NAPA COUNTY GRAND JURY
2009-2010

Final Report on

NAPA COUNTY CRIMINAL JUSTICE FACILITIES
Napa County Department of Corrections/County Jail
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May 13, 2010

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

Dear Judge Kroyer:

Pursuant to Section 933(a) of the California Penal Code, the 2009-2010 Napa County Grand Jury submits to you its Final Report on the Napa County Criminal Justice Facilities: Napa County Department of Corrections/County Jail. Our investigation was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury - to protect the interests of the citizens of Napa County.

This is the fifth in a series of final reports we will be issuing before our term ends. I would like to acknowledge the hard work and dedication of the Grand Jury which our reports reflect. It is a privilege and a pleasure to work with them.

Respectfully submitted,

[Signature]

John K. Morris  
Foreperson  
2009-2010 Napa County Grand Jury
To the Citizens of Napa County:

California Penal Code 919(a) and 919(b) mandates the Grand Jury to annually inspect detention facilities within the County. The 2009-2010 Napa County Grand Jury visited and inspected the Napa County Jail during the past year and reviewed the operations in compliance with the mandate of California law.

The Napa County Jail is operated by the Napa County Department of Correction (NCDC). The current Director has been in place since August 2008. The Director made many positive changes in the past year and is continuing to implement new programs.

The NCDC website indicates that several programs are offered to inmates while in custody. However, during its inspection, the Grand Jury found that only Alcoholics Anonymous, Narcotics Anonymous and a few Church/Bible programs were actually scheduled. New educational programs were slated to begin in the spring of 2010.

As noted in the 2008-2009 Grand Jury report, County Jail lacks the funds, staff and capacity to house violent, mentally ill inmates. The 2009-2010 Grand Jury found that mental illness among inmates continues to create dangerous situations for staff and other inmates and the County Jail.

The Grand Jury also reviewed the Napa County Adult Correctional System Master Plan (NCACSMMP), Phase II and update. Phase II includes facility planning and recommendations based upon the results of Phase I of the NCACSMMP, which projected future needs over the next 20 twenty years. The Grand Jury notes that Phase II relies, in part, upon the implementation of evidence-based programs that are expected to reduce recidivism and thereby lower the overall inmate population. However, the Grand Jury found that recidivism in Napa County has not been tracked, and there is no data on the effectiveness of evidence-based programs in Napa County.

Napa County Counsel’s Office has reviewed this final report on the Napa County Criminal Justice Facilities: Napa County Department of Corrections/County Jail and the Presiding Judge of the Napa County Superior Court certified that the report complies with Title 4 of the California Penal Code. The report has been accepted and filed as a public document by the County Clerk,

Copies of this report are available for your review in the Napa City/County Library and online by following the link to the Grand Jury at http://www.napacounty.com. It is our pleasure and honor to serve you during the 2009-2010 Grand Jury tenure.

Respectfully submitted,

The 2009-2010 Napa County Grand Jury
NAPA COUNTY CRIMINAL
JUSTICE FACILITIES
Napa County Department of
Corrections/County Jail

SUMMARY

In compliance with state law, the 2009-2010 Grand Jury conducted its annual inspection and review of the Napa County Jail (NCJ) and the Napa County Department of Corrections (NCDC).

The staff at NCDC is well trained and performs their duties in a professional manner. In general, the facility is well maintained and managed, though the older portion of the jail facility shows considerable wear and tear. The 2009-2010 Grand Jury identified the following areas of concern:

- The NCDC Policy and Procedures Manual
- Jail population occasionally exceeds maximum capacity
- Programs for inmates
- Mental health services
- Medical services
- Inmate recidivism and evidence-based program efficacy

BACKGROUND

The NCJ is a secure facility housing male and female detainees and inmates, including those awaiting arraignment/bail hearings or trial, convicted inmates awaiting sentencing, sentenced inmates awaiting transfer to state prison and inmates sentenced to NCJ. The facility houses male and female inmates in different housing areas. These housing areas include observation cells, work furlough, general population, administrative, segregation, protective custody, maximum security, and a medical unit.

NCDC currently contracts with the California Forensic Medical Group (CFMG) to provide incarcerated individuals with medical, dental, and mental health needs. Additionally, County Health and Human Services (HHS) provides one on-site mental health worker on weekdays from 8:00 a.m. to 5:00 p.m. Medical staff is available twenty-four hours a day.
NCJ is one of three correctional facilities in the State of California that is operated by a civilian agency; NCDC has operated the facility since 1975. In all other counties, the Sheriff’s Department operates the corrections facilities. The NCDC staff is responsible for the coordination of all programs and services related to the institutional punishment, care, treatment, and rehabilitation of inmates, including intake screening, diagnosis, classification, and programs that deal with sentencing alternatives. NCDC reports directly to the Napa County Board of Supervisors (BOS).

NCDC has a total staff of 82.75 full time equivalents (FTE) to operate and maintain the facility. This number includes sixty-three correctional staff, an administrative staff of seven, and various kitchen, maintenance, and clerical staff. Corrections officers are organized into four teams, working twelve-hour shifts for three days, followed by four days off. NCDC officers are held to a high standard of performance to ensure the integrity of the department and the security of the facility. All custody personnel have completed the required Standards and Training for Corrections (STC).

At the time of inspection, the Director of NCDC was in the position for slightly more than one year. In that time numerous changes to operations and programs at NCJ were implemented by the Director including:

- A classification team
- A formal grievance policy
- A critical incident review team
- A new jail library and literacy program
- Hired extra staff to reduce overtime
- A memorandum of understanding (MOU) with the Napa County Sheriff’s Office

The MOU created a position for a Sheriff’s Lieutenant to be permanently assigned to the jail staff. The position allows NCDC to meet the Penal Code requirement to have a supervisor who is a peace officer assigned to the jail when there are at least twenty correctional officers on duty. The Lieutenant serves as NCDC’s liaison to other criminal justice agencies, provides training assistance, supervises NCDC’s strip search and use of force procedures, conducts internal affairs investigations, and works closely with the management staff to identify and address a variety of security issues.

NCDC personnel spoke highly of the new Director, the positive changes implemented, and the vision for future operations at NCDC/NCJ.
METHODOLOGY

The Grand Jury conducted an inspection of the Jail facility and met with various NCDC representatives. The Grand Jury later conducted multiple interviews with personnel from NCDC, the District Attorney’s office, currently incarcerated male and female inmates, and CFMG. The Grand Jury reviewed numerous documents provided by the County and conducted Internet research into state and federal requirements for all adult correctional facilities as noted below.

Napa County Jail Physical Inspection:

- Initial Booking area
- Holding cells
- Sally Port Entry
- Receiving area
- Dress Out Room
- Male and female inmate cells
- Protective Custody Unit
- Visitation area
- Staff Dining Room
- Control Room

Interviews Conducted:

- NCDC Administration
- NCDC Correction Supervisors and Officers
- NCDC Inmates (male and female)
- Napa County District Attorney’s Office Personnel
- CFMG Personnel

Documents Reviewed:

- Prior Napa County Grand Jury Reports
- NCDC Policy and Procedures Manual
- NCDC Inmate Handbook
- Inmate Grievance Procedure, Log and Inmate Request Forms
- Napa County Adult Correctional System Master Plan (Phase II, and Update)
- Current Budget
- NCDC Organization Chart
- California Corrections Standards Authority Biennial Inspection
• Adult Title 15 Regulations
• Title 24 Physical Plant Regulations
• CFMG policies and documents
• NCDC Mission and Vision Statements
• Jails and the Mentally Ill, Issues & Analysis Briefing Report developed by California Corrections Standards Authority (CSA) at the request of NCDC dated September 17, 2009
• Various e-mails from Napa County Agencies, Departments, and Offices
• Evidence Based Correctional Practices. August 2007 (www.nga.org/Files/pdf/0805SENTENCERES10.PDF)
• Implementing Evidence-Based Practice in Community Corrections. April 30, 2004 (www.nicic.org/pubs/2004/019342.pdf)
• Mary Butler, Transitions: Napa County Targets Risk, Needs and Recidivism (www.bi.com/node/193)
• NCDC website (www.countyofnapa.org/Corrections)
• Community Corrections Service Center web page (www.cpoc.org/php/FeaturedProg/napa/napa.htm)

DISCUSSION

NCDC Policy and Procedures:

The Napa County Grand Jury reviewed the NCDC Policy and Procedures Manual and found no requirement that NCDC staff cooperate with investigative agencies. During its inspection and review, the Grand Jury requested interviews with a number of NCDC staff members. Meeting with staff at various levels of the organization provides the Grand Jury with valuable information and perspective on the overall operations of NCDC. In all but one instance, staff members were fully cooperative. One corrections officer, however, refused to appear before the Grand Jury. The Grand Jury was not given a reason for the officer’s refusal.

The Grand Jury queried NCDC administration and learned that, while staff are required to respond to subpoenas and comply with interview requests during internal affairs and criminal investigations, there is no policy requiring staff to participate in audits or other investigations (including Grand Jury investigations) without a formal subpoena. The Grand Jury was advised that supervisors may compel staff attendance at meetings and interviews but cannot compel testimony. In this instance, the Grand Jury was also advised that the Corrections Officer was not so compelled because NCDC did not wish to make the matter a “personnel issue.”
While the Grand Jury is empowered to compel attendance under subpoena, in this instance, the Grand Jury determined the interview was not critical to its investigation. However, the full cooperation of all agencies under investigation provides the Grand Jury with the best possible result.

**Overcrowding/Physical Plant Layout:**

NCJ has a total capacity of 264 inmates. At the time of inspection, there were 265 inmates, including 222 males and forty-three females. NCJ has housed over 300 inmates since the previous Grand Jury inspections. Overflow inmates are supplied with a plastic boat-shaped bed that sits on the floor between bunks. Cells intended to hold four inmates are instead holding five.

The jail facility is compartmentalized into several units, each having varying number of cells. Each unit has a common shower area and in most cases a “day room” where inmates can watch television, read, etc. NCDC is challenged to meet state requirements in properly classifying and separately housing various inmates. Males and females must be housed separately. Opposing gang members, inmates in protective custody and inmates with mental health issues must be housed in separate units for the safety of both inmates and staff.

NCDC classification staff interviews all new inmates to identify gang affiliation. They also review inmate records and Court Orders to determine inmate classification. The challenge is then finding space available in the appropriate jail unit. NCDC must sometimes consider moving or reassigning the entire population of a unit to accommodate a larger group in a different classification. At the time of the Grand Jury’s inspection, a unit housing females was overcrowded with five inmates in most of the cells. NCDC was looking at the possibility of moving the women to a larger unit, which would require the displacement and relocation of the men in the target unit to other locations.

**NCDC Programs:**

NCDC offers various evidence-based programs for inmates. In the past year, NCDC created an Evidence-based Practice Review Committee that reviews different programs for implementation at the jail. A new library and literacy program has been developed in collaboration with the Napa City/County Library.

The Napa County Corrections website states:

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. An inmate in custody wanting to make positive changes in his/her life will be given every opportunity to do so and will be reinforced by the staff members.

Inmates who spoke to the Grand Jury shared common complaints of frequent cancellation of visitation, yard time and programs such as Bible study, Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). In most instances of cancellation, inmates were told there was insufficient staff available for supervision. The movement of inmates to the yard, visitation area, and other jail locations is a slow, labor-intensive process of passing through multiple double door portals. Inmates and at least one corrections officer must enter the portal, then wait for the rear door to be closed and locked before proceeding through the next door. If there are other inmates passing through the same area of the jail, one group must wait for the other to clear the area before continuing. When staff is short, due to illness or other factors, the non-essential movement of inmates is greatly reduced. The physical limitations of the facility are contributing to the loss of valuable inmate programs. The jail population is expected to continue to increase and this will no doubt have a deleterious impact on inmate programs.

Appendix 1 contains a listing of programs currently available at NCDC. As is shown, the programs are very limited including only AA, NA, and some church/Bible programs.

In the final stage of the investigation, the Grand Jury was advised that a new educational program is slated to begin in April 2010. The program will include Adult Education, General Education Diploma (GED) courses, and group and class discussion. The program will not be available to all inmates but will primarily serve mid-level inmates. High-level inmates (those incarcerated for violent crimes) are not likely to gain access to the educational program because of segregation and security issues. It is also unlikely that low-level inmates, many of whom work outside of the jail during the day, will have access to the educational program. Evidence shows that low-level inmates are “tainted” by mid-level inmates when the two groups are mixed. NCJ policy is to avoid this contact.

**CFMG/Mental Health Issues:**

NCDC contracts with the CFMG to provide medical, dental, and mental health services to incarcerated individuals. One mental health worker from HHS is posted at NCJ forty hours per week during normal business hours. Staff from the HHS Crisis Center responds to any after-hour mental health emergencies.

Several NCDC staff members expressed concern over the incarceration of mentally ill individuals at NCJ. In 2009 there were two suicides at NCJ and three other attempts. There was one serious assault on a correction officer by an inmate
experiencing an apparent psychotic breakdown. Patients from Napa State Hospital (NSH) are brought to NCJ to await trial for violent offenses committed on NSH property. NCDC staff reported the number of mentally ill individuals is increasing and that mental health services are insufficient to handle those individuals.

The present jail layout does not always allow NCDC staff to separate mentally ill individuals from the general population at NCJ. Counseling service for all inmates is limited to a total of three hours per week via closed circuit television. In addition, NCDC staff has no authority to require that mental health patients take their medications. When those individuals refuse their medication, there is an increased risk of injury to themselves, other inmates and NCDC staff.

NCDC staff and District Attorney’s office representatives agree that a new method of holding inmates with mental health issues, in particular those from NSH, is needed. The administration and staff are concerned that the present facility is not adequately equipped to provide the housing, psychiatric treatment, and medication appropriate for the number of mentally ill individuals incarcerated at NCJ.

Inmates interviewed by the Grand Jury voiced complaints that medical staff is often slow to respond to requests for care and medications. The Grand Jury’s review of grievance documents filed by inmates revealed that eighteen inmates made twenty-three separate complaints of “slow” or “ineffective” treatment from NCJ medical staff. The Grand Jury investigated this issue and was unable to substantiate these allegations.

**Recidivism/Evidence-Based Practices/Adult Correctional System Master Plan:**

While it may seem odd that these three subjects are grouped together under one heading, the Grand Jury has done so due to the way the subjects interrelate with each other. Of specific concern is the relevance of how evidence-based practices and recidivism impacts future NCJ inmate populations and space requirements, as projected by the Napa County Adult Correctional System Master Plan (NCACSMP).

Due in part to the 2003-2004 Grand Jury report, the BOS learned of concerns that the jail was, on occasion, exceeding its then rated capacity. The BOS requested staff to initiate the process to generate an NCACSMP. The goal of the Plan was to identify and address the needs of the jail and other adult correctional system needs over the next twenty years and was divided into two phases. Phase I focused on defining the County’s future adult correction resource needs. Phase II was to focus on further refinement of recommendations in Phase I. This included
the development of detailed operational and space requirements for any new and/or remodeled adult correctional facilities needed to meet the future needs of the Napa community.

As part of its NCJ investigation, the Grand Jury reviewed the NCACSMP, Phase II and Update. Phase II of this plan contains the facility planning analyses and conceptual plan recommendations based on the results of projections from the NCACSMP: Adult Offender Population Projections (Carter Globle Lee. July, 2006) and NCACSMP: Jail Inmate Population Profile (Carter Globle Lee. April, 2007). The Plan, in part, projected future needs based on inmate populations at the NCJ. This was accomplished through the evaluation of general justice system trends and data from 1996 through 2006. This evaluation was then used to forecast the future inmate population and resulting jail bed needs. These predictions considered future requirements based upon current versus alternate conditions that could influence future NCJ inmate population and space requirements.

After evaluation of several different statistical models, estimated inmate population could increase to 336 by 2015 and to 424 by 2025. The NCACSMP further states that due to classification/custody separation and consideration of peak fluctuations, total jail bed needs could reach 378 beds by 2015 and 472 beds by 2025. The NCACSMP then states that after the implementation of evidence-based practices as proposed by Mark Carey & Associates, a criminal justice consulting firm, the mid-range of the projected needs drops to 264 in 2015, 295 in 2020, and 324 in 2025. It is this final set of numbers the NCACMP used to develop the space needs requirements of the current program and, more importantly, the concept plans for a larger jail.

The Grand Jury viewed the above cited population projections with some skepticism and confusion, wondering if the residents of Napa County are expected to believe that the implementation of evidence-based practices will be so significant as to reduce future jail population and space needs. To that end, the Grand Jury sought further information concerning:

- What qualifies as evidence-based practices
- What is the definition of recidivism
- How evidence-based practices are evaluated
- Current recidivism data for the County
- How recidivism is tracked and compiled

The Grand Jury initiated numerous communications with various County offices and departments and conducted extensive Internet research to further its understanding of these matters. While these efforts were partially successful, they were also frustrating due to the confusing and seemingly contradictory information that was discovered and/or received.
Webster’s New World College Dictionary defines recidivism as: “habitual or chronic relapse, or tendency to relapse, especially into crime or antisocial behavior.” However, the Grand Jury discovered while some would consider that if someone re-offends sometime during his/her lifetime, that individual is a recidivist. Others believe the length of time between offenses and convictions should affect the decision whether this person is a recidivist. For example, if a person has a history of being arrested and incarcerated multiple times in a year and then does not re-offend for several years, this is a positive step towards a recidivism reduction. When the Grand Jury inquired as to the County’s definition of recidivism, a representative of the County responded as follows:

The Napa County definition of recidivism includes felony and misdemeanor convictions and sustained probation violations. These different outcomes will be reported separately and tracked over multiple time points (6 months, 1 year, 2 years and 3 years). After three years, the time points will be re-evaluated.

It is important to note the County’s definition states that the different outcomes will be reported separately. The word, “will,” is used since, at the time of writing this report, the County does not currently, nor in the past, track recidivism. The Grand Jury was informed that the Napa County Criminal Justice Committee has approved a definition of recidivism and the County is presently working with their technology services department to automate recidivism reporting to accurately report this data. Establishment of an accurate recidivism record is expected to be completed by the end of the calendar year. As the impaneled Grand Jury’s tenure expires in June, it is not possible to include the recidivism data in this report.

It came as a surprise to the Grand Jury that the County has not and currently does not track recidivism. Without a tracking system in place, how is it possible to evaluate the effectiveness of existing rehabilitation/treatment programs? This question is particularly relevant today. In March 2009 the County opened the Community Corrections Service Center (CCSC) at the County Hall of Justice. The CCSC is described by the County as a “one-stop shop” offering intensive supervision, treatment, and services and, if necessary, sanctioning of offenders. One of the CCSC published goals is to “decrease recidivism.” Also advertised is the delivery of “evidence-based practices and programming,” along with the fact that “research has indicated that certain programs and intervention strategies, when properly applied to a variety of offender populations, reliably produce sustained reductions in recidivism.” The NCACSMP assumes that evidence-based practices can reduce recidivism in Napa County up to 30 percent. If such a significant recidivism reduction is possible, the Grand Jury believes the County should have evidence supporting that assumption.
The Grand Jury understood that evidence-based practices are practices that have evidence supporting their success. The Grand Jury contends that there was no evidence that the practices being utilized at the CCSC and other County programs are effective without an established system to track recidivism. The County responded as follows:

Practices and programs are deemed “evidence-based” because research has shown that they have been successful in achieving the intended goal. When implementing an evidence-based program, because research has already demonstrated results, we can be reasonably certain that if implemented properly, the program or practice will have the desired outcome.

The Grand Jury questions the applicability of these evidence-based programs in the County. The Grand Jury was not able to discover the origins of the evidence-based programs, nor the research that was conducted to support their effectiveness. The Grand Jury believes that evidence-based practices utilized in the County should be based on research conducted in areas of similar socio-economic conditions and demography.

In conclusion, the Grand Jury would like to make a final observation. On numerous occasions, the Grand Jury was presented evidence by the County that claimed evidence-based practices “would,” “could,” “might,” or “will” reduce the recidivism rate. If the County assumes implementation of evidence-based practices will reduce recidivism by up to 30 percent, and is using this reduced rate for future need plans, the Grand Jury believes the basis for that assumption should be based on something stronger than “coulda, woulda, or shoulda.”

It is not difficult for the Grand Jury to imagine, as a worst-case scenario, a new jail being built based on an assumed reduction in recidivism, only to realize that assumption was incorrect. The residents of Napa County would then be faced with the prospect of a correctional facility that was, once again, unable to serve the needs of the community.

Despite its concerns, the Grand Jury is aware of the difficulties with these issues and appreciates and supports the efforts to reduce recidivism and thereby making our community safer.
FINDINGS

The 2009-2010 Grand Jury finds that:

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 a subpoena process.
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 times exceeded 300 inmates.
3. The NCDC website states:
   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. An inmate in custody wanting to make positive changes in his/her life, will be given every opportunity to do so and will be reinforced by the staff members.
4. No more than three of the programs listed in Finding No. 3 are regularly scheduled and/or conducted.
5. Inmates with mental health issues are a serious safety concern for NCDC staff.
6. Inmate recidivism is neither tracked nor documented in Napa County.

RECOMMENDATIONS

The 2009-2010 Grand Jury recommends that:

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

During the course of its investigation, NCDC staff and inmates were complimentary of NCDC management and the many positive changes implemented in the past year. The Grand Jury commends the NCDC Director and staff for their professional and respectful treatment of inmates in an often difficult and potentially dangerous environment.

REQUEST FOR RESPONSES

The 2009-2010 Grand Jury requests responses from:

- NCDC to all Recommendations
- The BOS to Recommendation 3
- The Napa County District Attorney’s office to Recommendations 2 and 3
- The Adult Probation Department to Recommendation 3

GLOSSARY

BOS---Napa County Board of Supervisors
CCSC---Community Corrections Service Center
CFMG---California Forensic Medical Group
HHS---Napa County Health and Human Services Agency
MOU---Memorandum of Understanding
NCACSM---Napa County Adult Correctional System Master Plan
NCDC---Napa County Department of Corrections
NCJ---Napa County Jail
NSH---Napa State Hospital
STC---Standards and Training for Corrections
FTE---Full Time Equivalent
AA---Alcoholics Anonymous
NA---Narcotics Anonymous
# APPENDIX 1

## NCDC PROGRAM SCHEDULE

### MONDAY

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### NCDC Program Schedule

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