



**NAPA COUNTY GRAND JURY
2017-2018**

June 18, 2018

FINAL REPORT

**NEW NAPA COUNTY JAIL
Who's Paying for All of This?**

New County Jail: Who's Paying for All of This?
Thursday June 14, 2018

SUMMARY

Every recent Napa Grand Jury has reported on the deteriorating conditions of the present Jail, and the 2017-2018 Grand Jury's findings are no different.

For over a decade now, Napa County officials have been discussing, planning, and budgeting for a new Jail facility to replace the outdated and overcrowded Napa County Jail. Until 2015, County residents were kept apprised of the current plan and budget via the County's website. Beginning in late 2015, that web-based progress tracker ceased being updated. Since that time, it has been difficult for residents to understand the plans, timeline, and funding details of this oft-changing project.

The current Jury elected to focus the bulk of this year's investigative efforts into the status of the County's plan to build and fund a new Jail, as well as an associated Staff-secure Re-entry Facility, all on land the County acquired near the Syar Quarry in South Napa. This Jury also desired to follow up on several issues raised in earlier Grand Jury reports, including the remodeling of the basement and control room of the existing Jail, as well as the status of efforts to improve recruitment and retention efforts in the Department of Corrections.

As a result of the 2017-18 Napa County Grand Jury's investigation, the jury recommends the County re-establish a dedicated web presence in order to better inform the public regarding Jail and Re-entry timeline and funding. The Grand Jury also commends the Napa County Department of Corrections and the Probation Department for their collaborative efforts in the construction and operation of a Staff-secure Re-entry facility. This facility will assist inmates with their transition back into the community.

GLOSSARY

BOS: Napa County Board of Supervisors

BSCC [California] Board of State and Community Corrections: A multi-faceted organization that provides assistance to the counties on community corrections issues. The agency annually administers and awards millions of dollars in grants designed to reduce recidivism and administers the current lease-revenue bond process for local jail improvements. It also promulgates regulations and inspects local detention facilities, as well as other responsibilities.

DOC: Napa County Department of Corrections

Evidence-based Practices (EBP): As defined by the County's Adult Correctional System Master Plan, when used in corrections is "progressive, organizational use of direct, current

scientific evidence to guide and inform efficient and effective correctional services. Research has indicated that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism.”

Funding Definitions:

Lease-revenue Bond is a type of revenue bond that usually finances the construction of facilities, such as correctional facilities. Lease revenue bonds have a lessee, the State of California, which grants the county the awarded funds. The State uses the facility as collateral for the bonds. While the county is required to own the land, the State controls the land for 30 years as part of the process.

Certificates of Participation are financial instruments, a form of financing, used by municipal or government entities. They are different from bonds issued by these agencies since participation certificates are secured by lease revenues. Moreover, they do not require the 2/3 voter approval of a bond issuance. Payments on the loan are included in the recommended budget each year and are funded through the county general fund.

Excess ERAF (Educational Revenue Augmentation Funds) (Napa County Budget Glossary, Excess ERAF): By state law, the county (and other taxing jurisdictions) must shift real-property tax revenue that would otherwise go to the general fund to what is called the Education Revenue Augmentation Fund (ERAF). ERAF money is used to pay some of the state’s obligation to fund local schools such as Napa Valley Unified School District. To the extent the amount “shifted” exceeds what is actually needed, “excess ERAF” results in funds that are then shifted back to the County and the other taxing jurisdictions in the same proportion of their contribution. The amount of excess ERAF returned to the County is unknown and uncertain each year. In 2017-2018, 12 percent of each property-tax dollar went to ERAF and the County’s share was about 10 percent.

Reserve: (Napa County Budget Glossary) “An amount set aside from the County’s operating funds to meet emergency expenditure requirements, capital funding, or insurance and liability requirements.”

MSA: Tobacco Master Settlement Agreement. The Tobacco Master Settlement Agreement (MSA) was entered in November 1998, originally between the four largest United States tobacco companies (Philip Morris Inc., R. J. Reynolds, Brown & Williamson and Lorillard – the "original participating manufacturers", referred to as the "Majors") and the attorneys general of 46 states. The states settled their Medicaid lawsuits against the tobacco industry for recovery of their tobacco-related health-care costs. In exchange, the companies agreed to curtail or cease certain tobacco marketing practices, as well as to pay, in perpetuity, various annual payments to the states to compensate them for some of the medical costs of caring for persons with smoking-related illnesses. In the MSA, the original participating

manufacturers (OPM) agreed to pay a minimum of \$206 billion over the first 25 years of the agreement.¹ Napa County receives approximately \$1.4 million per year in MSA funds.

Resolution (Napa County definition): “A Napa County Resolution is a formal expression of an opinion, intention or decision by the Board of Supervisors, agreed to by vote.”

Senate Bill 1022 (Filed June 27, 2012): Lease-revenue bond financing for the County’s purpose of financing a staff secure criminal justice facility. The County is required to pay a portion of the costs.

Senate Bill 844 (Filed June 20, 2016): Conditional lease-revenue bond financing awarded \$270 million to nine counties to finance improvements to local jail facilities. Napa County received \$20 million from this financing.

Senate Bill 863 (Filed June 20, 2014): Lease-revenue bond financing for the acquisition, design, and construction of an adult criminal justice facility. The County received \$2.2 million.

Type II Facility [BSCC]: Used for the detention of persons pending arraignment, during trial, and upon a sentence of commitment. These are typically referred to as “county jails.” Present jail is Type II and is inspected biennially by the BSCC.

Type IV Facility [BSCC]: A local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code §1208 for work/education furlough and/or other programs involving inmate access into the community. Staff-secure Re-entry Facility is a Type IV Facility, inspected by the BSCC.

BACKGROUND

The Napa County 2017-18 Grand Jury is mandated by California Penal code sections 919(b) and 921 to “inquire into the condition and management” of the County’s Jail. After the Jury’s November 2017 tour of the jail and observing its deteriorating condition and obsolescence, the grand jury determined to put its investigative efforts into the County’s decade-old plan to construct a new Jail and Staff- secure Re-entry Facility, as well as the sources of their funding.

A secondary goal was to follow-up on three unfinished projects: the new Control Room, the completion of the basement construction allowing the return of inmates housed in the Solano County jail, and the status of recruitment efforts needed to fill vacancies and future needs.

The County jail in its present location in downtown Napa was completed in 1976 and expanded in 1989. This remodeled, 264-bed facility included a basement in the Hall of Justice built to house 39 minimum security beds in a dormitory-style arrangement. A Work Furlough program operated from this location. The Napa County jail is operated by a civilian Department of Corrections (DOC). Its director reports directly to the Napa County Board of Supervisors (BOS).

¹ https://en.wikipedia.org/wiki/Tobacco_Master_Settlement_Agreement

Current Jail

When opened, the jail was intended to house inmates who were:

1. Awaiting court (bail) hearing;
2. Awaiting trial and could not make bail; or,
3. Sentenced to incarceration for one year or less

In 2011, under federal court order, California enacted the Public Safety Realignment Act to alleviate overcrowding in its state prisons. This law resulted in county jails having to house more criminally-sophisticated felons who serve longer sentences. Napa Jail officials started to see an increased need for maximum-security cells and less need for minimum-security beds.

The 6.0 earthquake that rattled Napa in August 2014 further exacerbated Napa's Jail capacity issue. Damage from the earthquake necessitated immediately moving more than 40 inmates to Solano County's jail due to unsafe conditions at the Napa facility. This displacement cost the county approximately \$1.8 million for fiscal 2016-17 alone. With the inmates safely removed, the jail underwent \$2 million in earthquake repairs and \$6.5 million in basement upgrades. Upon completion, those inmates were returned to Napa in March 2018. Other important upgrades planned at this facility, with no completion timeline available, include the freight and security elevators, as well as a fire smoke-sealing project, a preventative safety measure.

Is a New Jail Needed?

Through research and interviews, the 2017-18 Napa County Grand Jury agrees with County executives that a larger and more up-to-date jail facility is necessary. One important reason is the 2011 Criminal Justice Realignment Act (AB109 and AB117), which moved many low-level offenders, who would normally have been incarcerated in state-managed facilities, to be housed, instead, in county jails. This significantly increased the inmate population. Since Realignment, certain felons are being housed in jails, increasing the inmate population.

Another reason for a new jail is that the current facility is less secure than newer jails, which possess the latest security technology. Currently, there are areas where visual and video monitoring are not available, which increase the risk of harm to both correctional officers and inmates. Inmate crowding, coupled with the lack of effective security, resulted in an increased number of assaults on correctional officers since 2011.²

The 2014 Napa earthquake caused 25 percent of inmate housing to become unusable, overcrowding the facility even more. While a significant portion of the repair expense was covered by insurance, substantial money and time were required for prisoner transport and out-of-county housing. New buildings, having much higher earthquake standards, should prevent such costly crises in the future.

² Napa County Grand Jury 2014-2015 "Jail and Department of Corrections," pg. 7

Other reasons for a new facility include the current jail's aged design, gang member violence, and maintaining inmate Title 15 standards. Also, a new jail will reduce the County's exposure to lawsuits, which create more financial burdens on the County.

Federal and State evidence-based practice initiatives now mandate that mental health/addiction counseling and job training become key components of jail programming. However, the existing jail has virtually no classrooms or facilities to assist with rehabilitation, since it was designed when "time behind bars" was standard protocol. A new facility addresses these issues.

METHODOLOGY

Tours of the Napa County Jail (See Appendix B)
Interviews with senior Napa County Department of Corrections management
Interview with Napa County staff analyst
Interview with member of Debt Financing Committee
Interview with Public Works jail project lead manager
Attended CCP meetings
Attended BOS meeting
Review of 10 prior Napa County Grand Jury Jail reports
Creation of a working timeline
Review of various documents (see Bibliography)

DISCUSSION

Jail Construction Timeline Clarity

The 2017-2018 Napa Grand Jury finds the accuracy and transparency of new jail construction is confusing or non-existent. When the Grand Jury began this investigation, the County website framework (which had been implemented and copyrighted in 2009) contained a section which included information and timeline updates for the proposed new Napa County Jail. However, the Jury noted that the last update to this new Jail information was posted in November 2015. During the Jury's investigation, Napa County released a new and improved County website framework and design in December 2017. This new site has not included new, updated information regarding construction of the Re-entry Facility or Jail development milestones. To address the confusion surrounding jail construction and funding, the Napa 2017-18 Grand Jury created a construction and funding timeline based on its investigation, which can be found in Appendix A.

Since first being discussed by the BOS in 2007, the new Jail plan has been revised multiple times, with numerous changes to the number of cells/beds, building phases, timelines and budgets. Ultimately, the various plans were consolidated into a single project, consisting of a 304-bed facility with an additional 28 specialized medical/mental health beds. The current estimated new jail cost is \$128 million. There are currently no plans to raze the old jail. None of this recent information has been updated on the County website.

In addition to the jail, county officials broke ground in June of 2017 on a 72-bed Staff Secure Re-entry Facility, at 2300 Napa-Vallejo Hwy, near Syar Industries. This facility is separate of

jail construction and funding, adding more confusion to the public’s understanding of these independent projects.

Jail Funding

In June 2016, Napa County voters rejected Measure Y, which would have authorized a quarter-cent sales tax increase to fund a new jail. As a result, the BOS has been studying alternative funding sources for several years.

The current estimated project cost of the new jail is \$128 million. On May 15, 2018, County staff presented a Jail funding plan to the BOS. At this meeting, the staff discussed using Excess ERAF (see glossary) funds over the next three years to help pay for the new facility. Given the continued declining enrollment in the NVUSD, and barring any changes in state-mandated school funding, the County believes that \$34 million in Excess ERAF funds can be put toward the new Jail.

Staff did note that two bills in the Assembly could reduce or eliminate Excess ERAF. AB2808 “would eliminate excess ERAF in Napa County.” That bill cleared the Assembly on May 31, 2018 and is now in the Senate. AB3707 “tabs ERAF as a funding source” for redevelopment. It is still in Assembly committee. Should AB2808 become law, a hole in the jail-financing plan up to \$34 million could exist.

With current cash and commitments, including state bond money and planned sale of real property, as well as the ERAF funds, the County was still facing a \$20 million budget gap. It was ultimately decided to fund the debt through COPs and Tobacco MSA funds. The BOS approved this plan at its May 22, 2018 meeting, stipulating that up to \$6.2 million in MSA reserve funds would be used for the jail, with the remaining debt financed through Certificates of Participation (COPs). The MSA funds that are received by the county on an annual basis will continue to be used for community grants.

At the May 22, 2018 BOS meeting, the County produced the following list of revenue sources to fund the Jail, which the Board approved:

Source	\$ Amount
Cash in Project	6,000,000
Current Jail Commitment	32,000,000
Projected Cash Inflows (Excess ERAF)	34,000,000
State Grants	23,000,000
Sale of Real Property	13,000,000
Debt Issuance	20,000,000
Total	128,000,000

Staff Secure Re-entry Facility, Timeline, and Funding

Independent of the new jail, a groundbreaking ceremony was held for the Staff Secure Re-entry Facility in 2017. This 23,000 square-foot facility at 2300 Napa Vallejo Highway began construction in earnest in early 2018. Construction is expected to be completed in the fall of 2018, with inmate occupancy after a mandatory 3-month staff training time period.

The Re-entry Facility, classified as a Type IV facility, is designated for eligible inmates to participate in work/education furlough and/or other programs involving inmate access to the community. The Napa Department of Corrections will manage the facility security and custody concerns. Napa County Probation Department will manage training/mental health programs and other external inmate services. The partnership between Napa County's probation and corrections departments stands as a unique model recognized statewide.

In line with State goals, this facility is part of a "systematic approach to spending the funding the County receives from the State for Realignment."³ This facility creates less-correctional, more-residential, staff-secure programming that would serve as a transitional step for eligible inmates moving back to the community. Additionally, the facility reduces the need for more expensive incarceration housed in the County jail. Inherently, the mission of this staff-secure facility is the ability for inmates to have flexibility to pursue work, educational, program, and social opportunities in the community to assist them in their transition out of custody. The Re-entry Facility will offer cognitive behavior programs and skill development training. This provides an opportunity for individuals to go into the community for approved purposes (i.e. jobs, classes, etc.) helping them learn how to be productive members of their community. The main goal is to reduce chances of re-offending.

Eligibility for engaging in Re-entry Facility programs will be determined jointly by DOC and Probation staff to ensure appropriate participation. Participants at the Re-entry Facility are recommended to stay at least 60 days in the facility, up to 12 months. However, for "optimal programming progression, the majority of offenders should stay in the facility for at least 180 days."⁴

The Re-entry Facility will have four separate wings with laundry, kitchen, and restroom features for use by the inmates. The 4 wings will provide separate housing for male, female, and other inmates separated appropriately. Inmates with employment will be allowed to work at their jobs offsite during the day. Unemployed inmates will receive job training at the facility. Substance abuse, life skills, critical thinking, anger management, and gender-specific curricula for females will be provided as well. Security features will include window and door alarms, cameras, drug/alcohol monitoring systems, and search and testing protocols to protect the neighboring community. An unauthorized "walk away" from this program will be considered an "escape."

³ Staff-Secure Facility supporting document to BOS February 26, 2013 meeting link in Bibliography

⁴ *ibid*



Re-entry Facility construction progress, May 17, 2018. Grand Jury photo.

The facility was built through state lease-revenue bond funding. The County applied for funding through Senate Bill 1022, winning an award of nearly \$14 million. The remaining \$3 million came from the County’s General Fund and Realignment money.

Follow-up: Correctional Officer Retention

A significant concern with the DOC is the high turnover rate of Correctional Officer recruits. The training of replacement officers and paying overtime to cover shifts has become very costly. To address this issue, the BOS adopted Resolution 2017-160, effective October 1, 2017. This established a “Hiring and promotional incentive pilot program policy” to help fill vacancies “designated as hard-to-fill and those which require specialty trainings or degrees.” This four-year pilot program for Correctional Officers I/II—among other hard-to-fill positions—consists of 5 incentive policies:

1. A \$5,000 maximum signing bonus: paid fully after completing probation;
2. A \$750 referral bonus: paid to employees who refer qualified candidates who pass probation;
3. Advance Vacation Accrual: qualified candidates who are employed in hard-to-fill vacancies can receive credit for their prior years’ service in organizations other than Napa County;
4. Student Loan Forgiveness: Qualified candidates can receive up to \$30,000 of student loan forgiveness for a minimum of 60 college credits while employed with Napa County; and
5. Inter-agency Promotions: DOC staff in hard-to-fill positions are eligible to apply for promotions from the DOC to the Sheriff’s Department after three years of satisfactory employment.

The first Correctional Officer recruits began employment in early 2018 under this new incentive-based plan, so it is still too early to measure the program’s success.

Follow-up: Control Room and Basement Construction

Napa County inmates temporarily housed in Solano County after the earthquake returned to the newly-completed basement renovation in March 2018. Simultaneously, the new control room began partial operations. Video recording systems, digital intercoms, and other security systems are now undergoing testing while new equipment is being installed. The Control Room project is estimated to be completed by July 2018. The Control Room and remodeled section of the existing jail, used for inmates awaiting court appearances, will remain in use after inmates are transferred to the new jail upon its completion.

FINDINGS

The 2017-18 Napa County Grand Jury finds that:

- F1. The new jail and Re-entry Facility construction timelines and funding have been and continue to be confusing to the public.
- F2. Funding and financial instruments for the new jail are complicated; the taxpayers are not fully informed of funding sources and the effects of the options.
- F3. The Re-entry Facility will assist inmates transitioning back to the community.

RECOMMENDATIONS

The 2018-17 Napa County Grand Jury recommends that:

- R1. Napa County Board of Supervisors direct appropriate staff to produce a dedicated, easily-accessible timeline on the County website that informs Napa County residents of the progress and funding of the jail by October 1, 2018.
- R2. The Board of Supervisors generate greater publicity for all proposed funding sources of financing, holding public hearings throughout the County to justify the need and rationale for the use of particular funding mechanisms by October 1, 2018.
- R3. The Board of Supervisors evaluate the recruitment and retention pilot program after its conclusion on September 30, 2021.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Napa County Board of Supervisors; F1- F3; R1-R3

INVITED RESPONSES

Director of Corrections; F3

COMMENDATIONS

The Grand Jury commends the Napa County Department of Corrections and the Probation Department managements for their collaborative efforts in the construction and operation of a transitional correctional facility.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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APPENDICES

APPENDIX A: Napa County 2017-18 Grand Jury JAIL TIMELINE

The Grand Jury Builds Its Own Timeline

- In 2004, the Napa Board of Supervisors created a Criminal Justice Committee (CJC) to assess the local criminal justice system and its effect on jail use.
- In 2007, the BOS adopts Adult Criminal Justice Master Plan, which includes recommendations to expand programming, job training opportunities, and planning for a new jail. The Carey Group (an evidence-based practices consultant) and “Carter Goble Lee,” (design and management services to correctional facilities) reported to county staff, making several recommendations regarding the condition of the jail and the adoption of evidence-based practices (EBP) designed to reduce recidivism.
- October 2011, the Public Safety Realignment Act of 2011 resulted in low-risk felons in State facilities be remanded to local jails. Having a more serious criminal history, they brought with them a “prison mentality.”
- In 2012 and 2013, the BOS adopted a Strategic Financial Plan, which emphasized setting aside funding for a new jail. The Community Corrections Partnership (CCP) proposed the development of a new 366-bed jail facility and a 50-bed re-entry facility.

- Sept 2013, the county purchased 27 acres at 2300 Napa/Valley Highway, adjacent to Syar Industries, for the purpose of constructing a 72-bed re-entry facility and future jail. The Staff Secure Re-entry Facility would be staffed by Probation and run by Napa County Department of Corrections.
- October 2013, the BOS applied for SB 1002 conditional funding of \$14M for design and construction of a re-entry facility. Resolution 2013-124 states county required to pay a portion of costs.
- January 2014, Napa County was awarded nearly \$14M in revenue lease bonds for constructing adult criminal justice facilities.
- August 2014 South Napa earthquake caused significant damage to downtown jail. Some inmates are sent to Solano County jail. Repairs to the building are still under construction (as of this writing).
- August 2015, Napa county applied for additional \$20M in state lease revenue bonds under SB 863 for jail construction. Resolution 2015-105.
- November 2015, the county is awarded partial funding of \$2.8 from state lease revenue bonds.
- June 2016 Election, Napa County voters turned down the quarter-cent sales tax to provide “much of the funding” for a \$103M, 256-bed jail.
- April 2017, BOS applied for SB 844 state lease revenue bond financing.
- June 2017, County officials break ground on the construction of Re-entry facility. Napa Valley Register reports facility costs are \$17M with state providing \$13.5M. Remaining money from the county’s General Fund and funds dedicated to criminal justice activities.
- 2017/18 County staff consider ways to fund the estimated gap of \$70M to pay for the new jail.
- February 2018, Napa County Department of public Works posted it was seeking statements of qualifications (SOQs) from qualified architectural firms for design services required for the construction of a new jail. Facts included in the SOQs include: 304-bed jail; completion by fall 2021; 28 beds reserved for medical/mental health; estimated project cost of \$128 million. Total funding from SB 844 and SB 863 to total \$22.8M with the balance of project costs funded through “cash and debt financing.”

- March 2018, all inmates held in Solano County Jail are returned to the completed basement section in the Hall of Justice.
- May 15, 2018, Napa County staff presents funding options to the BOS. The gap in funding is presented as \$20 million. No Board approval takes place at this meeting.
- May 22, 2018, the BOS approve the funding to include excess ERAF money, issuance of COPS up to \$20 M, MSA fund balance, and intent to use annual MSA revenue for the community grant program.
- Fall 2018, Re-entry facility estimated completion with occupancy within 90 days.
- September 2021 (present estimation) new jail completion. The basement in Hall of Justice to be occupied by inmates ready for court appearances.

APPENDIX B

Jail Tour

The grand jury toured the Napa County jail facility, located in downtown Napa, on November 14, 2017. Two subsequent tours allowed jury members to access areas unavailable on the initial tour. The director of the Department of Corrections conducted each tour. In general, and by its own description on the Napa County website (©2017), “the jail is an aging and deteriorating facility and it does not have many of the important facilities and services that maximize safety and health of officers and inmates.” Damage from the August 2014 earthquake is still visible.

The Napa jail inmate population on November 14 totaled 196. An additional 47 inmates were housed in Solano County’s jail as a result of the 2014 Earthquake damage. Of the 243 inmates, 200 inmates were male, 43 were female; 172 were pre-sentenced, 71 post-sentenced. Forty-two inmates were assessed as mental health inmates requiring a single cell each. The percentage of felony-convicted inmates is approximately 87 percent.

Jury members requested the tour begin at the sally port entry where a new arrestee would enter, followed by the initial booking area. Correctional officers determine risk classification in this area.

We observed both single and multi-inmate cells, as well as dormitory-style living areas. At least one cell had boat beds (plastic, canoe-shaped trays designed for sleeping) on the floors, a result of overcrowding. Cells and hallways were clean and mostly free of graffiti.

We also observed six medical cells and the medical unit staffed by California Forensic Medical Group (CFMG). On November 14, seven inmates with severe mental health issues were waiting to be transferred back to Napa State Hospital.

Kitchen and laundry areas are staffed by inmates who appeared to be performing their jobs well and efficiently.

The new Control Room, with a redundant system, has an expected completion of spring 2018. Inmates being transferred from the building to courtrooms travel through a tunnel, or corridor. There are clear lines of demarcation where inmates walk; red emergency call buttons are along the walls, here and in other sensitive areas of the jail.

There are two visitation areas, one for inmates and their attorneys, the other for general visitation. Only the conversations between attorney and client (inmates) are unmonitored. Exercise yards are empty of exercise equipment due to safety issues. Overhead netting has been installed to prevent drones from dropping contraband into the yard. Exercise time, mandated at 1 hour per inmate per day, is challenged by the need to segregate inmates by sex or gang affiliation to avoid volatile situations.

At the time of our tours, the basement was still under construction. Its estimated time for completion, which would include the return of inmates housed in Solano County, was January 2018.

We found all staff we met were collegial. While sharing knowledge of inmates, they expressed respect.

Inmate housing areas include:

- Temporary
- Observation
- General population
- Protective custody
- Maximum security
- Special housing
- Medical unit.