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From the Los Angeles Times

Dana Parsons Orange County

Inmate attorney blames Orange County jail woes on deputies union

Dana Parsons

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Thirty years ago they called him brash, arrogant. Said that he had no clue about what it took to run a county jail. That all the liberal jerk knew how to do was sue them.

Problem was, Richard Herman would sue them and win. He won in front of liberal judges and conservative judges. He was a left-leaning lawyer in a conservative county and he was taking on the cause of jail inmates. Over the years, he and other attorneys fought the powers that be not only in Orange County, but also up and down the state. Their agenda included issues of physical abuse, medical and mental health attention, overcrowding and probable cause for keeping inmates locked up.

I don't know Herman, so no point in speculating on whether, at 62, he's still brash and arrogant. Or if he ever was. But the guy across from me in his Newport Beach office is soft-spoken and thankful for a life that he says has treated him well. What's not to like when your wife gives you a Porsche convertible as a present?

Life is good, he says, even though the phone still rings at least once a day from an inmate somewhere telling Herman that he's been mistreated.

Well, just how tough is it to run a jail?

"It ain't rocket science," Herman says. The proof, he adds, is that most jails in California and other parts of the country run pretty well. But Orange County, he says, has never figured it out. "Orange County is an anomaly. It's right on par with the worst you could find anywhere."

Fighting words spoken in almost hushed tones. They land with more impact and, of course, deserve a retort.

I wanted to get one from Wayne Quint, head of the Orange County deputies union whose members staff the jails, but he was out of town on business and unreachable, according to his office.

That Herman is still talking about problems in Orange County jails is remarkable, considering he was the lead attorney in a federal case 30 years ago that drew attention to overcrowded conditions and the fact that not every inmate had a bed.

The local jail situation is very much back in the news, however, since the filing of charges against nine inmates in the fatal beating of another prisoner in 2006. In a report last month detailing the findings of a special grand jury, Orange County Dist. Atty. Tony Rackauckas itemized systemic failures at Theo Lacy Jail but said he didn't have enough evidence to charge any deputies with a crime.

The renewed attention on the jails -- acting Sheriff Jack Anderson says he'd like to replace jail deputies with corrections officers -- naturally leads one to make a house call on Herman, as close as the county has to a jail guru.

He supports Anderson's idea and is unsparing in laying the blame for jail problems at the doorstep of the deputies union. Its culture, Herman says, has been to tolerate jail staffers who don't perform properly and, worse, to perpetuate the mistreatment of some inmates.

Herman quickly says that "a lot of deputies want to do the right thing," but that they don't carry the day.

Rackauckas, in his report, said some deputies at Lacy falsified log books, didn't carry out assigned duties and slept during their shifts. Some higher-ups, he said, tried to mislead the grand jury on certain details of the fatal beating.

As simple as it sounds, Herman says, the key to running an efficient jail is to treat the prisoners well.

For example, he would expand the time they spend outside their cells. He knows the notion of easing up on inmates irks some people, but he says the chief benefactors would be local residents.

"It's all the same society," he says. "The folks in the jail are us. To think that no one you ever know is going to wind up in jail or that a wayward relative isn't going to get drunk and wind up in jail is wrong. Jailers don't see it that way. They think everyone who comes in is a criminal and fair game for abuse, and that's just not right."

Noting that jail inmates are a different breed of cat from those in state prison, Herman says many of their crimes are nonviolent and related to drug or alcohol problems. Not to mention that some are in jail awaiting trial and may not be guilty of anything.

Herman says former Orange County Sheriff Mike Carona, who resigned this year in the wake of federal corruption charges, wanted to improve the jail system but was unwilling to take on the union. Herman praised former Assistant Sheriff Rocky Hewitt, who, during the Brad Gates administration, also took jail problems seriously.

But here we are in 2008, more than 30 years after Herman first cranked it up against the county, and you have to wonder: Is he at all optimistic things will improve?

"I'm always optimistic," he says, "because all that has to happen is for people to do the right thing, to be honest, decent and caring."

Dana Parsons' column appears Tuesdays, Thursdays and Saturdays. He can be reached at (714) 966-7821 or at dana.parsons@latimes.com. An archive of his recent columns is at www.latimes.com/parsons.

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