



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Belia Ramos
Chair

August 15, 2017

The Honorable Mark S. Boessenecker
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

FILED

AUG 21 2017

Clerk of the Napa Superior Court

By: C. Brennan
Deputy

Dear Judge Boessenecker:

As required by Penal Code Section 933(c), enclosed are responses to the Grand Jury's 2016-2017 Final Reports, "The Napa County Fairgrounds: The County's Orphan Asset," "Napa Child Abuse Hotline (707) 253-4261 or (800) 464-4216," "Juvenile Hall," "Napa County Jail - Where are we headed?" and "Napa Valley Transportation Agency Vision 2040 Plan."

Grand Jury activity takes place over the course of a number of months. The Board acknowledges the members of the 2016-2017 Grand Jury for the time they have devoted in preparing the reports.

Sincerely,

Handwritten signature of Belia Ramos in black ink.

Belia Ramos
Chair of the Board of Supervisors

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AUG 21 2017

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NAPA COUNTY
RESPONSE TO THE GRAND JURY FINAL REPORT ON
NAPA COUNTY CRIMINAL JUSTICE FACILITIES: COUNTY JAIL

August 15, 2017

Napa County Criminal Justice Facilities: County Jail

Finding 1: The employees and inmates of Napa County are at risk of physical injury due to understaffing and overcrowding at Napa County Jail.

Response, Board of Supervisors: The Board of Supervisors disagrees with this finding. Overcrowding and understaffing are issues that can create operational stress in a jail facility. However, attributing these factors directly to increased risks of physical injury is an oversimplification of the issue. The classification of inmates and the risk factors associated with higher security levels, increases in violent and mentally ill offenders, and influence of more sophisticated inmates are factors that may affect safety and security for staff and inmates. A crowded condition with a lower custody population does not create the same level of concern as with inmates with higher custody status. Staff is trained to address mentally ill offenders and the department relies on overtime to ensure appropriate levels of staffing. The department also relies on court-ordered releases to prevent crowding and such releases are reviewed on a daily basis. The Department has made great strides in improving its staffing through aggressive recruitment efforts using job fairs, information sessions, and nationwide recruitment using online resources. To this end, the Department has been successful in bringing eight (8) new correctional officers by August 2017. The department is also beginning testing for new officers from its most recent recruitment and hopes to fill the remaining vacancies through this process.

Finding 2: The County Jail needs enhanced mental health and addiction facilities and increased counseling resources.

Response, Board of Supervisors: The Board of Supervisors disagrees with this finding. The department currently provides services through an agreement with Napa County Health and Human Services agency and has three mental health workers available on-site. This is an increase from the two positions that the department had a few years back. Jails are not designed to include addiction facilities that may be common in prisons and in an out-of-custody setting. Primarily, this is because of the relatively shorter term that offenders stay in a jail as compared to a prison facility. Substance abuse and addiction-related services are provided through the in-custody portion of the day reporting center and the Community Corrections Service Center once inmates are released from NCDC custody and placed under the authority of the probation department. The department is already working on increasing mental health services as part of

the new jail which will include a dedicated area for mental health services with increased levels of care and services for both mental health and substance abuse treatment.

Finding 3: State funding restrictions on new jail facilities inhibit the use of regional jails.

Response, Board of Supervisors: The Board of Supervisors agrees with this finding. The current rule under lease-revenue bond financing prohibits the renting of beds to another agency when a county uses state funding to build new jail beds. Napa is a county that has received three separate awards totaling nearly \$37 million toward the construction of new jail beds. Lease-revenue bond funding is received through a competitive process and each county is required to state its reasoning and need justifying the award. To date, counties have only been able to request their own jurisdictional needs, and current rules are not favorable to the use of regional jails. New laws are being drafted presently that would prevent agencies from using their existing beds to rent to any federal agency, which is designed to place further restrictions on counties that receive awards under lease-revenue bonds. Under the current climate it would be highly unlikely that multiple counties would be amenable to making changes to the existing rules to create regionalized facilities.

Finding 4: Correctional Officer retention is a chronic problem, resulting in high turnover and higher costs and risks.

Response, Board of Supervisors: The Board of Supervisors disagrees with this finding. The issues related to recruitment and retention in law enforcement and corrections are not limited to Napa County. Many agencies are faced with similar issues as younger people are more attracted to working in environments that are lower in stress and carry fewer risks. Many agencies in California are hiring and recruitments are occurring on a continual basis. Napa County is faced with a higher turnover rate as officers that have been working for over 25 years become eligible for retirement and people leave for better opportunities with other agencies. The County believes that with the recent increases in pay and the additional 5% granted to employees in the correctional officer series along with changes to their benefits package, the problems with retention should be significantly reduced over time. A review of existing positions within the Department indicates that only eight (8) officers remain in the agency with over 15 years of experience. This is a result of staff becoming eligible for retirement once they reach a certain age and the department has been dealing with retirement-related separation for a few years. This problem will correct itself as newer employees come online and begin their careers with Napa County.

Finding 5: Napa County should adopt a regional jail plan. The benefits of this arrangement are both financial and programmatic.

Response, Board of Supervisors: The Board of Supervisors disagrees with this finding. The issues related to regionalization are already answered in the Finding 3 response. Napa County

is not able to use any part of a facility that received lease-revenue bond funding through the State of California to hold inmates that do not belong to Napa County. Similarly, other counties are faced with restrictions if they received funding for a new jail using such grants. In Solano County, Napa inmates are placed in the older section of the Solano County jail as there are restrictions on the placement of Napa inmates in the newer, more modern facility which was built using state funds. The concept of creating a regionalized facility is a very complex issue involving many factors. The most basic of these is the fact that there are no existing regionalized facilities in the state that Napa and another agency can review to determine if there is in-fact any cost savings. Current laws are not congruent with the regional approach as the sharing of inmates from other counties cannot be done in a facility which benefitted from grant funding for a period of 10 years from the time that the facility is occupied. In addition, there are laws regarding how inmates are housed. For example, only sentenced inmates can be housed in non-contiguous counties. In Napa County, the sentenced inmate population is generally under 30% of the entire population and many of those can be placed in alternatives to in-custody programs, such as home detention. If the Board were to adopt a regionalized approach and house all its inmates in Solano County, there would need to be some plan to address alternatives if Solano County did not have space to rent. For regionalization to be successful, it will be necessary to change the current laws regarding presentenced inmates. The current law requires that those inmates be housed in contiguous counties.

Again, there is no analysis that has been done that indicates a financial benefit. The current arrangement with Solano County uses a sliding scale for daily bed rates and Solano County has the ability to deny acceptance of inmates based on medical or mental health needs. Current statistics indicate 30% of the total Napa County inmate population has either mental health or medical issues. In a 2017 report conducted by the Legislative Analyst's Office, the cost of housing an inmate in California on average is \$71,000 per year or approximately \$195 per day – far more than the \$88 per day Solano County is currently charging to house Napa inmates. The lower rate is possible only because Solano County is not housing mentally ill or high risk inmates.

Finding 6: There is no data to support the perception of some County officials that the Napa County jail has less serious felons than the Solano County Jail.

Response, Board of Supervisors: The Board of Supervisors agrees in part with the finding. The County has not undertaken a study to determine whether Napa County jail has less serious felons than at Solano County jail. Nonetheless, the size of Napa County jail is rated at 264 beds whereas Solano County has 1,444 beds. On August 10th, the Solano County data indicated that they housed 617 inmates on felony charges. On the same date, Napa had 153 inmates held on felony charges.

Recommendations

Recommendation 1: The Napa County Board of Supervisors initiate talks to adopt a regional jail plan with Solano County by June 30, 2018.

Response, Board of Supervisors: The Board of Supervisors disagrees with this recommendation. Current law related to lease-revenue bonds that have already been awarded to Napa County prohibit the sharing of beds with another county in any portion of the facility that has been funded through state funding. There are no studies that would indicate any benefits to creating a regionalized facility with Solano County.

Recommendation 2: The Napa County Board of Supervisors review Correctional Officer pay, benefits, and career opportunities, particularly with respect to retirement benefits.

Response, Board of Supervisors: This recommendation has been implemented. During the recently completed labor negotiations, the correctional officers pay and benefits were enhanced and improvements were made to the correctional officer disability fund. A detentions services premium pay of 5% was also added to the correctional officer series. Retirement benefits are set forth through CalPERS and the County is not able to make changes related to retirement. The County did agree to longevity pay at predetermined milestones and increases to shift differential pay. With a new facility in the planning phase and the beginning of construction of the re-entry facility, correctional officers will have additional career prospects to work in new areas and apply for promotional opportunities in the future.

Recommendation 3: The Napa County Department of Corrections be placed under the control of the Napa County Sheriff by June 30, 2019.

Response, Board of Supervisors: The Board of Supervisors disagrees with this recommendation. The Napa County Department of Corrections (NCDC) is one of two agencies in the state where the agency head reports directly to the Board of Supervisors. Through changes in the Penal Code, the NCDC officers have been granted enhanced authority in making arrests and carrying out law enforcement functions in a limited scope while in the performance of their duties inside the jail. As has been mentioned numerous times in prior Grand Jury reports, there is no benefit to placing the department under the Sheriff's agency. Absent some compelling issue – which has not been identified – there is no reason to consider a change in management structure at this time. 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 4: The Board of Supervisors work with county legislative representatives to eliminate funding restrictions on state supported jail construction funds.

Response, Board of Supervisors: The Board of Supervisors disagrees with this recommendation. While providing local agencies flexibility in the use of jail construction funds is always a primary goal, the funding restrictions are set in place for transparency and for appropriate fiscal controls over lease-revenue bonds. An agency may not profit by first requesting state funding to replace much needed beds and then renting beds to another agency after successfully receiving the state funding. The policy issue for legislators is to ensure that agencies not rent beds to outside agencies after having received grants through the state based upon stated needs.

Recommendation 5: The Board of Supervisors work with relevant county and state agencies to develop a comprehensive plan for treating mentally ill inmates. This could include a regional mental health jail facility.

Response, Board of Supervisors: The Board of Supervisors partially agrees with this recommendation. It is in the best interest of all concerned to have a comprehensive plan for treating mentally ill inmates. However, the County has already received funding from the State of California to move forward with the construction of a Phase I jail that will include dedicated mental health beds and provide adequate treatment space for them. Continuing to work with its partners at the local and state level on providing the best options available for treating mentally ill inmates is always a priority. Staff will continue to investigate these possibilities and bring recommendations forward as they become available.

Commendations

The Board of Supervisors appreciates the Grand Jury recognizing staff accomplishments during the past year.

1. The Jail kitchen staff for receiving an "A" rating from the Department of Health.
2. The Jail management and Correctional Officers for striving towards excellence in safety and security during challenging circumstances of physical restoration and upgrading of the Jail facilities.
3. Napa County for implementing plans for a new \$16.72 million Re-entry Facility which is fully funded and planned for the County property south of the State Hospital. The facility will provide 72 beds for inmates nearing release and will focus on programs to facilitate their transition back to the community and to reduce recidivism.