



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Bill Dodd
Chairman

August 9, 2011

The Honorable Diane Price
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

AUG 17 2011

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

Dear Judge Price:

As required by Penal Code Section 933(c), enclosed is the response to the 2010-2011 Final Reports on Pesticide Use in Napa County, Department of Corrections/Jail, Napa County, Auditor-Controller and Napa County Juvenile Hall.

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 2010-2011 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Bill Dodd in cursive.

Bill Dodd, Chairman
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2011-2012 Grand Jury

Received
Napa Superior Court

AUG 17 2011

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 2010-2011**

NAPA COUNTY DEPARTMENT OF CORRECTIONS/COUNTY JAIL

FINDING 1: 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.

Response, Director of Corrections: The Director of Corrections agrees with this finding. Currently, only Napa County and Madera County have jails operating with a Director of Corrections under the authority of the Board of Supervisors rather than the Sheriff. In Santa Clara County the jail is under the ultimate authority of the Board of Supervisors, but the Santa Clara County Board has chosen to contract with the Sheriff to manage the jail. In 1993 State law was changed to prohibit any additional counties from taking responsibility for operating the jail from the Sheriff.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding and incorporates by reference the response and explanation of the Director of Corrections.

FINDING 2: Correction Officers do not take a sworn law enforcement oath and are not required to take periodic drug and alcohol tests.

Response, Director of Corrections: The Director of Corrections agrees with this finding. Like a number of counties in the State, Napa County Correctional Officers are not peace officers and do not take the same oath that Sheriff's Deputies or other law enforcement personnel take. There are many jails within California which are run by the Sheriff's office and have a classification of staff who work exclusively as correctional officers or detention deputies. A number of agencies have not converted these positions to peace officers and consider them to be public officers. As correctional officers, Napa County Department of Corrections staff do take an oath at the end of the Correctional Officer Academy. A copy of this oath is attached with this document (Attachment A). This oath is similar to the one that is taken by law enforcement personnel but tailored to the specific functions of a correctional officer. Correctional staff is not required to take periodic drug and alcohol tests. However, staff is required to submit to drug and alcohol testing if there is any indication that they are under the influence of alcohol or any controlled substances.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding and incorporates by reference the response and explanation of the Director of Corrections.

FINDING 3: The Jail staff does not have the authority to force medicate inmates.

Response, Director of Corrections: The Director of Corrections agrees with this finding. The ability to force medicate inmates would require a change in state statute and the classification of the jail as a treatment facility. The Department is opposed to the idea of force medicating inmates as the potential for injuries to both staff and inmates is high. The inmates who might require forced medication are

usually mentally ill and extremely violent. Attempting to force medicate these inmates requires a lot of resources including additional staff. The increased likelihood of injury sustained during the process would result in loss of work time and would ultimately be very expensive to the County.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding and incorporates by reference the response and explanation of the Director of Corrections.

FINDING 4: The cost of housing the individuals transferred from Napa State Hospital to the Jail is a financial burden to County taxpayers.

Response, Director of Corrections: The Director of Corrections agrees with this finding. A large majority of the inmates transferred from Napa State Hospital to the Napa County Department of Corrections are out of County residents. Many of these inmates have been sent to Napa State Hospital because they were considered incompetent and required treatment. Once at Napa State Hospital crimes committed by these individuals fall within the purview of Napa County. When charges are filed against these inmates they are transferred to the Napa County Department of Corrections. The cost of housing these individuals can be much higher when compared to the costs of housing the general population inmate. The additional costs are often related to mental health, medical care, hospitalization, cost of medication and treatment, and staff to manage their care and custody.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding and incorporates by reference the response and explanation of the Director of Corrections.

FINDING 5: Senate Bill 60 (Evans), unless amended, will not pay County costs for the time Napa State Hospital patients held in the Jail.

Response, Director of Corrections: The Director of Corrections agrees with this finding. Under the current verbiage as of August 9, 2011 Senate Bill 60 does not create a distinction between the types of correctional facilities where the state hospital inmates would be housed once they have been charged with a crime. It is our position that the bill should clarify that these inmates should be housed at a secure State facility and not the County jail.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding and incorporates by reference the response and explanation of the Director of Corrections.

RECOMMENDATION 1: 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.

Response, Director of Corrections: This recommendation will be implemented within the next two months.

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

RECOMMENDATION 2: 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.

Response, Director of Corrections: The recommendation will not be implemented because it is not warranted. The Board of Supervisors has previously indicated it is not interested in transferring responsibility for the jail to the Sheriff. As recently as 2007, the then-Grand Jury identified a number of “advantages” of placing the jail function under the Sheriff. The then-Director of Corrections evaluated the Grand Jury’s findings and identified some of the advantages of maintaining Board of Supervisors control over the jail. The current Grand Jury has not presented any new information that would warrant a further examination of this issue.

As the Grand Jury notes, Napa County is one of only two counties in the state with a Department of Corrections independent from the Sheriff's office. The Director of Corrections reports to the Board of Supervisors and is accountable for the overall operations of the department. The department also enjoys having a collaborative relationship with the Sheriff's office, with the Sheriff's Department providing inmate transportation and security services in the jail, as well as being responsible for internal affairs investigations. In other counties the Sheriff appoints the jail administrator in a similar role to the Director of Corrections. The jail administrator then oversees correctional officers or detention deputies and reports directly to the Sheriff. In many jails like Los Angeles and Fresno counties, the deputy sheriffs are assigned to work as correctional officers for a number of years before they are permitted to work in patrol. This has created a culture where the jail assignment is seen as a hurdle that must be crossed before the officers are allowed to work outside the custodial environment. In some counties like Sonoma and Solano a separate classification was created to bifurcate the duties of a patrol deputy from the custodial deputy. Further, assigning responsibility for the jail to the Sheriff is unlikely to result in cost savings and, in fact, could result on pressures for cost increases as correctional officers seek safety status for retirement purposes. In some states the Director of Corrections is known as a Jailer and is an elected position. Clearly there are a variety of methods used to manage the correctional population. The Napa County model has been successful for decades and at the present time it does not appear that there is a need to change the existing structure.

Response, Board of Supervisors: The Board of Supervisors agrees with the Director of Corrections. As the Grand Jury’s report itself indicates, the jail is well maintained and managed. Absent some compelling issue– which has not been identified - we see no reason to consider a change in management structure at this time. In our view, maintaining Board control over the jail provides for enhanced accountability (since there is only one elected body responsible for both funding and jail management), makes it easier to resist potential cost increases and, because of the collaborative culture in Napa County between the Sheriff and other County officials, allows us to utilize the Sheriff’s Department for those services where Sheriff’s Deputies are most appropriate, such as inmate transportation, security, liaison to criminal justice agencies and internal affairs investigations.

RECOMMENDATION 3: 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.

Response, Board of Supervisors: This recommendation has been implemented. The Legislative Subcommittee of the Board of Supervisors recommended amendments to Senator Evans' legislation. These amendments included both language that sought reimbursement for costs incurred by Napa County in holding Napa County Hospital patients in the Jail as well as proposed language that made it clear that Napa State Hospital patients that committed crimes while on the grounds of Napa State Hospital would be housed in state correctional facilities. The Director of Housing & Intergovernmental Affairs worked with Senator Evans' office to have this language inserted in the bill. Senator Evans was not receptive to the language that would have required reimbursement for costs. Senator Evans has been supportive of inserting the language that would require that Napa State Hospital patients be housed in state correctional facilities. However, she has not been successful in convincing the other members of the legislature to endorse this position. County staff is continuing to work on this issue and we expect to have a better sense of where things are going by the end of September.

ATTACHMENT A

Corrections officer's code of ethics

As a corrections officer, my fundamental duty is to serve my community, to safeguard the lives and property within my jurisdiction, to protect against deception, oppression or intimidation, to prevent violence or disorder, and to respect and preserve the constitutional rights of all.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn or ridicule, develop self-restraint, and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my office. Whatever I see or hear of a confidential nature or duty is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless dedication to duty, I will regulate those in my charge appropriately and with dignity, without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting a gratuity.

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of my calling. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession – Corrections.