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ACLU of Southern California's Jails Project Report: Falsehood v. Fact

SANTA ANA, Calif. (June 28, 2017) - The American Civil Liberties Union (ACLU) of Southern California released a report on June 27th regarding the Orange County jail system managed by the Orange County Sheriff's Department. Many of the claims and allegations in the report are inaccurate or purposely distorted. In an effort to correct the record, Sheriff Hutchens is providing the following facts which refute information in the report:

Methodology

Report: The report indicates that more than 120 inmates were surveyed. Much of the Report focuses on the period of 2011 to 2017.

Fact: From 2011-2017 the Orange County jail system had over 350,000 bookings. The more than 120 individuals surveyed by ACLU represent only .0003% of total bookings.

Recommendations

Report: The report includes 108 recommendations that, "require remediation to ensure reasonable safety and access to protected rights."

Fact: The Orange County Sheriff's Department has implemented 107 of the actions recommended by the report. The one recommendation not followed is an outside oversight committee.

In Custody Deaths

Report: The report indicates a total of 48 deaths occurred under the jurisdiction and responsibility of the Orange County Sheriff's Department from 2010 to 2016. The report implies that this number is a result of the quality of care at the jail facilities.

Fact: 48 inmate deaths represent .0001% of total jail bookings over the six year period. 22 of these were natural deaths and 42% occurred at a hospital. Many inmates have pre-existing conditions prior to entering custody. The sheriff's department does not have control over the medical conditions of inmates when they enter the facility.

Searches

Report: Page 31 of the report questions the prevalence of searches being conducted in the facility and alleges ulterior motives for searches.

Fact: It is not a violation of the 4th amendment to search inmates and/or their property as the ACLU suggests. It is a duty and expectation that deputies conduct searches for the safety of the facility and to eliminate the prevalence of contraband.

Prison Rape Elimination Act (PREA) Data

Report: The report indicates that in 2013 3.2% of those incarcerated nationwide reported experiencing incidents of sexual victimization.

Fact: The report fails to note that Orange County's number is well below the national average at .003%.

Medical

Report: The report recommends that OCSD "ensure that all individuals who are incarcerated receive prompt and adequate care and medical services. Medical services should intervene early to treat conditions before they become more serious."

Fact: Every arrestee brought to the Orange County Jails is screened and evaluated immediately upon arrival by licensed healthcare providers. Every inmate has a medical record which is utilized to coordinate medications and necessary treatment while in custody, as applicable. Medical and mental health staff are on-site 24/7. Approximately 18,000 healthcare appointments are completed monthly.

Report: The report states, "Pregnant women, who are incarcerated, are subject to poor medical attention and a lack of accommodations for their housing and dietary needs." Additionally it states, "While transgender-specific questions were not asked in our survey, we are aware through intakes that transgender persons often receive inadequate medical care while in California county jails, and in Orange County jails specifically."

Fact: All specialty medical services are available and provided as necessary, including specialized care for pregnant and transgender inmates.

Report: The Report states, "A significant percentage of incarcerated individuals who suffer from mental health illness are housed with the general jail population rather than being assigned to a mental health bed....Survey findings support existing reports that conclude that jails are not structurally appropriate or conducive to treatment or care for incarcerated individuals with mental health needs."

Fact: Mental health staff are available 24/7, including psychiatrists, psychologists, licensed social workers, marriage/family therapists, psychiatric registered nurses, and mental health specialists. Every inmate with a mental health condition has an assigned case manager who coordinates their care throughout the incarceration, including medication management, psychiatrist follow-ups, and determining appropriate level of housing based upon their condition and needs.

Overcrowding

Report: The Report states, "Survey participants reported that overcrowding is an issue, particularly during intake and screening at the Loop. Other individuals reported that crowding was also an issue in the housing modules."

Fact: The Orange County jails currently have an 18% vacancy rate. The James Musick Facility is 40% vacant. There is clearly a difference between the booking "loop" and a housing unit. The booking loop serves as temporary holding only until a housing location is determined.

Oversight

Report: The Report states, “The department needs to start a comprehensive review and inspection of all five OCSD jail facilities. An objective oversight monitor with substantive power can help release the sheriff's department and the county from legal liability and ensure that good governance trumps political expediency in Orange County.”

Fact: Like all custody operations, Orange County’s jail facilities are inspected on a regular basis by multiple government agencies and independent oversight authorities. Such inspections generally result in positive reviews of our jails and include findings that shows the jails meet current state and federal standards for custody operations. Regulatory agencies that routinely inspect our facilities include the Board of State and Community Corrections, the US Department of Justice, Orange County Health Care Agency, the Department of Homeland Security. Additionally there are numerous opportunities for the public and community groups to tour our facilities.

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