcement was occurring. Also, there was little consequence for inmates destroying county property by constructing tents with prison-issued sheets and clothing. Since the escape, several changes have been made. Additional cameras have been installed, including CCTVs that point directly into inmate housing areas. Deputies have become more diligent in enforcing existing rules and procedures. Prisoners who violate policies can have privileges taken away. CMJ staff now strictly accounts for all prison-issued items and enforces tenting and ratline policies.

Plumbing Tunnels, Grills, Vents, Bars, and Roof

The escapees from CMJ used a plumbing tunnel as a route to reach the roof. Plumbing tunnels are enclosed maintenance corridors adjacent to inmate housing areas. The escapees, hidden from view by tenting, managed to cut through a metal bunk gaining access to a metal grate, which they sawed through to make their way to a plumbing tunnel. From the plumbing tunnel, they sawed through more metal and rebar, accessing a ventilation shaft to make their way to the jail's roof.

After the escape, it was discovered that some CMJ personnel failed to comply with various sections of the OCSJ policy and procedures manual. One such policy requires a physical check of the plumbing tunnels once per shift. The purpose of this inspection is to locate signs of tampering, identify any unsafe conditions, and observe inmates. Findings are to be documented on the applicable station log. In spite of clear policy, plumbing tunnels were not regularly checked by some deputies prior to the escape. Although maintenance workers went into the plumbing tunnels, it was only for repair and maintenance of plumbing and electrical issues and they were not responsible for inspecting the tunnels for signs of criminal activity. Since the escape, deputies now follow procedure and check plumbing tunnels for signs of illicit activity at least once per shift. In addition, plumbing tunnels have been thoroughly cleaned, existing light bulbs have been replaced with brighter bulbs, and additional lighting and motion detectors have been installed.

Additional components of the hardening process, recommended by an OCSJ Jail Hardening Team formed shortly after the jail escape, include the addition of metal grills to plumbing tunnel wall vents; addition of secondary grills to existing security grates; and an upgrade to high density LED lighting on the roof and perimeter of the building (see Figures 1 and 2). Part of the long term hardening desired by the OCSJ is to fence the roof completely. If that proves to be too costly, fencing will be added around air handler/roof vent units, which were used by the inmates to access the roof and escape.

The Great Escape - Never Again?

Jail Perimeter Lighting: Before and After the January 2016 Escape



Figure 1 (Before)



Figure 2 (After)

Additional levels of security subsequently added to the CMJ include:

- CCTV in the plumbing tunnels
- Motion sensors
- Radio frequency identification (RFID) tags for all inmates
- Vent bars (see Figure 3)
- Security mesh bars

Vent Bar Reinforcement: After the January 2016 Escape



Figure 3

The Great Escape - Never Again?

Funding

Several recent Grand Jury reports (2011/12 – 2013/14) identified the need for the installation of new, and upgrade of existing, video surveillance systems. Video surveillance systems in Orange County jails have been described as antiquated, inadequate, and of poor quality. These Grand Jury reports also recognized that an up-to-date video surveillance system would improve the safety of inmates, staff, and visitors. The OCSD responded to these recommendations indicating that they agreed that more efficient video equipment would improve the monitoring of prisoners.

In response to these earlier findings, and as confirmed by the recent jail escape, the OCSD has recognized the need for more adequate video equipment in jail facilities. The OCSD has responded to previous Grand Jury findings and recommendations that:

- The cost to implement the recommendation is significant (Hutchens, 2013).
- New cameras will be added “as funding becomes available” (Hutchens, 2014).
- The addition of upgraded video equipment has been listed as an improvement project for several years but has not been completed due to lack of financial resources (Hutchens, 2014).

In response to the 2013/14 Grand Jury report, the Board of Supervisors agreed that “budget constraints have impacted the ability to upgrade video equipment” and that “a plan has been developed to upgrade the video camera/recording equipment over the next five years.” A tentative plan was provided for fiscal years 2015/16 through 2019/20 for a total of \$10.9 million to upgrade equipment at the Theo Lacy Facility and the CMJ. The 2015/16 budget allocation of \$2.03 million was received and used to upgrade video equipment (Giancola, 2014). Moreover, after the jail escape an additional \$100,000 was spent at the CMJ on video upgrades. It remains critical for the Board of Supervisors to provide adequate funding for the implementation of additional security measures deemed necessary by the OCSD and identified by numerous previous Grand Jury reports. The overall budgets of individual County departments are approved by the Board of Supervisors. It is therefore the Board of Supervisors’ responsibility to provide the OCSD with adequate funding for jail upgrades to ensure public safety.

Other

Contraband is any item found in the jail that is not permitted by the policy and procedures manual. In general, the smuggling of illicit items such as drugs, cigarettes, and cell phones continues to be a significant problem throughout jails, and Orange County jails are no exception. Jail staff, non-deputized employees, family members, or any visitors can be involved in contraband smuggling. Prior to the escape there was a lack of consistent policy enforcement regarding searches of non-deputized employees and there were no metal detectors in the CMJ. The escapees used smuggled cell phones to communicate with co-conspirators outside the jail, who aided and abetted in their escape. On the night of the escape, the trio had the supplies they needed: three sets of clothing, three pairs of shoes, two coils of rope, and two get-away cars. Subsequent to the escape, to counter contraband coming into the jail, a metal detector has been installed, random searches have been initiated, and a canine team is now in use.

In order to cut through metal bars and saw through metal grates, the escapees had to use some specialized type of tool. Without this tool, this escape would have been impossible. While there is no direct evidence, there are several different theories of how this tool got into the jail. There has been speculation that the tool may have been smuggled in by a visitor, vendor, or even non-

The Great Escape - Never Again?

sworn OCSD personnel. Further, while it has been suggested by a few OCSD personnel that the tools conceivably could have been provided by sworn OCSD staff, no such formal allegations have been made and no such evidence has been discovered. The Association of Orange County Deputy Sheriffs have alleged that jail contractors, screened by non-sworn employees, inadvertently left construction equipment in the areas “easily accessible by inmates” (Association of Orange County Deputy Sheriffs vs Sheriff-Coroner Sandra Hutchens, 2016) and that Sawzall® reciprocating saw blades, designed to cut wood and metal, were discovered on two separate occasions in inmate housing areas in months leading to the escape. On August 14, 2015, two manufactured weapons were found hidden inside a brown paper commissary bag in the escapees’ housing area. The weapons were made of serrated blades with torn sheets wrapped around one end to make a handle.

New tool inventory and visitor search protocols were established after the escape. Extensive changes of security procedures for non-sworn employees and volunteers are being implemented, including, but not limited to, mandatory searches, use of Live Scan fingerprinting, required reference letters, and an on-site check of applicants’ residences. Special attention is now being paid to incoming personnel and visitors, and to the discovery of hidden contraband.

Unanswered Questions

While the Grand Jury has identified various factors that either directly or indirectly led to the January 2016 escape from the CMJ, there are two key questions that remain unanswered – questions that, if answered, could provide valuable insight into preventing future escapes.

It is still unknown who initially provided the tools to the escapees and what specific tools were used to saw through the bunk, cell grates, and bars in the cell, plumbing tunnel, and ventilation shaft. The Grand Jury could not obtain an explanation as to how the inmates obtained the tools that were essential to the escape, or even what type of tools were used, and no definitive tool has been located.

An additional issue relative to the escape that has never been fully explained is the fact that not one of the 38 inmates sharing the housing area with the three escapees informed deputies during the several month period that the preparations for the escape were likely underway. In an environment where it is not uncommon for inmates to inform on one another for a violation of jail policy in return for a reward as simple as a cigarette, it is extremely difficult to understand that not one inmate came forward with information on the on-going escape preparations during the period prior to the actual escape. Additionally, when interviewed by OCSD personnel after the escape, not a single inmate claimed to have any knowledge that the three inmates were planning the escape, sawing the bunk and the grates, etc. The Grand Jury was unable to determine if the larger “snitch controversy” that was, and still is, a major issue in Orange County had a bearing on the inmates’ silence.

CONCLUSION

On January 22, 2016, three inmates escaped from the CMJ. Problems in daily operations and with the dated design of the CMJ were magnified by the escape. The OCSD had to address these problems quickly, and it did so in varying degrees. The actions taken immediately after the escape included: securing points of exit used by the escapees, re-emphasizing proper procedures

The Great Escape - Never Again?

for conducting inmate counts, and instituting a tool inventory and a visitor search protocol. Additionally, a Jail Hardening Team was formed to develop a plan to make physical improvements to the facility to ensure that future escapes would not occur. The plan to further harden the CMJ includes two phases: short-term improvements, which could be instituted within six months, and long-term improvements for additional hardening, as funds became available.

After conducting a comprehensive study, problems with both supervision and training became obvious. Lack of compliance with existing policies and procedures by various OCSD personnel at all levels was the primary factor responsible for the escape. In many instances, required inmate count procedures were not followed; mandatory jail inspections of various areas were not conducted; appropriate training was not provided; supervision of deputies by management was inadequate; and confusing language in relevant sections of the OCSD's policy and procedures manual all combined to enable the escape to occur.

Subsequent to the escape, the OCSD has taken various steps to harden the jail both physically and procedurally. CCTV cameras, motion detectors, improved lighting, additional fencing and modifications to grates and bars have been installed. Proper count and inspection procedures have been clarified and emphasized, and management supervision has been significantly increased. Tighter controls on visitors and areas for potential contraband smuggling have been implemented. However, several questions remain unanswered. It is baffling how and who provided the inmates with the cutting tools used in the escape, and how the inmates executed the months-long planning and execution of the escape from a dormitory cell housing 38 other prisoners without one of those prisoners informing deputies of the escape. Without answers to these questions, the OCSD may never be able to fully close the book on this escape or ensure it won't happen again.

A \$10.9 million five year plan to update video equipment, to be funded annually, was adopted by the Board of Supervisors after the 2013/14 Grand Jury report. It remains for the Board of Supervisors to continue to provide funding for the implementation of this plan and provide additional funding for security measures deemed necessary by the OCSD and identified by several previous Grand Juries. Without additional security measures being addressed, the public cannot feel fully confident that everything that can be done has been done to prevent future escapes.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the jailhouse escape of 2016, the 2016-2017 Orange County Grand Jury has arrived at seven principal findings, as follows:

F.1. Failure to follow procedures

Some OCSD staff allowed prohibited behavior by inmates and failed to follow written procedures, including:

The Great Escape - Never Again?

- Properly conducting inmate counts
- Adequately searching plumbing tunnels, if at all
- Conducting comprehensive roof searches
- Requiring inmates remove and cease the use of tenting and ratlines
- Adequately searching inside the cells themselves
- Accounting for all prison-issued sheets and clothing

F.2. Lack of funding

Several past Grand Jury reports noted inadequacies in the video monitoring of inmates in the CMJ and recommended funding to update the systems. Such funding was not approved by the Board of Supervisors until the 2014-2015 fiscal year. In addition to the need to update video equipment, the OCSD has identified, and this Grand Jury agrees, that there is a crucial need to fund the following:

- An updated computer system to facilitate the completion of RFI throughout all of the jails
- Full body scanners and/or additional metal detectors
- Additional CCTV systems including coverage of all roof areas and an employee who monitors the screens in real time
- Additional fencing on the CMJ roof

Funding of these additional security components will greatly enhance security. Failure to provide funding for these needed upgrades will severely impact the OCSD's ability to prevent future escapes.

F.3. Lack of supervision/oversight

There was a lack of consistent supervision at the CMJ to ensure that counts, searches, and logs required by the policy and procedures manual were completed and conducted according to procedure. There was an overall lack of consistent supervision regarding plumbing tunnel checks, tenting and ratlines, inmate counts, etc. Additionally, inmate count issues raised by sergeants and lieutenants were not acted upon by executive jail management. Subsequently, OCSD has adequately addressed the personnel issues that led to the escape.

F.4. Confusion within the policy and procedures manual

The OCSD policy and procedures manual regarding inmate counts was confusing. Proper count procedure was defined in an inconsistent manner in the manual. The improper count procedure contributed to the escape and the approximately 15 hour delay in discovering the missing inmates. The escapees' awareness of insufficient accounting for inmates' whereabouts may have played a part in the inmate's planning the escape.

It should be noted that the OCSD is in the process of revising appropriate sections of the policy and procedures manual to eliminate any confusion and inconsistencies regarding proper count procedure.

The Great Escape - Never Again?

F.5. Inadequate security measures

The security measures in place at the CMJ were inadequate. Non-sworn employees, vendors, and visitors entering the facility were not searched on a regular basis, nor were their belongings; sworn deputies are never searched. With proper search and security measures in place and in practice, including searching all non-sworn employees and visitors, accounting for tools brought in by maintenance workers and vendors, and documenting the disposal of contraband, the tools that aided in the January 2016 escape would likely not have been smuggled into the jail.

F.6. Training

All deputies receive additional training upon assignment to the CMJ. Because of inconsistencies within the policy and procedures manual regarding inmate counts and a long-standing practice of conducting “paper counts”, incoming deputies to the CMJ were trained improperly. Changes to the manual were not adequately emphasized. Regular reminders of appropriate security and safety procedures were likewise inadequate.

F.7. Unanswered Questions

The Grand Jury is concerned that there are key elements that remain unanswered about the escape, such as the silence of the 38 inmates who shared housing with the escapees, and what tools were used and how they were brought in, leaving doubts as to whether the current upgrades will prevent future escapes.

Penal Code §933 and §933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested from departments of local agencies and their non-elected department heads.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the jailhouse escape of 2016 in Orange County, the 2016-2017 Orange County Grand Jury makes the following five recommendations:

R.1. The Board of Supervisors should continue to provide funding as outlined in the five year plan and provide additional funding in the FY 2017-18 budget as detailed in the OCSD Jail Hardening Report to complete the long term hardening requirements requested by OCSD.

R.2. Within 6 months of the publication of this report, the executive staff of the OCSD should develop and implement guidelines to hold all staff accountable for conducting their jobs in compliance with policy and procedures manual.

The Great Escape - Never Again?

R.3. The OCSD should continue to review the department's policy and procedures manual on at least an annual basis, update it when necessary, and expeditiously inform all personnel of changes to the manual.

R.4. Within 6 months of the publication of this report, the OCSD should put additional security guidelines in place to provide security screening for visitors, vendors and staff. This may include full body scans, additional metal detectors, bag searches, and additional drug detection dogs.

R.5. Within 6 months of the publication of this report, the OCSD should institute a policy of on-going training of all staff members to ensure understanding of jail policy and procedures.

REQUIRED RESPONSES

The *California Penal Code* §933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

The Great Escape - Never Again?

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses are required from the following governing body within 90 days of the date of publication of this report: **Orange County Board of Supervisors (Finding 2; Recommendation 1)**

Responses are required from the following elected agency or department head within 60 days of the date of publication of this report: **Orange County Sheriff/Coroner (Findings 1, 3-7; Recommendations 2-5)**

REFERENCES

Association of Orange County Deputy Sheriffs vs Sheriff-Coroner Sandra Hutchens, 30-2016-00835821-CU-WM-CJC (Orange County Superior Court February 11, 2016).

Giancola, M. (2014, November 18). *Orange County Grand Jury*. Retrieved March 3, 2017, from <http://www.ocgrandjury.org>:
http://www.ocgrandjury.org/pdfs/2013_2014_GJreport/2014-11-18_County_Executive_Officer-Amended_Response.pdf

Hutchens, S. (2013, August 7). *Orange County Grand Jury*. Retrieved March 3, 2017, from <http://www.ocgrandjury.org>:
http://www.ocgrandjury.org/pdfs/2012_2013_reports/OCSheriff-Coroner080713.pdf

Hutchens, S. (2014, July 24). *Orange County Grand Jury*. Retrieved March 3, 2017, from <http://www.ocgrandjury.org>:
http://www.ocgrandjury.org/pdfs/2013_2014_GJreport/2014-7-24_Orange_County_Sheriff_Coroner.pdf

Smith, A. (2013, April 8). *A Look at the "New-Generation" Jail*.