



NAPA COUNTY GRAND JURY
2019-2020

FINAL REPORT
May 27, 2020

NAPA COUNTY JUVENILE HALL:
EXCEPTIONAL COSTS

Napa County Juvenile Hall: Exceptional Costs

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SUMMARY

Napa County Juvenile Hall is a secure facility operated by the Napa County Probation Department. Its primary purpose is to provide the detention of juveniles awaiting a hearing or other short-term disposition.

The two tables below tell an important story showing an inadequacy of fiscal oversight. Since the opening of Napa County Juvenile Hall's facility in 2005, staff has remained relatively constant and the detainee population has sharply declined.

FY	Staff	Average Daily Population
2005-2006	37	44-50
2010-2011	36.75	36
2014-2015	36.75	30
2019-2020	36.75	16

Table 1: Table created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

Similarly, despite the decreasing number of detainees, the annual budget has continued to increase due to the Napa County Probation Department's request to staff for 50 detainees.

FY	Budget	Average Daily Population
2005-2006	\$3,243,208.38	44-50
2010-2011	\$4,804,745.00	36
2014-2015	\$5,323,077.00	30
2019-2020	\$6,825,755.00	16

Table 2: Table created by 2019-2020 NCGJ with information sourced from Napa County Adopted Annual Budgets and Napa County Juvenile Hall

As a result, the present cost to house a detainee is approximately \$1,160 per day as opposed to a cost of approximately \$205.00 when the facility was opened in 2005.

The 2019-2020 Napa County Grand Jury visited Napa County Juvenile Hall (NCJH) and interviewed members of its staff, the Napa County Probation Department staff, and some juvenile detainees. The management and staff appear to be well-trained and committed to working with the juvenile detainees to enable them to become productive citizens. The Jury found the facility to be safe, secure, and clean. However, it appears to be significantly overstaffed for the relatively small number of juvenile detainees in the facility on any given day.

The Jury recommends the Board of Supervisors and the Probation Department reduce Napa County Juvenile Hall's staffing consistent with its present population. The Jury also recommends the Board of Supervisors appoint a task force to explore alternative uses for the under-used facility.

GLOSSARY

ADP: Average Daily Population

BOS: Napa County Board of Supervisors

BSCC: State of California Board of State and Community Corrections

CONSOLIDATED ANNUAL PLAN: Juvenile Justice Crime Prevention & Youthful Offender Block Grant Report

CSA: California Corrections Standards Authority (Predecessor to BSCC)

CCSAS: California State Association of Counties

HHSA: Health and Human Services Agency

JHC: Juvenile Hall Counselor

JJCPA-YOBSG: Juvenile Justice Crime Prevention Act & Youthful Offender Block Grant

MHC: Mental Health Counselor

NCJH: Napa County Juvenile Hall

NCPD: Napa County Probation Department

NVUSD: Napa Valley Unified School District

RATED CAPACITY: The number of beds approved by BSCC that can be used by a Juvenile Facility based on the design requirements of Title 24, Part 1, Article 2, Section 13-201(c)6, of the California Code of Regulations

TITLE 15: BSCC California Minimum Standard for Local Detention Facilities, Crime Prevention and Corrections Division 1, Chapter 1, Subchapter 5

BACKGROUND

California Penal Code Sec. 919(b) requires the Napa County Grand Jury to make inquiry into the condition and management of all public prisons within the County, including the Napa County Juvenile Hall. Pursuant to that mandate, the 2019–2020 Napa County Grand Jury made an initial visit to NCJH on September 9, 2019, where it toured all areas of the facility accompanied by the Superintendent and the Assistant Superintendent. During the tour the Jury was able to observe the various steps in the process whereby a juvenile is initially placed into NCJH, integrated into the population, and how his/her progress is monitored during the time a juvenile is incarcerated. The Jury discussed with the staff the various programs offered to the detainees. The Jury visited the kitchen and spoke with staff who provided information regarding the overall approach to assuring that the dietary needs of the juvenile detainees are met. Finally, time was spent in the recreational areas, both indoor and outdoor, observing the two pods containing the individual living and sleeping areas for the juvenile detainees, and visiting the academic classroom.

METHODOLOGY

During its inquiry the Jury

1. Conducted a tour of the Napa County Juvenile Hall facility
2. Conducted ten interviews, most of which were at NCJH, with the following:
 - Two members of the NCPD
 - Three members of the NCJH Administration
 - One member of HHSA

- One member of the BOS
 - One NCJH on-site Counselor
 - One member of the Napa County Risk and Emergency Administration
 - Informal interviews with juvenile detainees at NCJH
3. Reviewed the following documents:
- Title 15 Minimum Standards for Juvenile Facilities
 - Minor’s Grievance Reports for NCJH for 2005–2019
 - Past Grand Jury Reports on NCJH, 2005–2019
 - NCJH Procedural Manual
 - NCJH Line Item Budgets, FYs 2005-2006, 2010-2011, 2017-2018, 2018-2019, and 2019-2020
 - Board of State and Community Corrections Inspection, November 28, 2017
 - Review of Non-Regulations Requirements, December 4-5, 2017
 - BSCC #7357 Biennial Inspection Pursuant to Welfare & Institutions Code 209 and 885, February 14, 2018
 - Probation Department Budget NCJH General Fund 1000, Div.14210
 - NCJH Staff List and Staffing Schedule for October 2019
 - NCJH Organizational Chart
 - Updated NCJH Policy and Procedure Manual, including current Title 15 revisions
 - BSCC Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant, March 2019
 - NCJH Budget 2020
 - BSCC Juvenile Justice Crime Prevention Act: 2015 and 2016, Progress Report for Functional Family Therapy
 - BSCC Juvenile Justice Offender Block Grant 2019 Expenditure and Data Report due date October 1, 2019
 - BSCC Youthful Offender Block Grant Funding Application Juvenile Justice Development Plan for Fiscal Years 2014-2015, 2015-2016, and 2016-2017
 - Additional Budget breakdown provided by NCJH Administrative staff
 - California State Association of Counties, *Juvenile Justice Facilities in California Report and Tool Kit*

DISCUSSION

Introduction

The management of NCJH is one of the responsibilities of the Napa County Probation Department’s Chief Probation Officer. The Chief is responsible for all Juvenile Probation Services as well as the Adult Division of the Probation Department. The former Chief Probation Officer, who served for 17 years, retired as of February 7, 2020. The position has been filled by the prior Deputy Probation Officer who has been with the Probation Department since 1994. The day-to-day management of NCJH is vested in the Juvenile Hall Superintendent and his Assistant.

NCJH was built in 2004 and is a two-story facility consisting of 43,000 sq. feet with two podular design detention units (pods) with a Rated Capacity of 60 juvenile detainees. Podular design is a concept for detention facilities in which housing cells, dormitories, or sleeping rooms

are positioned around the perimeter of a common dayroom forming a housing/living unit. Rated Capacity is the number of beds approved by State of California Board of State and Community Corrections (BSCC) that can be used by a juvenile facility based on the design requirements of the California Code of Regulations.¹ In addition to the number of beds capacity limitations imposed by Title 24, BSCC requires that the facility have a minimum staffing level which meets the requirements of Section 1321, Title 15, Minimum Standards for Juvenile Facilities. This Section specifies that the following minimum standards must be met:

- A. During the hours that youth are awake, one wide-awake youth supervision staff member for each 10 youth in detention
- B. During the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member for each 30 youth in detention
- C. At least two wide-awake youth supervision staff members on duty at all times regardless of the number of detainees
- D. At least one youth supervision staff member on duty who is the same gender as youth housed in the facility
- E. Personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction, clerical, kitchen, or maintenance shall not be classified as youth supervision staff positions

The Jury does not consider itself qualified to determine the specific number of staff required by Title 15 for 16 detainees. If 36.75 full time staff, excluding management, is sufficient for 50 detainees, some number less than that would be sufficient for 16 detainees. Regardless of the population in Napa County Juvenile Hall, the Napa County Probation department has continued to seek funding to staff at an assumed level of 50 detainees.

Average Daily Population

At the time the NCJH was opened in 2005 its Average Daily Population was 44 with a staff of 37. This was deemed to be sufficient to meet the Title 15 staffing requirements for a maximum detained population of 50 juveniles. During the years between 2005 to 2010, the facility exceeded the 50-detainee capacity approved by BSCC, requiring the NCPD to go to the Napa County Board of Supervisors for funding for additional staff. Since at least 2014, when the ADP was 24, the population has never exceeded 20 and has dropped as low as 11 on some days.

As shown in the graph below, for the last 10 years NCJH's daily population has been below the 50-detainee capacity for which it is presently staffed.² At present the average stay for a detainee is less than 30 days. There is no indication that this trend will reverse itself given California's emphasis on rehabilitation over incarceration.

¹ Board of State and Community Corrections, "Minimum Standards for Local Detention Facilities", 2013, <http://www.bscc.ca.gov/wp-content/uploads/Adult-Title-24-Min-Standards-for-Local-Detention-Facilities-2013.pdf>

² Napa County, California Adopted Budget, FY 2019-2020, <https://www.countyofnapa.org/ArchiveCenter/ViewFile/Item/559>

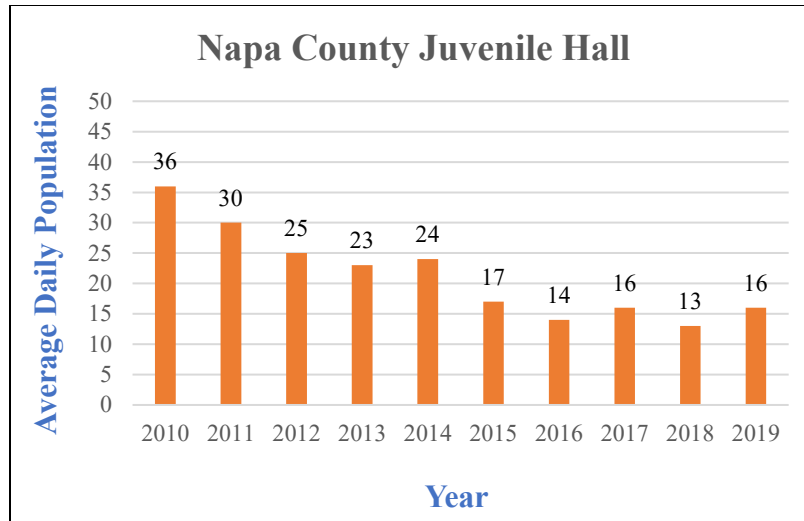


Fig. 1: Figure created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

This drop in the NCJH population is not unique to Napa County; it is true statewide and has resulted in several counties closing their juvenile hall facilities and/or combining the services with other counties to provide for the detention of juvenile offenders. A particularly comprehensive article entitled “*Empty Cells, Rising Costs*” published on March 25, 2019, in the San Francisco Chronicle,³ detailed the present landscape of the problem and the responses in California. The San Francisco Board of Supervisors has voted to close its Juvenile Hall within two years.

The 2017-2018 Napa County Grand Jury in its Final Report⁴ entitled, “Empty Beds: Juvenile Hall Review,” recognized this continuing under-use of NCJH facilities, but did not address the staffing concern. The Jury adopted a Finding, consistent with the position of the Probation Department, that a consolidation of its juvenile detention facilities was not optimal for serving Napa County youth. The 2017-2018 Jury recommended that the BOS respond to the following:

determine whether excess Juvenile Hall physical capacity and staffing above near-term projected needs can be put to an alternative use. The results of the study should be published.

The BOS rejected this recommendation as “not warranted” based upon the representation by the Chief Probation Officer that she continues to review the best usage of the facility and staffing. Thus, the BOS said no further study was necessary.

³ San Francisco Chronicle, Joaquin Palomino and Jill Tucker, “Empty Cells, Rising Costs”, 3/25/19, <http://digital.olivesoftware.com/Olive/ODN/SanFranciscoChronicle/shared/ShowArticle.aspx?doc=HSFC%2F2019%2F03%2F25&entity=Ar00101&sk=C88D2038&mode=text>

⁴ The Superior Court of California, County of Napa, “Grand Jury Reports and Responses”, 2017-2018, <http://www.napa.courts.ca.gov/grand-jury/reports-response%202017-2018>

FY 2019-2020 Staffing

The present staffing level for FY 2019-2020 for NCJH is 36.75 made up of the following permanent positions, the same as it was in FY 2005-2006 and FY 2018-2019:

• Assistant Juv. Hall Superintendent	1
• Cook 1	1.5
• Food Service Coordinator	1
• Juvenile Hall Counselor II	1
• Juvenile Hall Counselor II (Flex)	20.25
• Juvenile Hall Superintendent	1
• Legal Clerk II (Flex)	1
• Senior Juvenile Hall Counselor	6
• Supervising Juvenile Hall Counselor	4
TOTAL	36.75

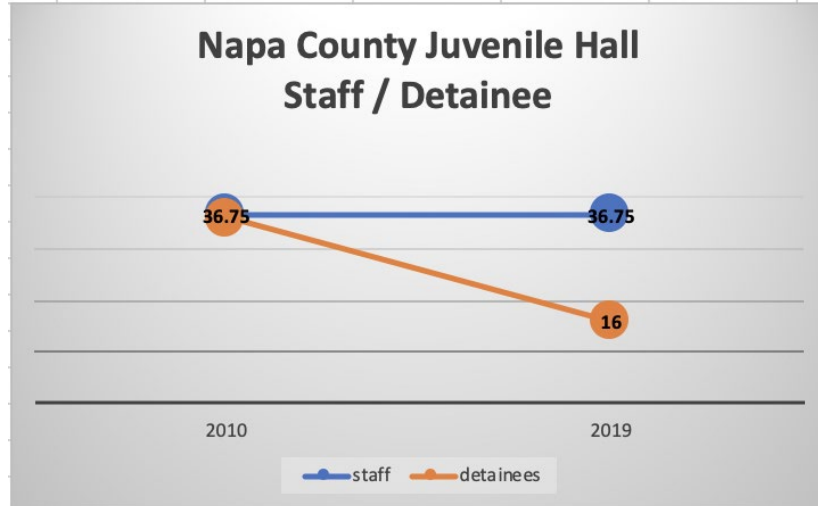


Fig. 2: Figure created by 2019-2020 NCGJ with information sourced from Napa County Juvenile Hall

NCJH management provided no explanation as to why budgeted staffing levels for a facility housing 16 detainees have continued to remain the same as for a facility housing 50 detainees other than they understood Title 15 required it based on the existence of two pods. The organizational chart of NCJH reflects a staffing for one of the detention pods with 2 Juvenile Hall Supervisors and 16 Juvenile Counselors. The staffing in the other detention pod is shown as 2 Juvenile Hall Supervisors and 14 Juvenile Hall Counselors, with two positions presently vacant. The Jury was unable to find any support that Title 15 mandated the present staffing for 16 detainees, particularly when one pod has one juvenile detainee.

Budget

Despite the significant reduction in the juvenile population being served by NCJH noted above, a review of the Annual Budgets for NCJH from FY 2010-2011 through FY 2019-2020 does not reflect a similar decline in expenditures.

FY	Total Budget	Salaries & Benefits	ADP
2005-2006	\$3,243,208.38	\$2,819,502.04	44-50
2010-2011	\$4,804,745.00	\$4,114,614.00	36
2014-2015	\$5,323,077.00	\$4,377,947.00	30
2019-2020	\$6,825,755.00	\$5,019,179.00	16

Table 3: Table created by 2019-2020 NCGJ with information sourced from Napa County Adopted Annual Budgets and Napa County Juvenile Hall

These figures do not include the additional resources provided to NCPD to serve juveniles whether in custody or on probation:

- Teachers from Napa Valley Unified School District
- Mental health counselors from Napa County Health and Human Services Agency
- State and federal grants for specific programs
- Outside non-profit organizations which provide programs

As presently staffed, the cost to operate NCJH for fiscal year 2019-2020 is approximately \$1,160 per day per detainee. These budget numbers are driven by the Probation Department’s request to staff the facility with an assumed capacity of 50 juvenile detainees. The Jury recommends that the Probation Department and the Board of Supervisors reduce the staff to a level more consistent with the actual number of detainees.

Potential New Usages

In 2019 NCPD instituted a program called New Horizons. This Program is intended to take youth who would be ordered by the Juvenile Court to a long-term residential care facility of which there are none in Napa County. The idea is to house them in one of the juvenile detention pods at NCJH to reduce to the hardship of travel on families. NCPD can recommend to the Napa County Juvenile Court that a juvenile detainee be removed from the home and placed in treatment at NCJH. Once approved by the Court, the juvenile detainee would be housed in this pod separate and apart from other juvenile detainees who are awaiting a hearing or are in short-term detention. Under the terms of the New Horizons program:

- the juvenile will be under the supervision of a juvenile hall counselor
- housed in a separate detention unit

Juveniles in the New Horizon Program will:

- attend an outside NVUSD school on a full-time basis
- may have an outside job
- may have home passes
- will be offered programs including those for drug or substance abuse and mental health programs not available in NCJH

Initially, there were three juvenile detainees in the New Horizons Program. At the time of this writing there is one juvenile detainee in the Program. The Probation Department advised the Jury that it did not contemplate that the population in the New Horizons Program will ever

exceed 10. As noted above, this pod reflects a staffing level of 16, including two Supervisors for a detention unit contemplated to at most house 10 detainees.

In January 2019, the California State Association of Counties, chaired by Napa County Supervisor Alfredo Pedroza, created a Juvenile Hall Utilization Workgroup. The workgroup issued its Report and Tool Kit in November 2019,⁵ outlining possible options for how counties could move forward in solving this under-use problem. The Tool Kit is designed to provide a framework for an analysis by the decision-makers in each county to analyze the best use of a juvenile hall facility and meet the needs of the Juvenile Justice System. The Jury believes this Tool Kit would be an appropriate tool for Napa County to review for possible implementation.

FINDINGS

The Napa County Grand Jury finds as follows:

- F1. The physical facilities at Napa County Juvenile Hall provide a safe, clean, and secure environment for the detained juveniles in compliance with Title 15.
- F2. The management and staff appear to be well-trained and fully committed to working with the juvenile detainees to become productive citizens.
- F3. The facility is over-staffed for the actual number of juvenile detainees.
- F4. 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.
- F5. There is a need to find additional uses for the Napa County Juvenile Hall facility.
- F6. The California State Association of Counties' Report and Tool Kit would be helpful to Napa County in determining other uses for the Juvenile Hall facility.

THE JURY RECOMMENDS

- R1. 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.
- R2. 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

⁵ California State Association of Counties, "Juvenile Justice Facilities in California: Report and Tool Kit", November, 2019, https://www.counties.org/sites/main/files/file-attachments/juvenile_hall_report_and_toolkit_2019.pdf?1576174740

to convene no later than December 31, 2020, with directions to issue a public report with its recommendations no later than June 30, 2021.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the 2019-2020 Napa County Grand Jury requests responses within 90 days as follows:

From the following Government Officials:

- Napa County Board of Supervisors (F1-F6 and R1-2)
- Chief Probation Officer, Napa County Probation Department (F1-4 and R1-2)

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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 9229 requires that reports of the Grand Jury not contain the name of any person or fact leading to the identity of any person who provides information to the Grand Jury.