



A Tradition of Stewardship  
A Commitment to Service

Board of Supervisors

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Diane Dillon  
Chair

August 18, 2020

**FILED**

**AUG 24 2020**

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

The Honorable Mark S. Boessenecker  
Presiding Judge  
Superior Court of California, County of Napa  
Criminal Courthouse  
1111 Third Street  
Napa, CA 94559

Dear Judge Boessenecker:

As required by Penal Code Section 933(c), enclosed are the responses to the Grand Jury's report "In Search of More Housing in Napa County" and "Napa County Juvenile Hall: Exceptional Costs."

The Board acknowledges the members of the 2019-2020 Grand Jury for the time they have devoted to the reports.

Sincerely,

Handwritten signature of Diane Dillon in cursive.

Diane Dillon  
Chair  
Napa County

Cc: Foreman, 2019-20 Grand Jury

**RECEIVED**

**AUG 24 2020**

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District 5

NAPA COUNTY  
RESPONSE TO THE GRAND JURY FINAL REPORT ON  
NAPA COUNTY JUVENILE HALL: EXCEPTIONAL COSTS  
May 27, 2020

**Findings**

**Finding 1:** The physical facilities at Napa County Juvenile Hall provide a safe, clean, and secure environment for the detained juveniles in compliance with Title 15.

*Response, Chief Probation Officer:* The Chief agrees with the finding.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Finding 2:** The management and staff appear to be well-trained and fully committed to working with the juvenile detainees to become productive citizens.

*Response, Chief Probation Officer:* The Chief agrees with the finding.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Finding 3:** The facility is over-staffed for the actual number of juvenile detainees.

*Response, Chief of Probation:* The Chief disagrees partially with the finding. Prior to implementing emergency protocols to respond to COVID-19, two units were open in Juvenile Hall to accommodate a general housing unit and a treatment program. Staffing levels were based on providing supervision, programming, transportation, meals, showers, and emergency response for two units, not on the average daily population.

As of August 1, 2019, a plan has been put in place to reduce the staffing levels while maintaining the safety of youth and staff, continuing to offer current levels of Evidence Based programming to youth, and eliminating the need to lay off any staff.

An internal recruitment is in process to fill two of eight current Probation Officer vacancies. Nine Juvenile Hall Counselors applied and by the end of August, it is anticipated two will be promoted to Probation Officer, leaving two Juvenile Hall Counselors vacant. On July 31, 2020, a Juvenile Hall Counselor retired and a Juvenile Hall Supervisor will be retiring in October. These promotions and retirements along with three additional vacancies will create seven Juvenile Hall Counselor positions that that will be left open, reducing the staffing levels in Juvenile Hall 25%.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Finding 4:** Title 15 does not require Napa County Juvenile Hall to be staffed for 50 juvenile detainees. There is no legal impediment to reducing staffing to a level more consistent with the actual number of juvenile detainees.

*Response, Chief of Probation:* The Chief disagrees partially with the finding. Total population is only one factor in determining staffing. Other factors include the gender mix of the juveniles - staff of each sex must be assigned if both sexes are represented in the population - and each child's special needs. Youth with mental health issues, which can include suicidal ideation, self harm, and violent and aggressive behavior toward other youth and staff, require increased staffing to keep all youth safe and still be able to continue essential programming. These are common situations and minimum staffing levels required by Title 15 to do not take these issues into consideration.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Finding 5:** There is a need to find additional uses for the Napa County Juvenile Hall facility.

*Response, Chief of Probation:* The Chief disagrees with the finding. It may be premature to start considering additional uses for the Juvenile Hall; however, exploring the expansion of services for the age, type, and residency of youth we serve is warranted. We are monitoring pending legislative efforts to expand the age of juvenile jurisdiction to age 21. The intent is to provide rehabilitative services that are more appropriate for adolescent brain development instead of the traditional, more punitive model.

Senate Bills 889 and 1100 would mandate Probation Departments continue the use of programs and treatment shown by research and science to continue working with emerging adults until their 21<sup>st</sup> birthday and not to integrate them with an older, more criminally sophisticated population. The goal is not to increase incarceration; however, if we work with this age group there will be a need to have our facility available in instances when community safety may be at risk.

Governor Gavin Newsom has announced the realignment of the Department of Juvenile Justice from the State to County Probation Departments. The realignment will involve the use of regional juvenile halls in some capacity. The plan for this is still in process.

Last year, the lower occupancy rate allowed the Probation Department to implement a local alternative to sending youth out of Napa County to out of county group homes for Court ordered treatment. New Horizons Academy (NHA) is a new program at the Juvenile Hall for these youth who reside at NHA but are able to remain in Napa County and closer to their community support systems. Once fully developed, this program could serve youth from neighboring counties on a contract basis. Additionally, preliminary discussion on co-locating the department's Evening Reporting Center for Youth in the Juvenile Hall have begun. This would have no increased fiscal impact on the facility and would result in a cost savings to the department.

It is too soon to know the impact these significant changes will have on local Probation Departments. Moving forward with a thoughtful and measured approach that looks at youth

safety and services, population trends and projections, and overall impact of proposed staffing reductions is warranted to preserve the philosophy of the department.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Finding 6:** The California State Association of Counties' (CSAC) Report and Tool Kit would be helpful to Napa County in determining other uses for the Juvenile Hall facility.

*Response, Chief Probation Officer:* The Chief agrees with the finding. The Department had begun the process of reviewing options for Juvenile Hall before CSAC formed the Juvenile Hall Utilization Workgroup and has benefited from the information it provides. The case studies discussed in the Tool Kit have afforded staff contacts throughout the State who have been and will continue to be consulted as probation considers options.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

### **Recommendations**

The Jury recommends:

**Recommendation 1:** The Probation Department is to reduce its staffing level for Napa County Juvenile Hall to a level consistent with the historical trends of the past ten years and consistent with the requirements of Title 15. This reduction in staffing is to be accomplished no later than June 30, 2021 and reflected in the Napa County's Adopted Budget for Napa County Juvenile Hall for FY 2021-2022.

*Response, Chief of Probation:* The recommendation has not yet been implemented but will be by the next fiscal year. The decline in the juvenile hall population has been gradual and is happening throughout California as a result of significant change over the last decade in how the juvenile justice system responds to youth. During this same period, California's birthrate began to fall and the number of youth in custody continued to decrease, however, the need for programs required to support these youth increased as they were more challenging. Juvenile Hall Counselors were trained in Evidence Based Programming to provide services to youth with mental health and trauma issues. The same number of facility staff were needed to provide meaningful programming and not just supervise youth. As the population continued to decline the number of staff was reduced through attrition. The department recognizes the population may continue to decline after the pandemic, and has already begun the process of reducing staff and exploring options for the facility as briefly outlined in the response to Finding 5.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.

**Recommendation 2:** The Board of Supervisors consider using The Tool Kit created from the Juvenile Hall Utilization Workgroup. The Board of Supervisors and the Probation Department are to convene a task force consisting of relevant governmental agencies to study and suggest alternative uses for the under-used Napa County Juvenile Hall facility. This task force is to convene no later than December 31, 2020, with directions to issue a public report with its recommendations no later than June 30, 2021.

*Response, Chief of Probation:* The recommendation has not yet been implemented and the goal is to establish alternatives by the next fiscal year. Use of the California State Association of Counties' Report and Tool Kit has been and will continue to be used as a guide. The Chief Probation Officer will continue to work closely with the Presiding Judge, District Attorney, Public Defender, and Corrections Director to discuss issues, trends and challenges in the criminal justice arena. In future discussions with the group, the Juvenile Hall facility will be added to list of potential topics. With guidance from these partners, the Juvenile Justice Coordinating Committee, and in collaboration with the County Executive Officer and Board of Supervisors, we have the knowledge, history, and ability to review the use of the facility and implement any changes that are most beneficial to the youth, families, and community we serve without the need for a formal task force. Numerous considerations are being evaluated and considered, and pending legislation and shifting ideologies will affect the way Juvenile Justice is addressed in California and the country in the coming months.

*Response, Board of Supervisors:* The Board of Supervisors agrees with the Chief.