



**NAPA COUNTY GRAND JURY
2014-2015**

MAY 15, 2015

FINAL REPORT

**NAPA COUNTY JAIL AND DEPARTMENT
OF CORRECTIONS**

ANNUAL REVIEW

NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS ANNUAL REVIEW

SUMMARY

As mandated by law, the Grand Jury annually is required to conduct a physical inspection of all jail facilities in the county with a review of jail operations and programs. The 2014-2015 Grand Jury inspected the Napa County Jail (NCJ) in November 2014. In compliance with the mandate, this Grand Jury investigated the following issues:

Physical Condition of NCJ

During the inspection, the Grand Jury found the older section of the jail facility severely impacted by the August 2014 Napa earthquake. The damage resulted in substantially reduced inmate capacity, requiring the relocation of some inmates to the Solano County Jail. Originally, the two counties agreed to the relocation of 75 inmates at a cost of \$87 per inmate per day. Due to increased summertime jail population, the number was increased to 125 inmates. The potential cost to the county could exceed \$3 million per year.

The severity of the damage to the jail building prohibited civilian volunteers and non-corrections county employees from entering the building. This caused a temporary suspension of such needed programs as mental health counseling, vocational instruction, and religious support.

Previously scheduled upgrades to the Jail have been postponed indefinitely because the funds were needed to repair other earthquake damage considered a higher priority by Napa County. However, given the substantial earthquake damage sustained by the jail's Control Room (the communication center for the jail), the Grand Jury recommends that the BOS fund and implement the scheduled move and upgrade of the NCJ Control Room.

Increased Assaults on Jail Staff

The Grand Jury was informed that there has been a 400% increase in assaults by inmates on jail staff since 2011, the year the State of California passed the Public Safety and Realignment Act (Realignment). That law mandates that individuals sentenced to non-serious, non-violent, or non-sex offenses will serve their sentence in county jails instead of state prisons. The Grand Jury was told that the impact of Realignment, along with an increase in contraband entering the jail and the influx of more mental health patients, has contributed to the increase in assaults. The Grand Jury received conflicting information as to whether the training provided to correctional officers to deal with inmates' assaultive behavior was adequate.

New County Jail Needed

Napa County needs a new jail, especially given the earthquake damage to the current jail. A location for the new facility has been purchased with a facility target completion date in 2022. However, overcrowding at the current jail will continue to be a major problem. This is magnified by the impact of Realignment and the long-term effects of the earthquake damage to the older section of the jail. Within this context, the Grand Jury urges the Board of Supervisors (BOS) to put the construction of the new jail on a fast track.

GLOSSARY

BOS	Board of Supervisors
BSCC	Board of State and Community Corrections (State of California)
EIR	Environmental Impact Report
Evidence Based Programs	Programs whose effectiveness has been positively demonstrated by statistical evidence
GED	General Educational Development (High School equivalency)
HHSA	Health and Human Services Agency
NCDC	Napa County Department of Corrections
NCJ	Napa County Jail
NSH	Napa State Hospital
Realignment	Public Safety and Realignment Act
SB	Senate Bill

BACKGROUND

The Napa County Jail is located in downtown Napa in the Hall of Justice which was enlarged in 1989 to accommodate a total of 264 inmates. Both male and female inmates are housed in the NCJ as well as sentenced inmates awaiting transfer to state prison, convicted inmates awaiting sentencing, and those inmates awaiting arraignment or trial.

Napa County and Madera County are the only counties in California where the jail is not operated by the sheriff but by a department of corrections. The civilian director of the Napa County Department of Corrections (NCDC), who reports to the BOS through the Napa County Executive Officer, operates the NCJ. The Napa

County Sheriff's Department has no authority over the jail operations, although they provide transportation service for inmates as needed. They also provide a full-time sheriff's lieutenant at the jail as a liaison. This officer works with the correctional staff on matters relating to crime reporting, training, and internal investigations, but all other correctional duties come under the authority of NCDC.

In 2011 California legislators passed AB 109 and AB 117, the Public Safety Realignment Act (Realignment), as a solution for overcrowding in the California's state prison system. The law mandates that individuals sentenced to non-serious, non-violent, or non-sex offenses serve their sentences in county jails instead of state prison. The impact of Realignment on county jails was the addition of more criminally sophisticated felons, serving considerably longer terms in already overcrowded local facilities not designed for long-term incarceration.

NCDC staff, the Napa County Sheriff, and the Board of Supervisors have agreed that Napa County needs a new jail to correct design problems in the current jail, relieve cell overcrowding, and effectively deal with an inmate population affected by Realignment. A Correctional System Master Plan by the Criminal Justice Committee recommending a new jail was done for the BOS in November 2007.

A site for this new jail has been selected and purchased two miles south of the city of Napa. An Environmental Impact Report (EIR) was published and finalized in January 2014. Although this EIR suggested that construction will commence March 2016 and be completed by March 2018, Napa County Sheriff sources and NCDC staff indicate that the new jail is lacking a funding source and may not be completed until 2022.

METHODOLOGY

The Grand Jury interviewed NCDC management and correctional officers, and Napa County Human Resources Division, Public Defender Office, and Sheriff's Office staff. In addition, Napa County publications and County and State of California websites were reviewed.

Board of State and Community Corrections (biannual inspection of jails):
<http://www.bscc.ca.gov>

BSSC Assoc. of Criminal Justice Research - Jail Assault on Staff statistics:
<https://public.tableausoftware.com/profile/kstevens#!/vizhome/ACJROctober2013/About>

Napa County Dept. of Corrections Budget
<http://countyofnapa.org/Pages/Default.aspx?keywords=budget&StartPage>

SB 863 Correctional Facilities construction
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB863

DISCUSSION

A. EARTHQUAKE ISSUES

The South Napa Earthquake on August 24, 2014, damaged numerous buildings in downtown Napa. The NCDC staff is to be commended for their controlled and professional performance after the earthquake.

Napa County Public Works engineer's inspection of the jail revealed significant damage, especially to the older (north) section of the jail built in 1975. Several rooms were determined to be unsafe as well as cell blocks capable of holding 75 inmates. The damage required 70 inmates to be moved to the Solano County Jail where they still remain at a cost of \$87 per inmate per day. As a result of the earthquake damage, the Board of State and Community Corrections (BSCC) revised NCDC inmate capacity from 264 to 204

An agreement between NCJ and the Solano County jail allowed for up to 75 inmates to be relocated to Solano County at a cost of \$87 per inmate per day. Due to the normal summertime increase in inmate population, the agreement has been amended to allow for the relocation of up to 125 inmates. Depending upon the actual number of inmates housed there, the annual cost to the county could exceed \$3 million.

1. Physical Damage to Facility

During the earthquake, the NCDC Control Room sustained substantial damage. Major improvements to the Control Room are needed to maintain the safe operation of the current jail. The Control Room is the communication center and access provider (locking and unlocking doors) within the jail. Its video monitors are poor, and its location is vulnerable during a crisis. A scheduled move/upgrade of the Control Room has been put off indefinitely due to the earthquake because other repairs to the jail have been necessary

County engineers still continue to examine the structure that houses the old and new sections of the jail and may make further assessments of the damage. NCJ is operating at 77% of its pre-earthquake capacity.

2. Reduction in Services and Programs

The Grand Jury was told that the earthquake caused a temporary suspension of such needed programs as mental health counseling, vocational instruction, and religious support. Use of the building is restricted to inmate occupancy and the

staff necessary to maintain jail operations. Three HHSAs counselors have now been allowed to resume their duties at NCJ, but volunteers are still prohibited. A pilot program using tablet computers has been initiated to fill the gap. This program has yet to be proven as effective as established evidence based programs that have inmates meeting people face-to-face.

B. ASSAULTS ON CORRECTIONAL OFFICERS

1. Realignment and Classification

The Grand Jury was informed that assaults on its correctional officers were up 400% since 2011, the year Realignment was enacted. This increase parallels a state-wide trend in county jails as observed on the Board of State and Community Corrections (BSCC) website. Data supplied by NCDC to the Grand Jury also shows an increase of assaults on correctional officers. However, assault data found on the BSCC website does not show that same dramatic rise as Napa County records, yet NCDC supplies this data to this state regulatory agency.

ASSAULTS on NCDC Correctional Officers		
year	Napa Co. Info. # of Assaults	BSCC Info. # of Assaults
2006-2007	9	1
2007-2008	2	5
2008-2009	3	3
2009-2010	7	3
2010-2011	--	2
2011-2012	4	1
2012-2013	20	3
2013-2014	31	1

Staff said the reasons for the assault increases are more complex than just the influx of criminally sophisticated inmates who bring state prison attitudes and culture to our county jail. Many of these new inmates have extensive prison sentences, and as a result, all California county jails are holding people longer. NCJ inmates with longer stays have begun to conform to a pattern seen in prisons where power is concentrated with the prisoners, grouping themselves by race and by gangs, and creating their own rules and punishments.

NCDC uses classification to better manage inmate placements for their welfare and the welfare of others. Inmates with comparable classifications are grouped in common areas, whereas some classification mixings are avoided (e.g., gang affiliation, race, or mental health status). Current jail overcrowding has meant that some inmates are no longer released for extended parts of the day into common areas because of clashes in their classification. Instead, they have only a few hours outside of their cell in the common areas mixing only with other inmates with compatible classifications. These restrictions to cells due to overcrowding and classification status are not conducive to safety or reduced recidivism.

2. Contraband and Training

According to NCDC staff and interviews with Napa County Sheriff's Office, more contraband is entering the jail than before Realignment; this includes drugs, syringes, and weapons. The Grand Jury heard testimony that drugs have contributed to the increased number of correctional officer assaults. To combat this threat, more attention to initial searching is needed in the booking area, which is difficult due to the higher number of inmates processed daily. NCJ processes 16-19 new inmates per day; some days 10, others 30-40.

Other counties in California have begun the use of body scanners to detect contraband in body cavities. NCJ officials stated that there is no room for a body scanner in the current Booking Area. The Grand Jury believes that NCDC should find the necessary space and include a body scanner in their 2016-2017 budget.

The Grand Jury heard conflicting testimony about training of NCDC correctional officers in relation to the assaults. Some interviewees stated that training for correctional officers to deal with assaultive behavior had been doubled in the year after the Realignment. However, the effectiveness and the amount of the training have been brought into question by other testimony and inconsistencies in NCDC training records.

The training for first half of 2014-2015 was affected by the earthquake. However, Correctional officer training once scheduled by an NCDC lieutenant has now been assumed by the Sheriff's lieutenant, so that deficiencies in last year's training regimen may be corrected. NCDC leadership expect to meet the year's state mandated training requirements.

From interviews conducted, the Grand Jury learned that written policies for each position/workstation of a correctional officer at NCDC are not followed or not known by every correctional officer. The written policy of NCDC states that there will be two cell searches per day per shift. Cell searching is often not carried out as required due to other operational needs. Strict adherence to this policy would deter the hiding of contraband and reduce the number of assaults on correctional officers.

3. Mental Health Condition of Inmates

The Grand Jury was informed that threat of assaults on NCDC correctional officers by mental health inmates has increased and is a concern. Inmates with mental health problems account for 30%-40% of the inmate population. Their behavior is unpredictable. Often the greatest threat of assaults has been from the patients from Napa State Hospital (NSH) who have committed crimes on state hospital campuses and are transferred to NCJ to protect NSH workers in accordance with SB 60.

Correctional officers are not trained mental health workers or technicians. Only voluntary self-medication can be accomplished on mental health inmates. NCJ staff are not allowed to force medication on patients/inmates who, without medication, may decompensate and become more ill and violent.

For everyone's safety, NSH patients must be held in cells by themselves, which causes additional overcrowding in the jail. The NSH inmate population at NCJ averages five to six at a time, which fills all of the single occupancy medical cells in the jail. The new jail plans need to account for special handling of NSH patients/inmates.

C. STATUS OF NEW JAIL

There appears to be general agreement that Napa County needs a new jail. The current jail was problematic even before the earthquake, but now the urgency for a new, larger, and more modern correctional facility has risen to a higher level.

The plan for the new jail is already on the drawing board. The location is firm, the property is paid for, and the EIR Report is done with a projected completion date of 2022. Given the impact of the 2014 Earthquake, the Grand Jury urges the BOS to put the construction of the new jail on a fast track, seeking funding from local, state, and federal sources. In addition, Napa County must make itself very competitive in obtaining SB 863, State jail construction funding for counties.

The effects of Realignment will continue to impact the current capacity of an already overcrowded, outdated, and damaged facility. New funding sources must be found sooner rather than later for a jail estimated by NCDC to cost over \$100 million, depending on design and capacity.

FINDINGS

- F1. The Control Room in the Napa County Jail is marginally operational and needs to be upgraded and moved as planned to safely manage access and control operations for the lengthy period until the new jail is constructed.
- F2. The August 2014 Earthquake caused damage in the jail resulting in the old section of the jail to be condemned, leading to more overcrowding and requiring the relocation of inmates to the Solano County Jail at extra cost to Napa County.

- F3. NSH patients/inmates in custody at the jail require special handling that puts an additional strain on the staffing and housing components of an already overcrowded jail.
- F4. A new county jail needs to be completed before 2022 if possible because the current jail is inadequate for the county's needs due to earthquake damage, inmate overcrowding, Realignment effects, and inmate classification conflicts.
- F5. More attention to initial searching is needed to combat the increased contraband that is entering the jail due to the effects of Realignment.

RECOMMENDATIONS

- R1. By January 1, 2017, the Board of Supervisors, the Napa County Executive Officer, and the NCDC Director to fund and implement the scheduled move and upgrade of the NCJ Control Room.
- R2. By June 30, 2016, the Board of Supervisors to compete for jail construction funding under SB-863 and to consider a bond measure to fund part of the construction of a new jail.
- R3. By June 30, 2016, the BOS and NCDC Director to devise a plan to include increased staffing and jail capacity to better manage NSH patients/inmates who enter NCJ.
- R4. The Napa County BOS and NCDC Director to include a body scanner in the 2016-2017 budget to help prevent contraband from entering the jail.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the grand jury requests responses as follows:

From the following governing bodies:

- Napa County Board of Supervisors: R1, R2, R3, R4

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
--