



April 20, 2011

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

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GARY LIEBERSTEIN
District Attorney

FILED

APR 27 2011

Clerk of the Napa Superior Court
By: [Signature]
Deputy

RE: District Attorney Response to the FY 2009-2010 Final Report

Dear Judge Kroyer:

I previously sent to you, on September 29, 2010, our office's response to the 2009-2010 Grand Jury's Request for Response to Recommendations 2 and 3 of their report entitled "Napa County Criminal Justice Facilities, Napa County Department of Corrections/County Jail". Subsequently, it has been brought to my attention by the current foreperson, Judith Bernat, that our response was not in the proper format and needs to be resubmitted. I have also since that time had an opportunity to review the responses filed by both the Director of Corrections and the Chief Probation Officer and further reflect on the Grand Jury's findings and recommendations. My response has therefore been amended to the following:

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, District Attorney: The District Attorney is in agreement with the recommendation and is open and willing to meet with NCDC, NSH and HHS Mental Health Services for the reasons suggested. The District Attorney agrees with the Director of Corrections that there is a serious issue with regards to NCDC housing certain NSH patients/inmates as the NCDC facility which is not designed to both secure and treat inmates with the level and sophistication of mental illness as found in a majority of NSH transfers to NCDC. The District Attorney is equally aware of the issues at NSH and their current limitations in their ability to protect their staff and other patients from those individuals who engage in violent conduct often resulting in serious injury to staff and other patients.

The District Attorney only files felony charges committed by patients at NSH for conduct committed at NSH by individuals the District Attorney believes are both competent and sane at the time of their offense and who have committed criminal acts for which the consequences should be state prison.

While Deputy District Attorneys have engaged in conversations with NCDC staff in regards to where an inmate should be held on a particular individual case, such discussions should take place in the future at the management level between representatives of NSH, NCDC, HHS Mental Health Services and representatives of the county CEO's office. Ultimately some long-term solution must be achieved which will allow for the maximum protection and security of staff and patients at NSH, protection of the staff

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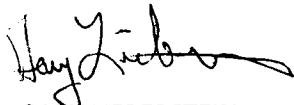
Court Executive Office

at NCDC and creates the best environment under which NSH patients charged with serious crimes, wherever they are housed, have access to psychiatric treatment and medication so that they do not decompensate to the point where they do not understand the nature of the proceedings against them.

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, District Attorney: The District Attorney concurs with the response of the Director of Corrections.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Gary Lieberstein", written in a cursive style.

GARY LIEBERSTEIN
Napa County District Attorney

Cc: Foreperson, 2010-2011 Grand Jury