



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Mark Luce
Chair

June 23, 2009

The Honorable Raymond A. Guadagni
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

JUL - 6 2009

Clerk of the Napa Superior Court
By: C. Brenner
Deputy

Dear Judge Guadagni:

As required by Penal Code Section 933(c), enclosed is the response to the 2008-2009 Grand Jury Final Report on Napa County Adult Probation Department, Napa County Criminal Justice Facilities: County Jail and Juvenile Hall and County of Napa Office of the County Counsel.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed.

The Board acknowledges the members of the 2008-2009 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Mark Luce.

Mark Luce, Chair
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2008-09 Grand Jury

Received
Napa Superior Court

JUL - 2 2009

Court Executive Office

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**NAPA COUNTY
RESPONSES TO GRAND JURY REPORT
FISCAL YEAR 2008-2009**

NAPA COUNTY CRIMINAL JUSTICE FACILITIES: COUNTY JAIL

FINDING 1: There is currently an estimated 80 percent recidivism rate among inmates.

Response, Director of Corrections: The Director of Corrections disagrees with this finding. There are different standards by which various jurisdictions measure recidivism rates. Some are based upon arrests only while others rely on conviction within a certain period of time. The timeframe is also varied by jurisdiction as some agencies consider three years as the relevant period for determining recidivism while others have lower timeframes. Napa County has not specified a timeframe by which recidivism rates will be tracked nor has the definition for measuring recidivism in Napa County been determined, thus the County of Napa has not yet stated an actual recidivism rate. It is unclear how the Grand Jury estimated the above-mentioned recidivism rate as there is no data provided to support this claim, nor does the Grand Jury define what it means by “recidivism.”

FINDING 2: The NCJ does not have the staff or capacity to house pre-sentenced mentally ill patients who commit violent crimes at Napa State Hospital.

Response, Director of Corrections. The Director of Corrections agrees with this finding. The Napa County Department of Corrections does house pre-sentenced, seriously mentally ill patients accused of committing crimes at Napa State Hospital. Over the past two years, the Department of Corrections has seen an increase in the number of incidents related to this population. The Department of Corrections is not a mental health facility and therefore is not required to provide the same level of support and services that this population receives when housed at the Napa State Hospital. The intensive level of mental health support provided to this population is drastically reduced once Napa State Hospital patients are housed at the jail. The Department of Corrections meets the mental health provision standards for jail facilities as defined in Title 15 and 24 of the California Code of Regulations. County staff has been diligent in providing the needed services to the extent possible. Nevertheless, the jail will most certainly lack the level of service that the mental health hospital can provide. Please see the Department’s response to Recommendation 2 for additional information.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections. Additionally, the Board of Supervisors believes that in most cases, Napa State Hospital patients are better served by and should remain at Napa State Hospital or another relevant State facility pending the adjudication process. County staff, lead by the Director of Health and Human Services, continues to work with Napa State Hospital to discuss these issues.

FINDING 3: Ten percent of the staff is bi-lingual; however, many inmates speak Spanish only.

Response, Director of Corrections: The Director of Corrections agrees with this finding. The Department of Corrections always recruits in an attempt to create a diverse staff that meet the demographics of the population. We have a number of staff that are bi-lingual and able to address the needs of the inmate population. In addition to the line staff, we also have support staff and supervisors that are bi-lingual. This has not been an issue of concern to the Department. The Department of Corrections will continue to attract highly capable staff with specialized skills including the ability to communicate in Spanish as positions become vacant. Please see the Department's response to Recommendation 3 for additional information.

FINDING 4: There are currently no pre-release programs to integrate inmates into the community.

Response, Director of Corrections: The Director of Corrections disagrees with this finding. The Community Corrections Service Center (CCSC) opened on March 1, 2009 and now includes a program for in-custody inmates and has the ability to serve pre-sentenced inmates as part of a pre-release program. Additionally, as part of the Fiscal Year 2009-2010 budget, the Department of Corrections has made the recommendation to reclassify positions in order to create a classification team that would be instrumental in providing evidence based assessments to assist with making decisions about which pre-trial inmates could safely be integrated in the community pending the adjudication process. The Director of Corrections does agree that additional pre-release programs are needed and the Department of Corrections is working with the Criminal Justice Committee on improving this area.

FINDING 5: The current configuration of the NCJ cannot accommodate the number and classification of inmates.

Response, Director of Corrections: The Director of Corrections disagrees in part and agrees in part with this finding. The jail does have challenges with regard to classification and population concerns. The Adult Correctional System Master Plan has identified issues related to the ability of the current jail configuration to continue to meet the housing classification and population needs. The Criminal Justice Committee has worked with jail facility consultants to identify these issues and propose a remodeled or replacement facility that addresses the appropriate mix of beds needed to meet the County's needs. Given that any new jail facility would not be open for several more years, the Department of Corrections has implemented policies to minimize the impacts of these issues. For example, the Director of Corrections has the authority under Penal Code Sections 4024.1 and 4018.6 to authorize a 5-day or 3-day early release when certain situations, in some cases including overcrowding in either the housing unit or jail facility, exist. The Department has been conducting regular county parole hearings and is moving

steadily towards using electronic monitoring as a standard tool in some instances to reduce crowding. Additionally, the Director of Corrections has proposed a small reorganization to create a classification team within the Department of Corrections. Once implemented, this team will begin reviewing evidence based classification instruments and be responsible for appropriately classifying each inmate in the facility. Given that the current system in place is outdated, this may help address some of the issues currently identified. Both the Department of Corrections and the County Executive Office monitor the jail population daily. While there have been some days over the last year where the jail population has spiked considerably, the average daily population has remained well below the 264 bed capacity. The Director of Corrections will continue to monitor these issues closely.

FINDING 6: Evidence Based Programs as recommended by the Napa County Adult Correctional System Mater Plan do not yet exist.

Response, Director of Corrections: The Director of Corrections agrees in part and disagrees in part with this finding. The Community Corrections Service Center, opened March 1, 2009, includes an in-custody component. The program is evidence based and is new. The Department of Corrections has cancelled all non-evidence based programming in the jail and has created an Evidence Based Programs Jail Committee to identify programs that we might implement at the jail based upon our staffing and special needs. The committee will evaluate programs at other jails and will make recommendations to the Director of Corrections. Please see the Department's response to Recommendation 1 for additional information.

FINDING 7: Parolee services and CCSC located in downtown Napa pose a potential public safety concern.

Response, Director of Corrections. The Director of Corrections disagrees with this finding. Parolee services have been provided at the Hall of Justice for a number of years and to our knowledge, have not resulted in any public safety issues. The Grand Jury report references approximately 300 parolees standing in line for weekly drug testing outside of the Hall of Justice. It is unclear how this number was determined. A 2007 report (most recent available) from the California Department of Corrections and Rehabilitation indicates that there are only 197 parolees in Napa County. It is the Department of Corrections belief that only 25-30 parolees report to the Hall of Justice each week to meet with the parole officer. It is acknowledged that the public perception of a large number of parolees standing outside the Hall of Justice for drug testing might be negative. Parole agents incharge of the Napa location were also advised of this concern. To alleviate the immediate concern, the parolee drug testing times were moved to non-business hours. The location is ideal as most parolees are also part of our local criminal justice system and often have business in court and report to the Probation Department. Due to the limited public transportation available throughout the County, moving the parolee services outside of the downtown area may create significant transportation barriers to the parolees. The Community Corrections Service Center

(CCSC) clients are supervised by the CCSC staff and are under the general supervision of the Probation Department. Again, the Department of Corrections is unaware of any public safety issues to date. If there were any incidents, this location provides for immediate law enforcement response through Sheriff's Deputies assigned to the courts as well as the Napa Police Department.

FINDING 8: There is no Information Technology Department support to maintain and repair the computer system, which controls the locking system, intercoms, security cameras, and elevators.

Response, Director of Corrections. : The Director of Corrections agrees with this finding. The support to maintain and repair the master control system rests with an outside vendor. The Director of Corrections has had some initial discussion with the Napa County Information Technology Services Division concerning the feasibility of obtaining some support during emergencies and other events. Please see the Department's response to Recommendation 6 for additional information.

RECOMMENDATION 1: Implement Evidence Based Programs in an effort to reduce the recidivism rate.

Response, Director of Corrections: This recommendation has not been fully implemented, but will be implemented in the future. At the present time, the Community Corrections Service Center (CCSC) program has been expanded to include in-custody inmates. The Department has also created an Evidence Based Practices Jail Committee to identify programs and practices to implement in the jail. We hope to expand from just the CCSC program to include other programs by December 2009.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections.

RECOMMENDATION 2: Provide additional mental health services, possibly in cooperation with Napa State Hospital.

Response, Director of Corrections: This recommendation requires further analysis based upon a variety of factors. This issue has a fiscal impact on the County and would require a discussion amongst stakeholders. The Department of Corrections currently meets the mental health standards as defined in Title 15 and 24 of the California Code of Regulations. The inclusion of Napa State Hospital in providing mental health services would require negotiations between the hospital and the County before any form of agreement could be reached, particularly around the cost to provide services. As mentioned in the Board of Supervisors response to Finding 2, it is the County's belief that in most cases, Napa State Hospital inmates are better served at State Hospital pending the adjudication process. The County continues to discuss these issues with the

State Hospital under the leadership of the Director of Health and Human Services. The Director of Corrections expects to address these issues within the next six months.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections.

RECOMMENDATION 3: Make an effort to recruit more bi-lingual staff.

Response, Director of Corrections: This recommendation will not be implemented because it is not warranted. The Director of Corrections believes that there are currently a sufficient number of bi-lingual officers and support staff and that communication with bi-lingual inmates is not an issue of concern. The Department of Corrections currently has no vacancies for fulltime Correctional Officers and this recommendation cannot even be considered until a vacancy exists. Although it is acknowledged that having additional bi-lingual staff is always beneficial, the fact remains that we have not experienced any delay in service with the number of staff we currently have that are bi-lingual.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections.

RECOMMENDATION 4: Relocate the jail and CCSC out of downtown Napa.

Response, Director of Corrections: This recommendation will not be implemented because it is not reasonable. The Board of Supervisors has agreed that the jail should remain in the downtown area for a variety of logistical reasons. This is not a recommendation that can be implemented without a considerable fiscal impact to the County. Moving the jail out of the downtown area creates several issues related to inmate transportation, access to courts, attorneys, cost of land and buildings, as well as adoption of new California Department of Corrections and Rehabilitation regulations concerning facility design. The Community Corrections Service Center (CCSC) provides services to offenders both in-custody and out of custody. Moving the CCSC out of the downtown area would create significant transportation issues for clients and staff. In addition, having CCSC located in close proximity to the Courts and the Probation Department is beneficial. The Grand Jury did not provide a rationale for moving the jail or the CCSC out of the downtown area so it is unclear how this recommendation was determined.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections. The Board of Supervisors has addressed the jail location issue as part of the Adult Correctional System Master Plan and believes that given the issues listed above, the jail shall remain in the downtown area.

RECOMMENDATION 5: Allocate a portion of the inmate trust fund for substantive job skills training to assist inmates in transition to the community.

Response, Director of Corrections: This recommendation requires further analysis as the ability to use the inmate trust fund is governed by the California Penal Code. The Evidence Based Practices Jail Committee will evaluate several programs for consideration of implementation inside the jail. It is possible that one or more of these programs might have a job skills training component. However, the program must be measurable in its results and meet the needs of the facility. It is unlikely, given the space limitations within the facility and the average inmate length of stay, that substantial job skills training is feasible. The Department will be able to determine this on a case-by-case basis once the committee has evaluated various programs. The Department of Corrections hopes to complete this analysis and implement new programs before December 2009.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections.

RECOMMENDATION 6: The County's IT Department maintains and repairs the Jail's computer system.

Response, Director of Corrections: This recommendation requires further analysis pending discussions between the Director of Corrections and the County's Chief Information Officer. The Director of Corrections acknowledges the need to improve the maintenance and repair of the jail's computer system and hopes to discuss and resolve this issue by December 2009.

Response, Board of Supervisors. The Board of Supervisors concurs with the response of the Director of Corrections.

JUVENILE HALL

FINDING 1: The Juvenile Hall is well maintained and managed.

Response, Chief Probation Officer: The Chief Probation Officer agrees with this finding.

FINDING 2: Parent classes are not mandated for all parents of youth in Napa County Juvenile Hall.

Response, Chief Probation Officer: The Chief Probation Officer agrees with this finding. Parents of low risk offenders are not ordered to attend programming.

RECOMMENDATION 1: Mandate parents to participate in programs as part of the juvenile sentencing, at least for serious offenders.

Response, Chief Probation Officer: The recommendation will not be implemented because it is not reasonable. Under Section 727(4) (b) of the Welfare and Institutions Code, the court may order parents to participate in an educational or a counseling program. There is a section in the Dispositional Report that covers any orders made by the Court for the parents. There are some programs that have a parent component piece. Parents are expected to participate in programs at Wolfe Center if they have a child in Drug Court. They are also expected to participate in the parent education portion of the Impact Program if their child is ordered into that program. Some parents are ordered to attend Parent Project depending on the family and needs of they have. Not all parents are ordered to attend programming. There are insufficient services in the community currently to accommodate all parents with youth on probation. Based on the risk/needs assessment, services are recommended to the court for the youth and/or family. Due to fiscal constraints, the Parent Project will be offered less frequently in Fiscal Year 2009-2010.