



**NAPA COUNTY GRAND JURY
2015-2016**

June 28, 2016

FINAL REPORT

**NAPA COUNTY JAIL AND
DEPARTMENT OF CORRECTIONS**

**IT IS TIME FOR CHANGE
AT THE NAPA COUNTY JAIL**

NAPA COUNTY JAIL AND DEPARTMENT OF CORRECTIONS ANNUAL REVIEW

SUMMARY

The California Penal Code mandates that the Grand Jury annually inspect detention facilities within the county. In addition to a number of physical inspections of the Napa County Jail and municipal holding facilities, the 2015- 2016 Napa County Grand Jury reviewed NCJ operations, interviewed Napa County Department of Corrections (NCDC) management, correctional officers, and administrative staff and other witnesses, and looked at numerous documents. The Grand Jury found substantial evidence of significant problems in the management of the Napa County Jail:

- The Grand Jury heard several witnesses express a lack of confidence in jail management and operations and concern about possible retaliation for voicing their concerns, feelings that favoritism or bias affected management decisions, unease with frequent organizational restructuring, and inconsistent application and enforcement of policies and procedures;
- Employees are concerned for their on-the-job safety, arising from a variety of causes including lingering earthquake damage, short staffing, lack of training, and having to deal with inmates who either have mental health issues or are more “serious” criminals funneled to the county jail by state-mandated realignment;
- Hiring and retention are problems, and NCJ records show that the jail has not been fully staffed for at least three years and is currently operating with only 66% of a full staff of Correctional Officers; and
- It appears that the NCJ facilities are outdated and do not comply with current best correctional practices.

Upon discovering the magnitude of the problems at NCJ, the Grand Jury actively sought solutions, which are presented in the *Recommendations* section of this report.

Overall, “fixing” the NCJ must begin with the Board of Supervisors (BOS) recognizing that, although a new jail is needed, bricks and mortar alone will not solve the systemic problems. Rather, the BOS should take a much more active role in overseeing the administration of the NCJ. As examples, the Grand Jury believes that the following are the minimum components critical to bringing the NCJ to proper operational standards:

- Correctional management should have enhanced oversight, and the BOS should consider (1) assigning a senior staff person to review and report on jail operations, and (2) providing a management consultant to work with jail leadership until management and operational problems and deficiencies are stabilized and improved;

- All Correctional Officer positions should be filled;
- All policies and procedures should be reviewed and updated to best practices, and should be consistently applied without favoritism or bias;
- The BOS should take all steps necessary to provide Correctional Officers pay and benefits sufficient to attract and retain a full staff of qualified personnel; and
- Inmates' mental health issues should be addressed, including providing sufficient and qualified staffing, facilities and programming to achieve that goal, and insuring that outside providers of these services perform in compliance with clearly drafted contracts.

It must be noted that despite the problems the Grand Jury uncovered at the NCJ, most of the staff are committed to doing the best job they can under very trying circumstances. They are to be commended for their hard work, and should be rewarded by the County taking the steps necessary to improve conditions at the jail.

GLOSSARY

BOS	Napa County Board of Supervisors
BSCC	Board of State and Community Corrections (State of California)
NCDC	Napa County Department of Corrections
NCJ	Napa County Jail
HHSA	Health and Human Services Agency
NSH	Napa State Hospital
CFMG	California Forensic Medical Group
FMHC	Forensic Mental Health Counselor
SEIU	Service Employees International Union
NCEO	Napa County Executive Officer

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. The BSCC has rated this facility to hold a maximum of 264 male and female inmates, detainees and prisoners awaiting sentencing. Overcrowding has been an issue for some time. Prior to the 2014 earthquake, the facility operated at 90% capacity for approximately 200 days per year and at times was called on to house 300 inmates. This situation was partially a result of mental health, violent, and gang populations taking a disproportionate share of available cell space. For example, when an inmate with mental health issues has to be housed alone in a cell designed for two, this causes other cells to be overcrowded. On its most recent site visit, the Grand Jury observed a number of cells designed for two persons housing three or more inmates.

California Forensic Medical Group (CFMG) provides medical, dental and psychiatric services to jail inmates under a contract in place since November 2011. CFMG has provided similar services under previous contracts since 2000. The current contract appears to be in its final year of automatic renewal. Mental health assessment and care is provided by the Napa County Health and Human Services Agency.

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 director of the Napa County Department of Corrections (NCDC), who reports to the BOS through the Napa County Executive Officer, is responsible for the operation of 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 training, crime reporting, and internal affairs 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 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 resulted in the addition of more criminally sophisticated felons, serving considerably longer terms in already overcrowded local facilities not designed for long-term incarceration.

NCDC management and 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 increased by Realignment. A Correctional System Master Plan by the Criminal Justice Committee recommending a new jail was enacted 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 would commence in March 2016 and be completed by March 2018, Napa County Sheriff sources and NCDC staff confirm that the new jail is lacking a funding source, has not been started, and may not be completed until 2022.

In September 2015, the County applied for \$20 million in funds from the California Board of State and Community Corrections. This \$20 million, along with \$46 million from such sources as savings and the sale of surplus county property, would have funded the first phase of a new jail facility: construction of a 64-bed maximum-security unit, a 17-bed medical/mental health treatment unit, and core facilities such as a central control room and kitchen.

When the BSCC awarded the County just \$2.8 million instead of the \$20 million requested, county personnel and the BOS began to look at phase-in options and to seek the necessary funding through additional grants or revenue. In the meantime, as explained below, the County

has funding on hand to proceed with a 72-bed “staff secure” re-entry facility scheduled to open in 2019.

METHODOLOGY

The 2015-2016 Grand Jury interviewed NCDC management, Correctional Officers and administrative staff; members of the BOS; and management and personnel from the Napa County Health and Human Services Agency, the Sheriff’s Office, the Napa County CEO’s office and the SEIU. In addition, numerous documents, publications and websites were reviewed. (Please see bibliography.)

The Grand Jury toured the following components of the facility:

- Initial Booking Area
- Holding Cells
- Court Holding Area
- Sally Port Entry
- Observation Cells
- General Population
- Maximum Security
- Administrative Office
- Work Furlough Accommodations
- Visitation Area
- Kitchen
- Laundry
- Nurse’s Station/Medical Unit
- Control Room
- Exercise Yard
- Correctional Officer’s Break Room

The Grand Jury also visited the holding cells of the following city police departments:

- American Canyon
- Calistoga
- St. Helena

DISCUSSION

During the course of the Grand Jury’s investigation, it explored the following topics:

- Physical jail inspection
- Management and operation of the jail
- Mental health issues
- Status of new jail

The Physical Jail Inspection

The Grand Jury visited the jail four times over the course of its term. The first visit was in August 2015, and the last visit occurred in May 2016.

During visits: The cells appeared mostly clean and free of graffiti in the newer portion of the jail. However, the graffiti in the older, original (1975) jail appeared to be part of the landscape. Bedding for inmates seemed adequate. Several “boat beds” were being used to make sleeping space on cell floors. (Boat beds are temporary sleeping units that are used when cells are overcrowded to the point that there are not enough permanent bunks for all inmates.)

Early visits: The interior of what is called the newer (1989) jail section appears to be in good shape, but with some visible earthquake damage. The older jail sustained significant damage from the earthquake and was not being used to house inmates. Because of the damage, BSCC reduced the jail capacity from 264 to 204, but due to the number of mental health cases in custody, space was still limited even with a census of 184 during our visits. The jail area has been yellow-tagged since the earthquake. We heard several comments from employees stating concern regarding the safety of the current building.

May 2016 visit: Post-earthquake repairs so far have focused on bringing inmate housing areas on the third floor of the “old jail” up to pre-earthquake conditions. Those areas are currently open and occupied because repairs were “fast tracked.” Doing so, however, removed officers from their normal functions and thus aggravated staff shortages in a number of areas in both the old and new jail sections. The jail remains under a “yellow tag” status, and management expects it will take another six months to undertake the repairs necessary to remove the tagged status. The planned relocation and upgrades to the monitoring equipment for the control room have also been delayed. Completing all repairs is estimated to take an additional two years. This means that damage from the August 2014 earthquake will not be repaired until May of 2018.

Non-earthquake related projects are also underway, including a basement project that converts dormitory style open units to two-person cells. This work should be completed in approximately eighteen months, and requires that 30 inmates continue to be housed in Solano County facilities until the new cells are ready.

Staffing Issues

Staffing Shortages. There is a chronic shortage of staff at the NCJ. The Grand Jury was unable to determine when the jail was last fully staffed, but it has been understaffed for at least the last three years.

The Correctional Officers are operating at a 33% staff deficit, and 40% of them have less than five years tenure. Currently, out of 64 Correctional Officer positions, thirteen are vacant and eight officers are on medical leave: in raw numbers, 21 out of 64 positions are not covered. This is most noticeable during the weekends, when an assigned staff member’s sickness can easily leave a shift even more short-staffed because no backups are available to come in. A standard

shift should consist of fifteen (15) employees, but there have been times when the jail has operated with a shift of eight (8), posing safety risks to both staff and inmates. Current officers consistently work overtime to cover all shifts.

Staffing is also impacted by recruitment and retention issues. Potential recruits are frequently lured away—either in the first instance or in early years at the NCJ by similar jobs that offer full status as a peace officer. These jobs (e.g., Sheriff’s deputy) offer earlier retirement and larger percentages of salaries as pension. Most witnesses noted that, without an improved compensation package, Correctional Officers are likely to use NCJ only as a stepping stone to career advancement elsewhere. Witnesses agreed that adding safety pay and safety retirement¹ to Correctional Officers’ compensation package would assist in both recruiting to fill vacant staff positions and in retaining qualified staff for the long term.

Staff Training. According to the NCDC Operational Procedures Manual, training serves three broad purposes:

- First, trained officers are generally better prepared to act decisively in an ever-widening range of situations.
- Second, effective training results in greater productivity and effectiveness.
- Third, it fosters cooperation and unity of purpose. An officer’s performance is often a direct reflection of the quality and quantity of training.

All employees are required to complete 24 hours of continuation training per year. Based on its review of documents and witness testimony, however, the Grand Jury is concerned about deficiencies in the quality and quantity of training provided by the NCJ in the first half of 2015. Damages created by the August 2014 earthquake, inadequate procedural oversight by management, and staffing issues were all contributing factors.

Mental Health issues

Managing mental health issues among inmates is a crucial component of the NCDC’s responsibility for the coordination of all programs and services related to the care, treatment and rehabilitation of inmates. Limited psychiatric services are provided by CFMG. This includes prescribing and dispensing psychotropic drugs for the 30% to 40% of the inmates who require medications; however, inmates may refuse to take medications and staff are not allowed to force medications on them.

Licensed Forensic Mental Health Counselors (FMHCs) provided by HHSA’s Mental Health Division provide mental health counseling. These services are designed to address the basic mental health needs of incarcerated persons to the extent required by law. The following services may be provided, based on the inmate’s needs:

¹Safety pay assures an individual full salary when injured on the job without having to supplement with either vacation time or sick leave for a specified period of time.

- Screening and monitoring inmates requesting or receiving psychiatric medications
- Crisis intervention
- Assessment
- Supportive short term psychotherapy services, as appropriate
- Referrals for appropriate resources within the jail and in the community
- Consultation with NCDC staff regarding inmates' needs for special housing and other custody issues, as appropriate
- Formal and informal training on mental health issues to Correctional staff

The Grand Jury noted that there is not a bilingual FMHC. This is of concern because of the large population of Hispanic inmates in the jail.

Due to shortage of space created by the August 2014 earthquake, the FMHCs have only been able to provide limited psychotherapy and counseling services; their current work is limited to intake evaluation. Witnesses reported that there are no clear or concise sets of procedures and practices in place to provide instruction for engagement between the various work groups charged with collaborating to “provide seamless mental health services in [the NCJ] 365 days a year.” For example, the procedure for referring inmates to the FMHCs is often not strictly followed.

Programs and services, initiated by NCJ, that could help rehabilitate and train inmates, such as literacy programs, group counseling, Alcoholics Anonymous, Narcotics Anonymous and the services of a Chaplain, have not been available since the earthquake. Personnel safety and damaged facilities have precluded offering on-site programs, but no video programming has been initiated. Inmates were offered the use of restricted access computer tablets to facilitate rehabilitation programs, but that initiative has been introduced with limited success (on one visit, 30 out of 75 tablets were not in use). Witnesses generally agreed that the tablets are not a good substitute for the transition-oriented rehabilitation programs that have been discontinued. The latter are very important in helping to keep the inmate population content and productive and in decreasing recidivism. Management plans to re-start the rehabilitation programs in six months when the “yellow tag” is removed.

Management Problems and Their Effects

The Grand Jury believes that there are substantial problems with the NCJ management, which have had, and continue to have, a negative impact on the operation of the jail.

Organizational disruption. The organization chart at the management level appears to be in flux. Currently, there is an “acting” lieutenant of operations. Although the current lieutenant for that position has been on leave for more than a year, no permanent replacement has been named. The Assistant Director’s position, a temporary two-year assignment, will be ending sooner than the contract term. During this year, several management level staff have left the jail, and some witnesses called attention to perceived unfairness and favoritism in promotions.

Morale. Management style and behavior definitely affects organizational morale. Multiple witnesses voiced the view that jail management has not applied policies and procedures in a fair and consistent manner. The Grand Jury is concerned, based on multiple sources, about the poor state of morale expressed by officers and staff and its effect on operations at the Napa County Jail.

The County should quickly and fully address these issues, and the management dysfunction giving rise to them, in order to help cultivate proper and efficient operation of this most critical public facility.

In summary, the Grand Jury is concerned that there is a breakdown in the management of the jail, which has not been addressed, perhaps because the focus has been on the details of funding and building a new jail. Failure to immediately address the current management issues, however, will likely lead to even more turmoil in the operation of the NCJ, no matter where it is located.

New Jail and Transition / Re-entry Facility Status

The Grand Jury agrees with prior Grand Juries' recommendations regarding the need for a new jail.

In 2014, Napa County purchased a 27-acre parcel adjacent to Napa State Hospital property for a future jail site. This property is large enough to house additional, related programs and services.

The preliminary design for the new jail was a 366-bed (optimal) facility. Polling was conducted in August and September 2015 to determine voter support for a bond measure to pay for the new jail. Twenty-nine public meetings were held between October 2015 and February 2016. Feedback from the public indicated that there was support for a new jail but for a lower cost option.

At the March 1, 2016, BOS meeting, the Director of Corrections proposed a revised concept for a new jail. This would be a 256-bed facility plus use of the existing downtown facility as an "annex" for additional housing. The new facility would have the ability to expand as funding became available. It would include core space for booking, kitchen, medical services, and programming, at an estimated cost of \$103 million. A quarter-cent, 10-year general use sales tax has been put on the June 2016, ballot for voters. This would generate sufficient funds to pay the debt service on the additional \$68 million necessary to construct the new facility (the County already has earmarked \$46 million in funds on hand).²

In 2014, separately from the proposed new jail, the County was awarded grant money to build a 72-bed "staff secure" re-entry facility near the entrance to the property. That facility will bridge the gap between secure detention and release in a program-intensive environment and will help better prepare inmates returning to the community. It will open in 2019.

²The proposed sales tax increase was defeated in the June 7, 2016 primary election.

A larger, longer-term vision for this property could also include regional partners such as Napa State Hospital given its proximity to this parcel. One such concept could include housing special needs inmates (mental health and medical needs) with support and treatment services provided by the state. Regionalizing specialty units with other local or regional partners could be mutually beneficial in the long term.

FINDINGS

- F1:** There is an appearance of management style and behavior that results in employees feeling intimidated, isolated and undervalued. Based on its witness interviews and review of documentary evidence, the Grand Jury is concerned that, if unchecked, this may result in continued operational issues and continued attrition of qualified personnel from an already understaffed group.
- F2:** NCJ policies and operational procedures are in place, but are not always followed or are inconsistently applied. This ranges from policies that are applied differently from shift to shift depending on the supervisor to policies that simply are not enforced, to policies that are enforced differently against different employees.
- F3:** There are no standard operating procedures in place defining the relationships among the NCJ staff and outside medical and mental health providers.
- F4:** The manner in which the jail is managed has engendered low morale on the part of at least some, if not most, staff and correctional officers.
- F5:** Correctional Officer retention is an issue, as 40% of the existing officers have less than five (5) years in service.
- F6:** Recruitment is a problem at all levels at the NCJ. The jail has not been fully staffed for at least three years.
- F7:** Rehabilitation programs have been discontinued to the detriment of the inmate population and the public at large.
- F8:** A new jail is needed.
- F9:** Correctional Officers and staff, at least for the time being, continue to be invested and interested in their positions and committed to making the best of the challenging situation created by organizational issues and poor facilities.

RECOMMENDATIONS

- R1:** The County Board of Supervisors should enhance its oversight of the NCJ to ensure that it is operating properly, including assigning a senior staff person to comprehensively

review the operation of the jail and to provide a written report of findings no later than April 1, 2017.

- R2:** The Board of Supervisors should retain a management consultant to work with jail leadership on operational, administrative and workforce issues.
- R3:** Compensation and benefits for Correctional Officers should be analyzed to determine the incentive package necessary to attract new career officers and retain existing officers.
- R4:** Staffing should be made an immediate priority, including a full staff of Correctional Officers, and a bilingual FMHC.
- R5:** The County Board of Supervisors should establish a multi-year Citizen's Oversight Committee by December 31, 2016. The BOS should assure that there is no retribution to staff from the committee's findings.

COMMENDATION

The County Board of Supervisors should commend the Correctional Officers for excelling in an extremely difficult environment.

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: **F1, F2, F3, F4, F5, F6, F7, F8; R1, R2, R3, R4, R5; Commendation**

From the following individuals:

Napa County Executive Officer: **R1, R2, R3, R4**

DISCLAIMER

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.

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