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A Commitment to Service

Board of Supervisors

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Diane Dillon
Chair

August 10, 2010

The Honorable Stephen T. Kroyer
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

AUG 17 2010

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

Dear Judge Kroyer:

As required by Penal Code Section 933(c), enclosed is the response to the 2009-2010 Final Reports on the Napa County Criminal Justice Facilities Juvenile Justice Center/Juvenile Hall, Napa County Criminal Justice Facilities Department of Corrections/County Jail, Napa Special Investigations Bureau 24 Hour Drug Hotline: (707) 224-DRUG and Water Our Precious, Critical Resource.

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 2009-2010 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Diane Dillon in cursive.

Diane Dillon, Chair
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2010-2011 Grand Jury

Received
Napa Superior Court

AUG 17 2010

Court Executive Office

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

**NAPA COUNTY
RESPONSE TO THE GRAND JURY REPORT
FISCAL YEAR 2009-10**

**NAPA COUNTY CRIMINAL JUSTICE FACILITIES
Napa County Department of Corrections/County Jail**

FINDING 1: The NCDC Policy and Procedures Manual does not require NCJ personnel to cooperate with outside investigative agencies including the Napa County Grand jury without resorting to the subpoena process.

Response, Director of Corrections: The Director of Corrections agrees in part with this finding. While the NCDC Policy and Procedures manual does not require personnel to cooperate with outside investigative agencies, it is the practice of management to require staff to participate in investigations, including those of the Grand Jury during the staff members regularly scheduled work shifts. This finding appears to be in response to one staff member's refusal to meet with the Grand Jury outside of their regularly scheduled work shift. The Director of Corrections cannot force staff to come to work on their days off or while on vacation to meet with investigative agencies.

FINDING 2: Jail population at the time of the Grand Jury inspection was 265 in a facility built to house a maximum of 264 inmates. Jail population since the last Grand Jury inspection has at time exceeded 300 inmates.

Response, Director of Corrections: The Director of Corrections disagrees with this finding. The jail is allowed a rated capacity of 264 as it relates to the permanent housing units. Additionally, the jail is authorized by the Corrections Standards Authority to temporarily hold an additional 135 non-rated inmates (for a total of 399) in units in the jail including booking, safety and sobering cells, medical and observation cells and other overflow bed space. While the Department of Corrections has exceeded 264 inmates at times and has experienced overcrowding in certain housing units, overall the Department has not exceeded a total of 264 inmates in permanent rated housing at any one time. The Department of Corrections daily inmate counts are taken and reported each day at 11:59p.m. While it is possible that the total inmate count (both rated and non-rated) exceeded 300 at some point during a business day, Departmental records indicate that the highest the total jail population has been in the last year was 289 (9/27/2009) and the highest the rated population has been in the last year is 235 (8/3/2009 and 10/19/2009).

FINDING 3: Various types of programs are offered to the inmates while in custody. They include: Adult Education, GED, Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Parenting, Bible Studies, Private Counseling, Group Discussion, Class Discussion, Independent Studies, Tutoring, Audio/Visual presentation, etc. An inmate in custody wanting to make positive changes in their life, will be given every opportunity to do so and will be reinforced by the staff members.

Response, Director of Corrections: The Director of Corrections agrees with this finding.

FINDING 4: No more than three of the programs listed in Finding No. 3 are regularly scheduled or conducted.

Response, Director of Corrections: The Director of Corrections agrees with this finding. Many of the programs listed above are not offered consistently and only made available upon the request of an inmate. Absent a request, the program is not offered. Please see the response to Recommendation No. 2 for more detail.

FINDING 5: Inmates with mental health issues are a serious safety concern for NCDC staff.

Response, Director of Corrections: The Director of Corrections agrees with this finding.

FINDING 6: Inmate recidivism is neither tracked or documented.

Response, Director of Corrections: The Director of Corrections disagrees in part with this finding. Recidivism data such as rearrest, new conviction and probation violation data is in the County's Criminal Justice Information Management System (CJIMS), the challenge has been extracting the data. The Department of Corrections and the County Executive Office have been working closely with the Criminal Justice Committee to develop a standard definition of recidivism and with the Information Technology Services Division to develop a process to extract and report recidivism data from the CJIMS system. This project is nearing completion and the County should have recidivism data to report by October 1, 2010.

RECOMMENDATION 1: NCDC make efforts to provide all programs described on its website.

Response, Director of Corrections: The recommendation has been implemented. It should be noted that the NCDC website states the following regarding programs:

Various types of programs are offered to the inmates while in custody. They include: Adult Education, GED, Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Parenting, Bible Studies, Private Counseling, Group Discussion, Class Discussion, Independent Studies, Tutoring, Audio/Visual presentations, etc.

NCDC has been providing these programs for some time. The concern by the Grand Jury may be based upon the fact that some of these programs are not consistently offered and are initiated only at the request of the inmate. Additionally, not all inmates may qualify for certain programming due to safety and security concerns and housing classification score. The following is the current status of the above-mentioned programs:

- Adult Education - The program is offered as needed by inmate request and usually involves the inmate working toward GED completion.
- Alcoholics Anonymous - This program is offered regularly.
- Narcotics Anonymous - This program is offered regularly.
- Anger Management - NCDC uses BI Incorporated and computerized programs through Civil World to provide this training. The inmates engaged in this program are housed in a special unit called JEEP (Jail Education and Employment Program). NCDC did eliminate the previous program related to Anger Management because it was not evidence-based.

- Parenting - This is also a part of the Civil World program through BI Incorporated and offered in the JEEP unit. A previous program was eliminated as it was not evidence-based.
- Bible Studies - This program is offered regularly.
- Private Counseling- NCDC facilitates private counseling when an inmate arranges it. One-on-one sessions are arranged to address crisis issues through a Mental Health Worker assigned to NCDC.
- Group Discussion - NCDC is moving forward to implement this by utilizing a Mental Health Worker from HHS. It should be noted that group discussions are a part of the in-custody portion of the Community Corrections Service Center and has been ongoing for several months depending upon the eligibility of inmates.
- Class Discussion - This is a part of the many of the courses or programs listed above.
- Independent Studies - Library services are offered if someone wants to learn on their own.
- Tutoring - NCDC facilitates this through the Library Literacy program when arranged by the inmate and depending upon the classification and custody of the inmate at the time of such request.
- Audio/Visual presentations - This is a part of many of the courses or programs listed above. The BI Incorporated program in the JEEP unit utilizes such presentations in their coursework.

RECOMMENDATION 2: NCDC open discussions with NSH, HHS Mental Health Services, and the District Attorney's Office to identify safe and secure ways to house inmates with mental illness while still allowing active psychiatric treatment.

Response, Director of Corrections: The recommendation requires further analysis. NCDC, with the assistance of Health and Human Services Administration and Mental Health, has made numerous attempts to meet with Napa State Hospital (NSH) staff on this issue. Discussions with NSH have been largely unproductive. In past discussions, the previous NSH Executive Director's stance has been to ask that the jail medical staff force- medicate inmates transferred from NSH to NCDC, an action the jail cannot legally take without extensive court processes. Per State law, a jail only has the option (upon agreement by the Board of Supervisors, County Mental Health Director and Director of Corrections) to force medicate inmates after the inmate has been found incompetent to stand trial and a court process has resulted in the approval of forced medication. NCDC does not support the idea of forcibly medicating inmates as it is often a punitive and sometimes combative process that causes distress to the inmates and potentially creates a dangerous situation for jail staff and increases the County's liability. In many cases hospital patients refuse to take medication following their transfer to NCDC and start deteriorating which not only impacts the jail staff and creates increased liability for the jail, but impacts the court process as well. The change in environment can be shocking for someone with mental health concerns and the County has the opinion that a jail setting is not the best place to hold these inmates as the jail is not designated nor has a desire to be designated as a Mental Health Treatment Facility. Structurally, the current jail facility is built to be simply that, a jail with cells and the legally required day room and exercise space, NSH patients are not used to living in cells and the current jail facility does not allow for any construction or expansion to create a space like that of a treatment facility.

In the past, NSH has sent inmates to NCDC custody when they become difficult to manage at the hospital by NSH staff. In some instances, the inmates are brought over to NCDC custody for crimes

committed several months prior to their transfer. NCDC has questioned the reasoning behind this. The inmates were allowed to stay at NSH for months following incidents and continued to receive medical and mental health care conducive to their level of care. At some point during the inmates' stay, a decision is made to transfer him to NCDC without consideration by NSH about the subsequent treatment plans for the subject. NCDC has made requests to have the inmate housed at the hospital during the trial process for continuity of care. In some instances, even with a Court order requiring the inmate to return to the custody of the hospital, the NSH administration has refused to accept the inmate citing bed availability issues. NSH has suggested that the County provide correctional services at the NSH facility, an idea the County is willing to discuss further. The biggest issues regarding providing correctional services at Napa State Hospital are space and funding.

The Department of Corrections remains open to discussions with Napa State Hospital, especially once a new Executive Director is hired.

With regards to discussion with the District Attorney's office, NCDC has engaged in conversations with the Deputy District Attorneys regarding the issue of whether inmates are housed at NSH or NCDC. The Director of Corrections has not discussed the issue with management in the District Attorney's Office. It is the District Attorney's prerogative to make prosecution decisions. The Director of Corrections will meet with the District Attorney to ensure that he is aware of the situation and to strategize ways to meet the needs of both the District Attorney's Office and NCDC.

RECOMMENDATION 3: Napa County in cooperation with NCDC, the District Attorney's Office, and the Adult Probation Department develop methods to track recidivism and measure the effectiveness of evidence-based practices programs.

Response, Director of Corrections: The recommendation has been partially implemented, and will be fully implemented in the future. As mentioned in the response to Finding No. 6, the Criminal Justice Information Management System (CJIMS) has recidivism data, the challenge has been in developing a system to extract and report the data. The Criminal Justice Committee, which includes representatives from the District Attorney, Probation and Corrections Departments have been working with the County Executive Office and the Information Technology Services Division to develop a standard definition and a way to extract recidivism data from the CJIMS system. The Criminal Justice Committee has agreed that the County's definition of recidivism will include new felony and misdemeanor and sustained probation violations measured in 6 month, one year, two year and three year increments and reported for all offenders and for just those offenders that participated in or completed specific programs. The project is in the final stages and should be complete by October 1, 2010.

In regards to measuring the effectiveness of evidence-based practices, the Criminal Justice Committee continues to work on ways to measure programs. It is important to note that evidence-based practices and a reduction in recidivism are not always related. Evidence-based practices are those that are research tested and proven to achieve an intended goal. The goal may be a reduction in recidivism but it may also be an increase in employment or a change in life circumstances. Regardless, Quality Assurance is very important to the Criminal Justice Committee and measuring the effectiveness of all evidence-based programs continues to be a priority.

Response, Chief Probation Officer: The Chief Probation Officer concurs with the response of the Director of Corrections.

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