



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY

2012-2013

MAY 20, 2013

FINAL REPORT

NAPA COUNTY JAIL

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A Tradition of Stewardship
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NAPA COUNTY GRAND JURY
P.O. BOX 5397
NAPA, CALIFORNIA 94581

May 20, 2013

The Honorable Mark S. Boessenecker
Supervising Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, California 94559

Re: 2012-2013 Grand Jury Final Report: Napa County Jail

Dear Judge Boessenecker,

Pursuant of Section 933 (a) of the California Penal Code, the 2012-2013 Napa County Grand Jury submits its report on the Napa 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 pursue the interests of the residents of Napa County.

This is a third in a series of final reports we will be issuing during our term. I would like to acknowledge the good work and dedication of the Napa County Grand Jurors as demonstrated in this report.

Respectfully submitted,

Victor J. Connell
Foreperson
2012-2013 Napa County Grand Jury



NAPA COUNTY GRAND JURY

**P.O. BOX 5397
NAPA, CALIFORNIA 94581**

May 20, 2013

To the Residents of Napa County:

Our third Grand Jury Final Report is on the Napa County Jail and related issues. The Grand Jury is required to inspect county adult and juvenile jail facilities every year.

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.

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

We hope you find this report informative. It is an honor and privilege to serve you during our 2012-2013 Grand Jury term.

Respectfully submitted,

The 2012-2013 Napa County Grand Jury

NAPA COUNTY JAIL: Realignment, Recidivism and Replacement

SUMMARY

As mandated by law, the Grand Jury (GJ) must complete a physical inspection of all jail facilities within the County. The 2012-2013 Napa County Grand Jury inspected the Napa County Jail (NCJ) in October 2012. The Napa County Department of Corrections (NCDC) 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 October of 2011 the State of California implemented the 2011 Public Safety Realignment Act (AB109 and AB117), collectively termed “Realignment” which is the cornerstone of California’s solution for reducing the number of inmates in the state’s 33 prisons to 137.5 percent of design capacity by June 27, 2013, as ordered by the U.S. District Court and affirmed by the U.S. Supreme Court. This GJ Report will update the community with the first actual data on the impact of realignment. Additionally, this report will highlight programs implemented by the NCDC along with the Probation Department designed to reduce inmate recidivism. The final element of this report is intended to update the community on the Jail replacement project.

BACKGROUND

The Napa County Jail (NCJ) in downtown Napa is adjacent to the Napa County Superior Court and the Napa County Administrative Offices. Originally built in 1975, the facility was expanded in 1989 to hold a maximum of 264 male and female inmates, detainees and prisoners awaiting sentencing. Temporary beds are added, up to a maximum of 305 when capacity is exceeded.

Housing areas include:

- Temporary Holding
- Observation Cells
- Work Furlough accommodations
- General Population
- Administration Segregation
- Maximum Security

- Protective Custody
- Medical Unit
- Solitary Confinement

California Forensic Medical Group (CFMG) provides medical services to jail inmates under a contract that is renewed semi-annually. CFMG's around-the-clock services include medical, mental health and dental care for the inmates.

The NCJ is one of only two California county jails operated by a civilian corrections department as opposed to the County Sheriff. While this organizational structure is unusual in California, the 2012-13 Grand Jury did not consider it an issue for this report.

The NCDC 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. The NCJ is inspected annually and must meet all California guidelines and mandates for jail operations under California Penal Code Title 15 and California Penal Code Title 24.

METHODOLOGY

The Grand Jury toured the Jail in October 2012. This was followed by review of the kitchen facilities and the process by which commissary items are distributed. The inspection also included interviews with the medical staff and review of the contract and medical procedures manual used for inmate care at the jail and juvenile hall. The Grand Jury also reviewed previous GJ reports, the Napa County Performance Measurement Report, selected grievances submitted by inmates and attended several Community Correction Partnership (CCP) meetings. The intake assessment tool used by Corrections to determine the level of service necessary for the detainee (a proprietary tool termed LS/CMI) and Community Corrections Service Center and BI Inc. Program documents were also reviewed.

The jail replacement information contained in this report is supported by the Napa County Executive Office report and presentation to the Board of Supervisors on 12 November 2012. Much of the research conducted for this report comes from online sources, cited throughout the text and in the Bibliography, largely from the websites for the California Department of Corrections and Rehabilitation (www.cdcr.ca.gov) and from the Chief Probation Officers of California (www.cpoc.org). This includes the 'Dashboard' of county-by-county updates on specific Realignment data.

DISCUSSION

Realignment and Jail Population

State prison and probation are two ends of the spectrum traditionally available to judges who sentence felony offenders in California. Realignment has given the courts the additional tool of “split sentencing.” A split sentence allows a judge to split the time of a sentence between a jail term and a period of supervision by a probation officer. Felony offenders would have been overseen by State Parole officers in the past. Under Realignment this now falls to the County Probation Department.

The Napa County Community Corrections Partnership (CCP), chaired by the Chief Probation Officer, is a coalition of local law enforcement agencies, the District Attorney, the Public Defender, a Superior Court Judge, the Director of Health & Human Resources, the Napa County Office of Education, the NCDC and other *ad hoc* members who maintain an active interest in the safety of our community. Napa County’s CCP pre-dates the requirements of Penal Code Section 1230 that mandated CCPs be formed in all California counties as part of the Realignment Act of 2011. The Napa County *Public Safety Realignment and Post Release Community Supervision 2011 Implementation Plan* (CCP plan) can be accessed via a link found in the Bibliography.

AB 109 and AB 117

In October 2011, the California state Legislature implemented the Public Safety Realignment Act (AB 109 and AB117) <http://www.cdcr.ca.gov/realignment/>. These assembly bills mandate that each county will house newly convicted non-violent offenders in the county jails, and use local Probation Departments rather than the state prison/parole system. These offenders are known as “non-violent, non-serious, non-sex offenders.” In Napa County, these offenders are predominantly those convicted of DUI, drug or property offenses.

The CCP plan predicts:

During the first year, 68 new post-release community supervision cases will come out of prison, in monthly increments fluctuating between 3 and 17. During the next year, the numbers coming out of prison (53) taper off, because fewer qualifying offenders will be sent to prison; others, however, will be added from those sentenced to local custody.

The Probation Department is currently responsible for supervising approximately 2,000 adult probationers.

One of the challenges that the CCP faces is to effectively manage the number of inmates, largely due to the limited capacity (maximum of 305) of the Napa County Jail. This is accomplished by a partnership of all elements of law enforcement, including the District Attorney, Courts, NCDC, Probation and Police/Sheriff using the tools of split sentencing

and evidence-based programs shown to impact criminal behavior and recidivism. Napa County has been developing evidence-based alternatives to incarceration for several years. Several of those programs are currently in use and have assisted in controlling the jail population and hopefully reducing recidivism. Several other programs will be implemented as funds, space and staff become available. Having observed the CCP functioning as an effective team, the Grand Jury commends the CCP's efforts in providing for the near and long term benefits to our community.

The CCP Plan (see Bibliography) provides a framework for managing both the new and existing offender populations and introducing new programs and alternatives to incarceration. The approach laid out in the Plan includes four broad strategies:

- Pre-trial Release: Defendants housed in the jail awaiting trial typically constitute between 60% and 70% of the jail's population on a given day. Rather than wait in jail for their trial, some defendants may be eligible to return to the community while they wait for their court hearing, with varying levels of supervision, which may include drug testing, probation supervision, electronic monitoring and checking in at the day-reporting center.
- Alternative Sanctions/Programs for Sentenced Offenders: If appropriate, some offenders may be required to participate in education and treatment programs instead of serving time in jail. Sanctions/supervision may include electronic monitoring, home detention, work release, day reporting with or without programs, and, potentially, confinement alternatives, such as a staff-secure residential facility. The statewide realignment system refers to this as Post Release Community Supervision (PRCS).
- Alternative Probation Violation Sanctions: The Plan calls for using a matrix of sanctions and rewards, ranging from counseling through "flash incarceration" to revocation of community status.
- Post-Prison Transition Plan: To deal with the 70 or so inmates who will be released from State prison to the County Probation Department, the Plan calls for creating a multidisciplinary team to assess each offender prior to their return to the community and determine their appropriate supervision level and program needs.

In Napa County, Realignment has resulted in approximately 100 additional offenders in the criminal justice system (combining transfers from Prison and new convictions.) The jail population however has ranged between 230-290 inmates in the period since Realignment was implemented, which remains below the Jail's maximum capacity. Napa County is using split sentencing in approximately 70% of cases, which is higher than most of the other counties in California. A complete picture of the impact of Realignment, which is updated regularly, can be found via the California Chief Probation Officer's website

Crime, Punishment and Recidivism

The purpose of the Napa County Courts, NCDC and Probation Department is twofold. First, it is the duty of criminal justice system to dispense punishment to individuals who have been found guilty of committing a crime. This is straightforward and usually involves incarceration for a period of time that is followed by a probationary period.

The second purpose is much more difficult to implement in a meaningful way and to quantify. This is, simply stated, to effect permanent change in the criminal offender to the extent that they do not commit additional crimes. This is termed “recidivism.” In an ideal world, criminals who are punished would “learn their lesson” and not commit any additional offenses in which case the recidivism rate would be zero. The reality, based on data for California State Prisons, is that between 64-70 percent of inmates released will re-offend, return to and may remain in the criminal justice system indefinitely. For the period of 2007-2008, in the California Prison system 116,015 inmates were released and 73,885 returned within 3 years. Female inmates recorded a far lower rate of return: 52.9 percent, compared with 65 percent for men. The recidivism rate is variable, depending on the criteria used to define it. For example, if violation of probation resulting in re-incarceration were included, the rate would be higher than if the definition were more conservative and only a new offense/conviction would be considered recidivism. It is the understanding of this Grand Jury that in Napa County the latter, more conservative definition is employed.

In Napa County the goal of our criminal justice system is to decrease the rate of recidivism and have it remain low. Many programs are offered to inmates and PRCS offenders to help them redirect their thought patterns, substance abuse and anger management issues, for example, in order to give them the best chance for living a productive life after release from jail. Unfortunately, there is no meaningful historical data on recidivism in the Napa County jail system. The information technology/systems used to track jail bookings, convictions, release and probation have not offered a way to easily extract information on the recidivism rate. The definition that is used to determine if a former inmate should be counted will also need to be clarified. Thus, at the present time it is virtually impossible to determine if the recidivism rate is rising or falling with the lack of a historical baseline for the Napa County inmate population.

NCDC and Probation have an ongoing collaboration with a private vendor, BI Incorporated (BI), who has implemented a behavior intervention program as an adjunct to post release follow-up for selected individuals. BI, which was established in 1978, specializes in the delivery of correctional, detention and residential treatment services to federal, state, and local government agencies. BI has available a full continuum of monitoring technologies and community re-entry services for offenders, pretrial defendants and illegal aliens. The local BI Manager also sits as an *ad hoc* member on the CCP panel.

BI works closely with NCDC and Probation in the running of the BI program that is designed to cost-effectively decrease recidivism, promote public safety and strengthen

the community. This rigorous program, which the typical client will complete in 12 months or more, is designed to alter criminal thinking as well as behavior.

We presently have two discrete examples of recidivism rates in Napa County. One comes from the group that has completed the BI program. It is the understanding of the Grand Jury that since 2009-2010, of the 75 persons who completed the BI program, 18 re-offended, giving that group a recidivism rate of 24 percent. The other example comes from those individuals who are in the Napa criminal justice system as a direct result of Realignment. For these 100 individuals, who are followed quite closely, the recidivism rate to date is 22 percent (22/100).

The average cost of incarcerating an individual in our county jail is approximately \$140 per day. The BI program costs an average of approximately \$35 per day. It is apparent from the aforementioned recidivism rate that the BI program offers savings in the form of fewer inmates returning to jail. While it the BI program has a high probability of continuing success, it should be carefully monitored by NCDC and the Probation Department to ensure the program remains cost-effective.

Into the Future ...

The current jail is nearly 40 years old and is less than optimal for many reasons, including capacity. The Jail Supervisor and Staff should be commended for the continued effective operation of the current facility. The Board of Supervisors (BOS) has been considering size and location options for expanding or replacing the jail for the past several years. In 2006 the County retained CGL Companies (CGL) and the Carey Group to assist the County's Criminal Justice Committee in developing an Adult Correctional System Master Plan. The Master Plan, approved by the BOS in two phases in November 2007 and October 2008, called for the implementation of evidence-based practices designed to reduce recidivism, and construction of a new 366-bed jail, but with central services functions (kitchen, laundry, maintenance, intake) sized to accommodate up to 500 inmates. The intent was to provide enough space to meet CGL's projected 2025 bed need and allow for the cost-effective expansion of the jail beyond the 2025 bed number by adding additional housing units. Location options included downtown, out-of-downtown and the split option of two new jails, one downtown and the other in a remote location. The BOS initially approved the downtown option.

In December 2010, the BOS reviewed a *Major Facilities Preliminary Financing Plan and Feasibility Analysis* for a downtown Jail Replacement Project with an anticipated cost of \$8.9 million in current dollars and \$12.7 million in inflation-adjusted dollars. In Phase I of the project, the existing Jail and Hall of Justice would be demolished and a new 366-bed jail built immediately south of the County Administration Building. Phase II, with no identified funding source as of 2010, is the construction of an additional 134-bed facility to bring the jail capacity to 500.

The plan for a new downtown jail was revisited in 2011 due to two major factors. First,

based on community input, the choice of expanding a downtown location for a 500-bed jail was soundly unpopular. Second, with the unclear impact of realignment and the likely increase in jail population, would the facility be sufficient for future needs? It was decided to postpone the planning until the impact of realignment could be better understood. Realignment took effect in October 2011 and projections were again revised from the 2007 projections to factor in 8 months of actual experience with Realignment as well as the impact of other factors on the jail population since 2007.

This brings us to November 2012, and the new recommendation from the BOS that the County focus on a plan to build a new 366-bed jail with core facilities sized to accommodate 526 beds at a site located outside of downtown Napa. At its October 30, 2012 meeting, members of the CCP supported the new recommendation. In discussion, CCP members emphasized that the out-of-downtown site provided the most flexibility in dealing with potential future expansion needs and the changing nature of the inmate population due to Realignment, but cautioned against locating the new jail more than a 10 to 15 minute drive from downtown Napa because of the impact on law enforcement agencies that transport arrestees. The BOS granted approval of the plan in November 2012. Environmental impact reports (EIR) are being prepared for several alternative new jail locations. The preferred location is in south Napa located on the east side of Rt. 221 adjacent to, and between, the Napa State Hospital and the Syar Napa Quarry. An optimistic timeline for this project is for the EIR to be certified by the end of 2013, financing decisions completed in 2014 (anticipated cost of approximately \$100 million), design in 2015, construction 2016-2018 with opening in 2018 or later.

Implementation of a staff-secure jail inmate re-entry facility is also an integral part of the near and long term plan for NCDC and Probation, as part of Realignment and in accord with the CCP plan. A staff-secure facility is envisioned to house inmates in an apartment-like setting, offer evidence-based programs, skill development training, and provide an opportunity for individuals to go into the community for approved purposes (i.e. jobs, substance abuse prevention, classes, etc.) in a controlled way. This transitional period will help them in (re-)learning how to be productive members of their community, with the goal of not seeing them again in court. Long-term the facility will be built on the future new jail site to accommodate up to 100 beds. Locating the facility near the jail maximizes the County's resources (such as kitchen and laundry operations, building maintenance staff, etc.) and allows for swift transfers to the facility when it is time for an inmate to be released and back to the jail when problems occur. However, because the construction of a jail is still several years away, the County is pursuing a location for a temporary staff-secure (50-bed) facility on the grounds of Napa State Hospital. Discussions with the State are ongoing.

FINDINGS

- F1.** In the 18 months since implementation began, Realignment has resulted in approximately 100 additional offenders for NCDC and Probation. The impact of Realignment has been modest and effectively managed by the CCP in a coordinated effort.
- F2.** The information technology/systems used to keep records for adult criminal justice have not been used for extracting information specific to quantifying recidivism in Napa County.
- F3.** The Board of Supervisors has made the decision to construct a new jail and relocate to outside of downtown.

RECOMMENDATIONS

- R1.** It is recommended that the NCDC and Probation fully define recidivism and work with Napa County Information Technology to extract meaningful information concerning past recidivism in order to gauge the success of ongoing alternative programs. This should be implemented by 1Q2014.
- R2.** The Grand Jury recommends that every effort be made to design a state-of-the-art jail facility. It should be sufficient for current needs as well as anticipated future requirements. Emphasis should be placed on designing the jail to facilitate not only capacity, but also the logistics of medical, mental health, educational and evidence-based programs.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Director of NCDC: **R1**
- Chief Probation Officer: **R1**
- Chief Information Officer: **R1**

From the following governing bodies:

- Board of Supervisors: **R2**

BIBLIOGRAPHY

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 - <http://www.calrealignment.org/realignment-overview.html>
- Napa County CCP Plan to address Realignment:
 - <http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294978127>
- Overview of Realignment Legislation, AB109 and AB117:
 - <http://www.cdcr.ca.gov/realignment/>
- Actual funding allocation by county:
 - <http://www.countyofnapa.org/Pages/DepartmentContent.aspx?id=4294978127>
- County by county updates on realignment
 - http://www.cpoc.org/assets/Realignment/dashboard_county.swf