



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

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Alfredo Pedroza
Chairman

August 30, 2016

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

FILED

SEP - 6 2016

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 2015-2016 Final Reports on "Maintaining Food Quality in Napa County," "Napa River Reclamation District" and "Napa County Criminal Justice Facilities: County Jail."

Grand Jury activity takes place over the course of a number of months. The Board acknowledges the members of the 2015-2016 Grand Jury for the time they have devoted in preparing the reports.

Sincerely,

A handwritten signature in black ink, appearing to be "AP", written over a white background.

Alfredo Pedroza, Chairman
Napa County Board of Supervisors

Enclosures

Cc: Foreman, 2015-2016 Grand Jury

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Alfredo Pedroza
District 4

Keith Caldwell
District 5

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

August 30, 2016

Napa County Criminal Justice Facilities: County Jail

In general, and applicable to most findings and recommendations in this report, the County Executive Officer is concerned that the Grand Jury did not directly interview the Director of Corrections. While members of the Grand Jury did question Director Vare during the tour of the facility that the Director provided, they did not interview him privately and provide him the admonition afforded to interviewed witnesses. The Director could have provided information that would have led to a more accurate and balanced report.

Finding 1: 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.

Response, County Executive Officer: The County Executive Officer disagrees with this finding. While instances of employee dissatisfaction have arisen during the past year resulting from a variety of factors, actions have been taken by the Director to address and resolve these issues on an ongoing basis. The County Executive Officer is encouraged by these actions and believes that recent hires in key leadership positions will provide additional strength in the department's management structure.

Since the State's enactment of Public Safety Realignment in 2011, Napa County has received inmates who are more violent and have significantly greater medical and mental health related needs. These inmates require enhanced programs and services, and staff must be better trained and ready to respond to critical incidents. Changes in Corrections Department processes to address this changing population have created additional workload for staff, and when staff vacancies occur the problems are exacerbated. The department acknowledges its responsibility and is continuing its efforts to create a positive, productive work environment for its employees, who perform difficult work under very challenging circumstances.

Finding 2: 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.

Response, County Executive Officer: The County Executive Officer partially agrees with this finding. Supervisors are routinely briefed on new policies and procedures. Often changes in procedures result from enactment of new laws and new case law. At times, there may be delays in adoption and implementation of the changes across all teams. Frequent meetings between managers and supervisors are held to ensure that the department is consistent in how it applies changes in policies across the department.

Finding 3: There are no standard operating procedures in place defining the relationships among the NCJ staff and outside medical and mental health providers.

Response, County Executive Officer: The County Executive Officer disagrees with this finding. The relationship between and the duties of County staff and the California Forensic Medical Group (CFMG) is defined in the existing contract between the two entities. CFMG's services include both medical services and services related to psychiatric visits and medications. CFMG follows its established standardized operating procedures, which meet the requirements of Title 15 of the California Code of Regulations and other generally acceptable standards for correctional medical care. Procedures related to responsibilities associated with medical and mental health providers are included in multiple departmental policies and staff is regularly trained on the content.

Finding 4: 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.

Response, County Executive Officer: The County Executive Officer disagrees with this finding. As noted in the response to Finding 1, some instances of employee dissatisfaction have arisen during the past year resulting from a variety of factors. It is impossible to tell from the report whether the issues are representative of the entire staff or a few individuals. However, actions have been and continue to be taken by the Director to address and resolve these issues. The department acknowledges its responsibility to provide a safe, effective work environment for all of its employees.

Finding 5: Correctional Officer retention is an issue, as 40% of the existing officers have less than five (5) years in service.

Response, County Executive Officer: The County Executive Officer partially agrees with this finding. Following State enactment of Realignment in 2011, the Board of Supervisors created additional and upgraded positions to address the changing nature of the jail population. In

September 2012 eight Correctional Technician positions were approved to be converted to Correctional Officer positions as the technician positions became vacant, to enhance safety and security in the jail. In Fiscal Year 2015-2016, the Board approved an additional three full time equivalent (FTE) Correctional Officer positions. As these new positions were filled, the number of staff with less than five years of service has increased. Moreover, a number of staff became eligible to retire in the past five years after working 20 or more years in the County, creating additional vacant positions to be filled.

Finding 6: Recruitment is a problem at all levels at the NCJ. The jail has not been fully staffed for at least three years.

Response, County Executive Officer: The County Executive Officer partially agrees with this finding. Recruitment issues are not unique to Napa County. Almost every county in California faces similar issues in recruiting employees to work in public safety.

Following the 2014 South Napa earthquake, the department transferred nearly 120 inmates to Solano County (about 45% of the inmate population). Some positions have been left vacant, reflective of the reduced number of inmates in custody. In addition, vacancies have resulted from retirements of staff who have worked more than 20 years in the jail. The department continues to engage in recruitment and hiring efforts in all areas in which vacancies exist.

Below is data on the Corrections Department's new hires for the past three fiscal years.

Fiscal Year 2013-2014 New Hires:

- (9) Correctional Officers
- (1) Cook I
- (1) Legal Clerk
- (2) Extra Help Building Maintenance Workers
- (1) Extra Help Account Clerk II
- (During this period 17 left employment)

Fiscal Year 2014-2015 New Hires:

- (14) Correctional Officers
- (2) Cook II
- (1) Extra Help Cook II
- (1) Assistant Director of Corrections (limited term position)
- (During this period 12 left employment)

Fiscal Year 2015-2016 New Hires (partial year, through 4/23/16):

- (1) Correctional Officer
- (1) Account Clerk II
- (1) Correctional Technician
- (1) Building Maintenance Worker
- (During this period 8 left employment)

Finding 7: Rehabilitation programs have been discontinued to the detriment of the inmate population and the public at large.

Response, County Executive Officer: The County Executive Officer partly agrees with this finding. Following the earthquake, the Hall of Justice building was placed in a “yellow-tag” status, which limited the number of people who could enter the jail. With construction crews running from 6:00 AM until late into the night, it was difficult both to supervise work crews and manage inmate movement. External program providers could not come into the jail, and even in-person visiting had to be placed on hold while the facility underwent substantial repairs. Programming would have been impossible to conduct in the facility during this period. The jail relied on electronic tablets provided to inmates for programming. The Probation Department conducted some in-person visits in the jail to engage inmates, and some inmates continued to receive one-on-one services from external program providers. The inmates housed in Solano County were given full access to programs available at that jail. The Napa County Jail recently received approval to remove the “yellow-tag” status, and steps are being taken to reintegrate programs into the jail.

Finding 8: A new jail is needed.

Response, County Executive Officer: The County Executive Officer agrees with this finding. In June 2016, the County asked the voters to approve a ¼ cent sales tax that would have provided partial funding to build a new jail. Measure Y was defeated, so the County must look for other ways to fund the project. The County has continued to explore other funding sources and has secured approximately \$14 million toward the construction of a new 72-bed inmate reentry facility. The reentry facility, to be located on a site adjacent to Napa Vallejo Highway near the State Hospital, is expected to be completed by 2018.

The County also has received \$2.8 million under SB 863 toward the construction of a new jail and has been granted \$20 million in special funding to replace jail beds. The process of replacing the jail will be protracted and will be accomplished in phases as funding becomes available. Napa County continues to actively pursue state funding whenever possible.

Recommendations

Recommendation 1: 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.

Response, County Executive Officer: The County Executive Officer disagrees with this recommendation. The Napa County Jail is one of two jails in California over which the Board of Supervisors has direct authority regarding jail operations. The Corrections Department is assigned to the most senior staff within the County Executive Office, and the staff person together with the County Executive Officer meet regularly with the Director. The County Executive Officer keeps the Board apprised of operational hurdles and suggests possible solutions. In addition, all jails in California are inspected biennially by the Board of State and Community Corrections (BSCC), which reviews among other items the department's policies and procedures, inmate grievances, discipline, housing, staffing, sanitation and staff training. The BSCC inspectors represent an independent state agency that ensures that correctional facilities are operating within established guidelines. The department has consistently met the BSCC requirements and standards required by law.

Response, Board of Supervisors: The Board of Supervisors agrees with the County Executive Officer.

Recommendation 2: The Board of Supervisors should retain a management consultant to work with jail leadership on operational, administrative and workforce issues.

Response, County Executive Officer: The County Executive Officer disagrees with this recommendation. Prior to the Grand Jury's investigation, the Director of Corrections hired a management consultant to assist the department in its transition from post-earthquake-related work projects, inmate relocation, and staffing vacancies to a more stable operational status. The management consultant has and continues to work with managers and supervisory staff to ensure that practices are consistent and that the department is focusing on addressing its most significant needs and planning for the future.

Response, Board of Supervisors: The Board of Supervisors agrees with the County Executive Officer.

Recommendation 3: Compensation and benefits for Correctional Officers should be analyzed to determine the incentive package necessary to attract new career officers and retain existing officers.

Response, County Executive Officer: The County Executive Officer partially agrees with this recommendation. Staff members have left the department for jobs offering higher pay and enhanced benefits in the private sector and to accept similar positions at other law enforcement agencies. A shift in the public employee pension formula has reduced the number of qualified applicants, and this will continue to have an impact on the department's ability to recruit and retain staff. A compensation study was conducted by Ralph Anderson & Associates on the Correctional Officer classification in April 2015. The County met and conferred with the union sharing the results of the study. It was the County's conclusion that compensation was in line with the Board's philosophy to be within 5% of the median of non-sworn market comparable agencies.

Response, Board of Supervisors: The Board of Supervisors agrees with the County Executive Officer.

Recommendation 4: Staffing should be made an immediate priority, including a full staff of Correctional Officers, and a bilingual FMHC.

Response, County Executive Officer: The County Executive Officer disagrees with this recommendation. Sufficient staffing is always a top priority for the department, and the department works closely with Human Resources to conduct recruitments and advertise for correctional officer positions in other states. The cost of living in Napa, changes in retirement formulas and a stressful work environment, including the challenges inherent in working with mentally ill inmates, are contributing factors to staff recruitment. The department had a bilingual Forensic Mental Health Counselor (FMHC) until a few months ago, when the position became vacant. In the interim, when there has been a need for a bilingual mental health professional on site, the Napa County Health and Human Services Agency's Mental Health Division has provided staff to address these needs. Recently, the full-time FMHC position has been filled, and an additional vacant half-time position is being recruited.

Response, Board of Supervisors: The Board of Supervisors agrees with the County Executive Officer.

Recommendation 5: 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.

Response, Board of Supervisors: The Board of Supervisors disagrees with this recommendation. The department has periodic inspections by the State, and the Board of Supervisors provides direct oversight of jail operations. In addition, the number of grievances

from inmates is low. The County has policies to prohibit retribution and has no reason to believe that retribution is occurring or will occur in the future. However, there are a number of ways that any employee can report suspected retribution and appropriate follow up of any claim occurs.

Commendation

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

Response, Board of Supervisors: The Board of Supervisors agrees with the commendation but believes that the commendation should be extended to all staff members of the Corrections Department, who do an outstanding job under very difficult circumstances.