



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY**

**2010-2011**

**Final Report on**

**NAPA COUNTY DEPARTMENT OF  
CORRECTIONS/COUNTY JAIL**

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**NAPA COUNTY GRAND JURY**  
**P.O. BOX 5397**  
**NAPA, CALIFORNIA 94581**

June 15, 2011

The Honorable Diane M. Price  
Presiding Judge  
Superior Court of the State of California  
County of Napa  
825 Brown Street  
Napa, CA 94459

Re: 2010-2011 Napa County Grand Jury Final Report on the Napa County  
Department of Corrections/County Jail

Dear Judge Price,

Pursuant to Sections 933(a) of the California Penal Code, the 2010 -2011 Napa County Grand Jury submits to you its final report on the Napa County Department of Corrections/County Jail. Our investigation of this subject 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 residents of Napa County.

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith Bernat".

Judith Bernat  
Forewoman  
2010-2011 Napa County Grand Jury



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To the Residents of Napa County:

In order to fulfill the Grand Jury's mandate to investigate all local government agencies, to assure they are being administered efficiently, honestly, and in the best interest of Napa County residents, the 2010-2011 Grand Jury investigated the Napa County Department of Corrections (NCDOC).

The Grand Jury has carefully investigated this matter and developed a set of findings and recommendations with the objective of representing the public interest.

The Grand Jury has made 3 recommendations. The first recommends that the NCDOC prepare and present a report to the Board of Supervisors that evaluates the safety measures in place that protect the Jail staff from the actions of Napa State Hospital patients.

The second recommends that the NCDOC prepare and present a report to the Board of Supervisors that evaluates the feasibility, benefits and cost savings of having the Department of Corrections re-organize under the Napa County Sheriff.

The third recommends that the Board of Supervisors encourage Senator Evans to amend Senate Bill 60 to include payment of the County from the State for the time Napa State Hospital patients are held in the Jail.

The Napa County Office of County Counsel has reviewed this final report. The Napa County Superior Court Presiding Judge, pursuant to California Penal Code Section 933 (a), has found that this report complies with California Penal Code Part 2 Title 4. This report has been accepted and filed as a public document by the County Clerk.

Copies of this report are available for review in the Napa City-County Library and online at [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov). Follow the link to Grand Jury.

We hope you find this report informative.

It is an honor and privilege to serve on the 2010-2011 Grand Jury.

Respectfully submitted,

The 2010-2011 Napa County Grand Jury

# **Napa County Department of Corrections/County Jail**

## **SUMMARY**

As mandated by law, the Grand Jury must complete a physical inspection of all jail facilities within the County. The 2010-2011 Napa County Grand Jury inspected the Napa County Jail (NCJ) in October 2010. The Napa County Department of Corrections (NCDOC) oversees the operations of the facility and staff. The Grand Jury found the facility well maintained and managed, though the older portion of the jail facility shows considerable wear and tear. The Grand Jury found the staff well trained and performing their duties in a professional manner.

In response to the increase in violent crime occurring at the Napa State Hospital (NSH) Senator Noreen Evans has submitted Senate Bill 60.

State Senate Bill 60 is intended to protect the employees of NSH. Senate Bill 60 would require the California Department of Corrections and Rehabilitation (CDCR) to make regular assessment of inmates/patients and would authorize the CDCR to petition the Court for the return of the patient to NSH, if the CDCR determines that the individual is not a threat to self or others. Due to the need for such an assessment, as proposed, the number of days that former NSH patients spend in the Jail would increase. This in turn would increase the monies needed to run the Jail.

## **BACKGROUND**

The Jail was completed in 1975 as a secure facility for the detention and incarceration of both pre-sentenced and sentenced inmates. Maximum capacity at the jail is 264 inmates. Napa County Jail is managed by the Director of Corrections under the authority of the BOS with a \$3.9M budget in fiscal year (FY) 2010/11. Napa County is one of two counties in the State with this model; all other county jails are managed by County Sheriff Departments. The NCDOC contracts with the California Forensics Medical Group (CFMG), whose corporate office is located in Monterey, California. This medical group provides medical, dental, and mental health services to the inmates.

Napa State Hospital patients who are accused of committing a felony at NSH, regardless of their county of residence, are transferred to NCJ. Some offenders may become violent and pose a safety risk to both NCJ staff and other inmates.

All costs associated with these additional out-of-county inmates are a financial burden on Napa County taxpayers.

## **DISCUSSION**

The Jail 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 male and female inmates are separated into different areas. These areas include:

- observation cells
- work furlough
- general population
- administrative
- segregation
- protective custody
- maximum security
- a medical unit

The NCDOC staff is responsible for the coordination of all programs and services within the Jail. These include institutional punishment, care, treatment, rehabilitation, intake screening, diagnosis, classification, and alternative sentencing programs.

The NCDOC has a total staff of 82 full-time employees to operate and maintain the facility. This number includes 55 correction officers organized into four teams. Each team works twelve-hour shifts, three days on and four days off. All corrections officers (COs) have completed the required *Standards and Training for Corrections Program*.

The current Director of NCDOC has held this position since August 2008. Numerous changes to operations and programs within the NCDOC have been implemented by the Director including a:

- classification team
- formal grievance policy
- critical incident review team
- new jail library and literacy program
- hiring of extra staff to reduce overtime
- Memorandum of Understanding (MOU) with the Napa County Sheriff's Department

A MOU was written in August 2009 to create a position for a Sheriff's Lieutenant to be permanently assigned to the jail. This change was made to bring the NCDOC into compliance with Penal Code Sections 830.1 and 831.5(d). Penal

Code Section 831.5 (d) states “that at any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1, on duty at the same time to supervise the performance of the custodial officers.” The Lieutenant’s duties include:

- liaison to the NCDOC and other criminal justice agencies
- providing training assistance
- supervising NCDOC’s strip search and use of force procedures
- conducting internal affairs investigations
- working closely with management to identify and address a variety of security issues

The Grand Jury inspection found the facility well maintained and managed, although the older portion of the Jail facility shows considerable wear and tear. The staff is well trained and performs their duties in a professional manner. The Grand Jury identified the following areas of concern:

- Jail population occasionally exceeds maximum capacity.
- After a CO’s initial physical examination at the time of hire, the CO is not required to have periodic physicals as part of their continued employment.
- COs are not required to take periodic drug and alcohol tests as part of their continued employment.
- COs do not take a sworn law enforcement oath.
- Individuals who are charged with a felony while institutionalized at NSH, are transferred to NCJ and remain there while awaiting trial in Napa County.

## Mental Health Issues

The Department of Corrections currently contracts with the CFMG to provide inmates with medical, dental, and mental health needs. One mental health worker from Health and Human Services (HHS) is assigned to NCJ forty hours per week during normal business hours. A medical staff member from HHS Crisis Center is available 24/7 to respond to any after-hour mental health emergency.

Staff expressed concern over the incarceration of mentally ill inmates at NCJ. Patients from NSH are brought to the Jail to await trial for violent crimes committed on NSH property.

Counseling services for all inmates are limited to only three hours per week via closed circuit television with a psychiatrist located in Monterey County. Both staff and inmates often refer to the closed circuit television type of therapy as “doc in a box.” These inmates are typically not taking the medications that they would be forced to take if they were at NSH. The mental health needs of this population may not be best served by psychiatric services via closed circuit television versus face to face counseling where the psychiatrist can see how the inmate interacts with the COs, other inmates and the medical personnel.

The staff interviewed by the Grand Jury stated that a better method is needed for holding inmates with mental health issues, particularly those from NSH. The administration and staff are concerned that the NCJ facility does not adequately provide the housing and psychiatric treatment appropriate for the number of mentally ill individuals incarcerated at NCJ.

The staff does not have the authority to force medicate mental health patients. When these individuals refuse to take their medication, there is an increased risk of injury to themselves, other inmates and NCDOC staff.

A recent example involved an incident in March of this year when an inmate, who had been transferred from NSH, set himself on fire, causing property damage, and potential risk to inmates and staff. The full medical costs to date, to treat this inmate are \$1.6M. The County is responsible for approximately \$400,000 of the \$1.6M. A second incident occurred in October 2010 when a patient allegedly killed a psychiatric technician on the NSH campus. The patient is now an inmate in the NCJ awaiting trial and can refuse to take medications.

Inmates affiliated with gangs must be segregated from rival gangs. Inmates with mental health issues must be separated for their own protection. The Jail has limited capacity to segregate inmates by the type of crime.

The cost to house a non-NSH inmate at NCJ is approximately \$77 per day. The cost to house an inmate from NSH is significantly higher, as they have more mental health and medical needs than the general housing inmates. The average number of NSH inmates incarcerated at NCJ per year is 23. Each of these 23 inmates serves an average of 83 days in the Jail. These inmates use more staff time, require frequent observation and supervision.

In response to the increase in violent crime occurring at NSH, State Senate Bill 60 (Evans) has been introduced and reads in part as follows:

This bill would prohibit a person who was transferred because he or she, while housed in the state hospital, committed an act that resulted in the death, rape, or life threatening injury of another patient or a staff member of the state hospital, from being returned to the state hospital until a court has determined in a hearing that the person does not represent a substantial risk of harm to himself, herself, or others. The bill would require the [California] Department of Corrections and Rehabilitation to make regular assessments of these persons and would authorize the Department to petition the court for the return of the patient to a state hospital, as specified, if the Department determines that the person is not a threat to himself, herself, or others.

At the time the Grand Jury published this report, Senate Bill 60 as currently written, would not reduce the financial burden to the County. This bill will exacerbate the problems the Grand Jury identified at NCJ.

## **FINDINGS**

The 2010-2011 Grand Jury finds that:

- F1. The Napa County Jail is one of two remaining county jails operating with a Director of Corrections under the authority of the Board of Supervisors rather than the Sheriff.
- F2. Correction Officers do not take a sworn law enforcement oath and are not required to take periodic drug and alcohol tests.
- F3. The Jail staff does not have the authority to force medicate inmates.
- F4. The cost of housing the individuals transferred from Napa State Hospital to the Jail is a financial burden to County taxpayers.
- F5. Senate Bill 60 (Evans), unless amended, will not pay County costs for the time Napa State Hospital patients held in the Jail.

## **RECOMMENDATIONS**

The 2010-2011 Grand Jury recommends that:

- R1. The Department of Corrections Director prepare and present a report to the Board of Supervisors that evaluates the safety measures in place that protect the Jail staff from the actions of the Napa State Hospital patients.
- R2. The Department of Corrections Director prepare and present a report to the Board of Supervisors that evaluates the feasibility, benefits and cost savings of having the Department of Corrections re-organize under the Napa County Sheriff.
- R3. The Board of Supervisors encourage Senator Evans to amend Senate Bill 60 to include payment to the County from the State for the time Napa State Hospital patients are held in the Jail.

## **REQUEST FOR RESPONSES**

The 2010-2011 Grand Jury requests responses pursuant to the California Penal Code section 933.05, as follows:

From the following individuals:

- Director of the Napa County Department of Corrections: F1, F2, F3, F4, F5; R1, R2

- Napa County Sheriff: F1; R2

From the following governing bodies:

- Napa County Board of Supervisors: F4, F5; R1, R2, R3

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## **GLOSSARY**

BOS – Board of Supervisors

CDCR – California Department of Corrections and Rehabilitation

CFMG – California Forensic Medical Group

CO – Corrections Officer

NCDOC – Napa County Department of Corrections

MOU – Memorandum of Understanding

NCJ – Napa County Jail

NSH – Napa State Hospital

SB – Senate Bill

## **METHODOLOGY**

Interviews conducted included:

- Napa County Department of Corrections personnel
- Napa County Sheriff's Department personnel
- California Forensic Medical Group personnel

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 area
- laundry
- kitchen
- control room
- nurse's station

## Documents and Websites Reviewed:

- NCDOC Budget FY 2010/11
- NCDOC Policy and Procedures Manual
- NCDOC Inmate Handbook
- NCDOC Organizational Chart
- Prior Napa County Grand Jury Reports
- [www.countyofnapa.org/Corrections](http://www.countyofnapa.org/Corrections)