



**NAPA COUNTY  
GRAND JURY**

**2007-2008**

**Final Reports on**

**NAPA VALLEY COLLEGE**

**NAPA COUNTY JAIL  
DEPARTMENT OF  
CORRECTIONS**

**NAPA VALLEY**

**COLLEGE**

# TABLE OF CONTENTS

1. Letter to Presiding Judges	
2. Letter to the Citizens of Napa County	
3. Napa Valley College	
a) Summary	1
b) Background	2
c) Methodology	3
Documents Reviewed	3
Interviews Conducted	4
Facilities Inspected	4
Other Facilities	5
4. Discussion	5
a) Main Campus	5
b) UpValley Campus	6
c) Funding Base	7
Napa Valley College Foundation	8
Proposition 92	8
d) Unfunded Health Care Liabilities	9
e) Child Development Center	10
f) Capital Improvements (Measure N and L)	10
g) Campus Safety	12
Student Right-to-Know	12
Emergency SMS Text Alerts	12
Law Enforcement Authority & Interagency Relationship	12
Weapons of Campus	13
Crime on Campus	13
h) Disaster Plan	15
NIMS/SEMS	15
Fire	15
Earthquake	15
i) Energy Conservation	15
5. Commendation	16
6. Findings	16
7. Recommendations	17
8. Request for Responses	17
9. Glossary	17
10. Appendix	18
a) Appendix 1: Student Enrollment Statistics/Demographics	18



## NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

April 28, 2008

The Honorable Francisca P. Tisher  
The Honorable Raymond A. Guadagni  
Presiding Judges 2007/2008  
Superior Court of the State Of California  
County of Napa  
825 Brown Street  
Napa, CA 94559

Dear Judges Tisher and Guadagni,

Pursuant to Section 933(a) of the California Penal Code, the 2007-2008 Napa County Grand Jury submits to you its Final Report on the Napa Valley College. Our investigation of the Napa Valley College was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury – to protect the interests of the citizens of Napa County.

This is the eighth in a series of final reports we will be issuing before our term ends. I would like to acknowledge the hard work and dedication of the Grand Jury which our reports reflect. It is a privilege and a pleasure to work with them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Trautman". The signature is fluid and cursive, with a long horizontal stroke at the end.

William E. Trautman  
Foreperson  
2007-2008 Napa County Grand Jury



## **NAPA COUNTY GRAND JURY**

**P.O. BOX 5397**

**NAPA, CALIFORNIA 94581**

To the Citizens of Napa County:

The 2007-2008 Napa County Grand Jury is engaged in several comprehensive investigations of various governmental agencies in Napa County in exercise of its duty under California law. We will issue a series of final reports on these investigations before the end of our term, June 30, 2008.

Our sixth report, issued with this letter, is the results of the Grand Jury's investigation of Napa Valley Community College (NVC). We found that NVC is well run by a dedicated staff under the tutelage of the college president and is meeting its mission to engage students by providing high quality programs and services that promote learning, enhance individual development, and prepare life-long learners for their roles in our diverse, dynamic and interdependent world.

The report notes the impact of the failure of Measure L which will mean that some of the projects which were to be funded under Measure N in 2001, will not be completed due to a lack of funding. Exactly which projects will not be done is to be yet decided by the Board of Trustee's of NVC. Further, NVC liability for retirees' health plan benefits as of January 1, 2006, was \$40,169,000. The Napa Valley College Community District is required to adopt Government Accounting and Standards Board regulations 43 and 45 and is currently studying the benefits of locally maintained funds versus participating with California Public Employee Retirement System in an irrevocable trust arrangement, with a potential for better return on the funds, shortening the amortization period and reducing the annual contribution required.

The Grand Jury commends Napa Valley College for the foresight and vision to install the solar field and chiller plant. Both units reduce the costs to the College's general fund; reduce carbon emissions; and serve as a model to Napa County and other campuses across the country.

The Napa County Counsel has reviewed this final report on the Napa Valley College and the Presiding Judge of the Napa County Superior Court has certified that the report complies with Title 4 of the California Penal Code. The report has also been accepted and filed as a public document by the County Clerk.

Copies of the report are available for your review in the Napa City/County Library and online by following the link to Grand Jury at <http://www.napacourt.com/>. It is our pleasure and honor to serve you during the 2007-2008 Grand Jury tenure. We hope you find our report interesting and informative.

Respectfully submitted,

The 2007-2008 Napa County Grand Jury

# NAPA VALLEY COLLEGE

## SUMMARY

The 2007-2008 Napa County Grand Jury, which is charged with the duty of providing residents of Napa County with information regarding governmental agencies within the Cities and County, conducted an investigation of the Napa Valley College (NVC), as the College had not been investigated for a number of years.

The Grand Jury found that NVC administration, staff and faculty work well together under the competent leadership of the President. NVC meets its mission to engage students by providing high quality programs and services that promote learning, enhance individual development, and prepare life-long learners for their roles in our diverse, dynamic and interdependent world. NVC needs to continue to improve and enlarge its facilities so as to continue to provide high quality programs that will meet the future educational needs of our community.

Current funding for community colleges is tied to the K-14 funding mechanism which poses a future problem for NVC due to the decreasing enrollment in K-12 and anticipated increased community college enrollment.

In recent years, NVC submitted two bond issues for public approval. Measure N was adopted, but Measure L, intended to provide supplemental funding to complete capital projects commenced with Measure N funds and additional new projects, failed to garner a sufficient majority of votes to be adopted. While some may take issue with the worthiness of a specific project within a Bond Measure, one should not lose sight of the end goal: that NVC have adequate facilities to house educational programs for the citizens of Napa, the recent high school graduate, the life-long learner, the Police Academy cadet, and the training of much needed nursing students in the Nursing Program.

NVC liability for retirees' health plan benefits as of January 1, 2006, was \$40,169,000. The NVC Community District (NVCCD) is required to adopt Government Accounting and Standards Board (GASB) regulations 43 & 45 and is currently studying the benefits of locally maintained funds versus participating with California Public Employee Retirement System (CALPERS) in an irrevocable trust arrangement, with a potential for better return on the funds, shortening the amortization period and reducing the annual contribution required.

The NVC Child Development Center (CDC) is a state-licensed and subsidized facility which serves over 100 children each semester. It is open daily for children aged two months to five years of age. The staff focuses on the emotional and social development of each child in a warm, nurturing environment. An age-appropriate program of cognitive and physical development is also provided.

Daily activities include art, music, dramatic play, science, literature, language development, and creative problem-solving. In response to the findings of December 2006, California Department of Education Contract Monitoring Review, NVC took immediate and corrective actions in the CDC. The California Department of Education now acknowledges that the CDC meets all of its requirements.

The Grand Jury understands it is the intent of the NVC Board of Trustees to use reasonable means to protect all members of the college community and the property of NVC. As such, the Board of Trustees recently approved the arming of Campus Police and have instituted an SMS Text Alert System. However, the Grand Jury understands that there are no “Columbine” locks on classroom doors; NVC does not have a campus-wide, stay-in-place notification system besides the PA/bull horn in each of the Campus Police vehicles; and Campus Police do not have computers in their Campus vehicles.

The Grand Jury recommends NVC provide: 1) computers with wireless capabilities in Campus Police vehicles; and 2) campus-wide wireless access to benefit the faculty, the students and Campus Security.

The Grand Jury commends NVC for their leadership role in energy conservation. The solar field and soon-to-be completed chiller plant, utilize the latest “green” technology to reduce power consumption, generate electricity, save \$300,000 per year in utility expense and dramatically reduce carbon emissions.

The Grand Jury expresses its thanks and appreciation for the courtesy, cooperation and assistance provided by the President and chief administrators/faculty of the Napa Valley College during our investigation.

## BACKGROUND

NVC is located in Napa County and serves students from Napa, Sonoma and Solano counties. NVC has a main campus as well as an UpValley and several satellite campuses. The main campus is situated just south of the City of Napa. The UpValley campus is located within the City limits of St. Helena. NVC offers evening credit classes at the American Canyon Boys and Girls Club as well as Continuing Education classes throughout Napa County.

The California Community College (CCC) system has the largest number of students in the world. NVC is a part of the CCC system, and as such is a public, two-year, educational institution of higher learning offering Associate College degrees and certificate programs. NVC awards no baccalaureate degrees.

Founded in 1942, and dedicated to educational excellence, the mission of NVC is *to engage students by providing high quality programs and services that promote*

*learning, enhance individual development, and prepare life-long learners for their roles in our diverse, dynamic and interdependent world.*

By state law, the NVCCD is under the control of a Board of Trustees composed of seven community members. Elected from within established areas of the District, trustees serve four-year terms. Students are represented by a student trustee, who is selected yearly as part of the Associated Student Body (ASB) elections. The Board meets at least once a month, and agendas are posted in accordance with open meetings law.

NVC is accredited by the Western Association of Schools and Colleges, with open access to all as mandated by the State. NVC currently has an enrollment of approximately 5,500 full-time and 2,000 non-credit students. For a full listing of student demographics, graduation figures, etc., please refer to Appendix 1. Students may continue their education, prepare for transfer to a four-year college or university, train for a new career, upgrade current job skills, or take classes for personal enrichment. Trade programs offered include: Nursing; Criminal Justice/Police Academy; Napa Valley Vintners' Teaching Winery; the Culinary Arts Center; and continuing education for life-long learners.

The NVC currently employs 123 +/- full-time faculty, 200 part-time faculty, 140+ classified staff and 40 administrators.

## METHODOLOGY

Over a period of several months beginning in September 2007, through April 2008, members of the 2007-2008 Grand Jury conducted an investigation of the NVC. The Grand Jury toured the main and UpValley campuses, and met with administrative and faculty representatives at each site.

### Documents Reviewed

- Organizational Chart: Board of Trustees, Faculty, Staff
- Board of Trustee Meeting Minutes, 2006-07, 2007-present
- Department Responsibilities
- Organizational budget for FY: 2007-08; 2006-07; 2005-06
- NVCCD Final Plan and Budget, FY 2007-2008
- NVCCD GASB Actuarial Valuation as of January 1, 2006
- NVC audit(s), FY: 2006-07; 2005-06; 2005-04
- Policy and Procedures: Board of Trustees, Administration, Faculty
- New Employee Manual for Administration and Faculty
- Annual Report 2007, NVC Police Department
- ADA Compliance
- ESL Guidelines
- Student Grievance Handbook
- Student Privacy and FERPA Report(s)



- Student Handbook
- NVC NEWS, newsletter, September and October 2007
- NVC class catalogues, Fall 2007, Spring 2008, Summer 2008
- NVC Diversity Task Force Plan Progress Report, September 2007
- NVC Report to the Community, Bond Projects, August 2007
- NVC Foundation Annual Report, 2006
- NVC Facilities Master Plan Bond Implementation Projects Scope Description, revised October 30, 2007
- NVC Bond Project Evolution Summary Report and Sequencing Charts, March 2008
- Staff Notes from Board of Trustees retreat 4/9/08, with a variety of hypothetical schedules FOR DISCUSSION ONLY
- Solar Field Project Report, 2007
- Safety and Disaster Preparedness Plan
- Fire Inspection Report
- Facilities Master Plan, Implementation Projects, Scope Descriptions
- California Department of Education Summary of Findings Contract Monitoring Review Fiscal Year 2006-2007, for NVC-CDC
- NVC Corrective Action Plan revised 1/30/07 in response to California Department of Education Summary of Findings
- NVC Child Development Center Regular Staff Handbook for Administrative Assistant, Child Care Specialists (Teachers) Secretaries 2007-2008
- California Department of Education letter of April 4, 2008, to NVC Child Development Center stating all requirements meet
- Literature from NVC UpValley on Writer's Conference, Emeritus College, Cooking School, Community Education
- St. Helena Star, *St. Helena Center-Goals to Realities*, July 26, 1980
- Napa Valley Register, *NVC festivities mark 10 years for a busy Upvalley campus*, October 2004
- [www.napavalley.edu](http://www.napavalley.edu)

### **Interviews Conducted:**

Various chief administrators, representatives and faculty of NVC.

### **Facilities Inspected:**

- Napa Valley College  
2277 Napa-Vallejo Highway  
Napa, CA 94558  
[www.napavalley.edu](http://www.napavalley.edu)
- UpValley Campus  
1088 College Avenue  
St. Helena, CA 94574

## Other Facilities (not inspected)

- Community Education Center  
1360 Menlo Avenue  
Napa, CA 94558
- Community Education Office  
UpValley Campus  
St. Helena, CA 94574
- American Canyon  
Boys and Girls Club of American Canyon  
60 Benton Way  
American Canyon, CA 94503-4255
- Art Gallery  
Napa Valley College Fine Arts Gallery  
1360 Menlo Avenue  
Napa, CA 94558
- Small Business Development Center (SBDC)  
1556 First Street  
Napa, CA 94559

## DISCUSSION

### Main Campus



The main campus is situated on 180 acres overlooking the Napa River and located just south of the City of Napa. The campus services 9,000 students (full and part-time) in 300,000 square feet of facilities. NVC offers a variety of certificated trade programs: Criminal Justice/Police Academy; Nursing programs - Associate Degree in Nursing (ADN), Licensed Vocational Nursing (LVN); Respiratory Care (RT); Broadcast Television Engineering Technology (SMPTE); Cosmetology; Hospitality and Tourism Management Program; Viticulture and Winery Technology; among others programs. Study Abroad and Associate degree studies in general education and the liberal arts and sciences are also offered and can be articulated/transferred to four-year colleges for credit. The campus has a full complement of sports facilities including gymnasium, ball fields, tennis courts, and an Olympic-sized swimming pool; bookstore; library; cafeteria; theater; art

studios; a Child Development Center; and a solar field. The NVC campus is widely used by community groups and other outside users.

A number of capital projects are in various stages of construction on the main campus. 1) An Instructional Center for Performing Arts is breaking ground at the construction site at the north end of campus. The project, including a complete renovation of the Parking Lot A, is anticipated to be completed in Spring 2010. 2) A Transit Mall ~ Parking Lot B, is underway. Construction has started on a new transit stop and pedestrian pathway in Parking Lot B. The new shelter and pathway should be completed before the start of the Fall 2008 semester. 3) The bid process has begun for a new Library & Learning Resource Center. The building will be a new two-story, 60,000 gross square foot, Library & Learning Resource Center. Construction is anticipated to begin in June 2008, and be completed by Spring 2010.

## UpValley Campus



The UpValley NVC campus began as a satellite facility known as the Napa College St. Helena Center and opened in the early 1980's. The Center pledged to maintain an open door education policy/student access and energy conservation.

October 7, 1994, marked the opening of the "new" UpValley NVC Campus that sits on 6.9 acres with 17,800 square feet in buildings. Curriculum offered includes a mix of both credit and non-credit classes, fee-based as well as free instruction. Some lower division credit classes are offered. The campus works well with the local community providing cultural and learning opportunities.

The Napa Valley Writers Conference has been hosted at this campus for a number of years. Currently in its 28<sup>th</sup> year, the Conference is known as one of the best and most prestigious summer writing programs in the country.

Napa Valley Cooking School is a unique training program designed for students who wish to pursue a culinary career. The program provides 18 students with fourteen months of focused, intensive training for restaurant skills. A highlight of the program is a five-month internship at a Napa Valley or San Francisco Bay Area restaurant. With an extremely low student-to-instructor ratio, the students are able to receive a maximum amount of attention. Any excess food from these

classes goes to the Food Bank. The program also maintains a Native American Dedication Garden on the grounds of the campus.

The campus library is available for research, for student study time, and is also home to the famous Belle Rhodes cookbook collection – hundreds of autographed first editions of the most celebrated cookbooks in the world.

The UpValley campus is headed by a full-time dean, and employs nine staff members with no full-time instructors. Class attendance is approximately 200 students.

## Funding Base

In California, funding for education can change overnight and is not a consistent line item funded at the same rate on an annual basis. California's community colleges operate through an open-door policy, giving them few options during financial downturns. Whereas the university and state college systems can change application deadlines or impose other enrollment restrictions, community colleges do not have that choice.

In 2006, funding for NVC was derived from: State Apportionment 3%; Grants and Contracts 20%; Student Tuitions and Fees 6%; Investment Income 7%; Lottery and other Income 4%; Local Property Taxes 53%; and Others 7%.

The acronym FTES refers to the term "full-time-equivalent student" enrollment, a calculation used by the State to determine funding levels per student. For the California Community College, one FTES represents 525 class (contact) hours of student instruction/activity in credit and non-credit courses. The number 525, is derived from the fact that 175 days of instruction are required each year and a student attending three hours per day for 175 days will be in attendance for 525 hours. That is, three times 175 equals 525. At NVC a FTES is defined as: one student, enrolled in two three-hour classes per semester.

The State budget of fixed allocations for education is:

- 19% to the University of California
- 12% to 13% to the California State University System
- 7% to 8% to K-12 mandatory education
- 5% to Community Colleges

Lottery funding is calculated at \$100 per FTES. This brings NVC an additional \$750,000-\$800,000 per year.

There are other "restricted" sources of funding such as grants for specific projects, student needs, i.e., Child Care upgrades, equipment for disabled students, etc.

### The Napa Valley College Foundation

The mission of the Napa Valley College Foundation (NVCF), established in 1968, is to develop resources for NVC. Over \$200,000 in scholarships are administered annually by NVCF. Scholarships have been instituted to honor or remember family, friends or organizations or provide trained professionals in needed fields of study.

### Proposition 92

Community colleges are tied to K-14 funding mechanisms. K-12 receive \$8,000 per student, while community colleges receive \$4,500. With a projected decline in K-12 enrollment over the next ten years, and a projected increase in community college enrollment, community colleges were seeking an escape from caps being imposed on their funding by the decline in K-12. California spends far less on its community college students than on university or state college students.

In the California Primary Election held in February 2008, voters rejected Proposition 92, the California Community College Initiative (officially known as the Community College Governance, Funding Stabilization, and Student Fee Reduction Act). This proposition was an attempt to change how State education funds are divided. If the proposition had passed it would have required that funding be dedicated and tied to actual community college enrollment growth.

Further, it would have reduced student fees to \$15 per unit from the present \$20, and would have restricted the State's ability to increase fees in the future. Strategically, the proposition would have also altered the governance system of community colleges to more closely resemble that of the University of California and California State University systems. If passed, the initiative would have provided for locally-elected governing boards as well as having required the hiring of a statewide chancellor by a governor-appointed board.

At a meeting of the Napa Valley Community College District's Board of Trustees in the fall of 2007, a resolution to support Proposition 92 was adopted. The Board acknowledged that passage would bring NVC an additional \$2.1 million in funds over the next five years.

Support and opposition for Proposition 92 came from several professional organizations with the California Federation of Teachers supporting, and the California Teachers Association opposing the measure. Opposition to lowered student fees came with assertions that since National Pell Grant monies are awarded based on family income and student fees, the community colleges could actually receive less in grants by lowering those fees. At a time when a \$14.5 billion deficit was facing California, any proposition that would restrict cuts in funding was not likely to garner voter approval.

## Unfunded Health Care Liabilities

New accounting standards, Governmental Accounting Standards Board Statements No. 43 and 45 (GASB 43 & GASB 45) prompted NVC to engage an actuarial firm to assess NVCCD's accounting requirements for Other Post Employment Benefits (OPEBs). These benefits are principally retiree health benefits, including medical, dental, vision, prescription drug and mental health. The NVCCD currently provides these benefits to 167 retired employees under the State Teachers Retirement System (STRS) or CALPERS. In order to receive full benefits, present retirees needed to have a minimum of five years service in NVCCD. This requirement has been changed so that future hires will require 15 years of service to be eligible.

GASB 45, issued in 2004, requires accrual accounting for the expense of the OPEBs. NVCCD, like most other governmental and public organizations has been funding these benefits on a "pay as you go" basis. NVCCD's liability for health plan benefits as of January 1, 2006, was \$40,169,000 and is now more. This is the estimated present value of all health care benefits to be paid by NVCCD for current and future retirees. Current accrual rates for 2006, retirees only, would be approximately \$1,500,000 compared to the current "pay as you go" \$733,000.

If NVCCD had adopted the accrual method in 2006, the annual expense for active and retired employees would have been \$2,613,000. This figure is comprised of the value of benefits accruing in the current year plus amortizing the estimated unfunded liabilities for current retirees over a 30 year period and assumes a 5% return on the accumulating funds. The past service component of these unfunded liabilities was \$31,725,000 for current retirees and active employees in 2006.

NVCCD is required to adopt GASBs 43 & 45 and is currently studying the benefits of locally maintained funds versus participating with CALPERS in an irrevocable trust arrangement, with a potential for better return on the funds, shortening the amortization period and reducing the annual contribution required.

## Child Development Center

NVC Child Development Center (CDC) is a state-licensed and subsidized facility which serves over 100 children each semester. It is open daily from 7:30 a.m. to 5:00 p.m. for children aged two months to five years of age. The program participates in the Child Food Program and serves a nutritionally balanced breakfast, lunch, and snack.

The staff focuses on the emotional and social development of each child in a warm, nurturing environment. An age-appropriate program of cognitive and physical development is also provided. Daily activities include art, music,

dramatic play, science, literature, language development, and creative problem-solving.

Parents are considered an integral part of the program and are encouraged to help in the classroom as time permits. Each parent is provided with the results of a *Desired Results Developmental Profile* on his or her child's progress and parent-teacher conferences are held each semester.

Priority for admission is based on State guidelines. To be eligible for this program, the child's parents or legal guardians must be NVC students working toward a degree or certificate with an identified educational plan, or NVC employees. In accordance with priorities, openings are first offered to student families on the waitlist and then to employee families on the waitlist. Fees are based on a sliding scale issued by the State Department of Education.

The program serves as a lab for the NVC Child and Family Studies program and is a training site for health occupations, nursing students and Police Academy students at NVC. The program teaching staff hold CA Child Development Teacher permit or higher. They have education, training, and experience in early childhood education and care.

In December 2006, the California State Department of Education (CSDE) performed a Contract Monitoring Review (CMR) of the CDC which found that the CDC was not compliant with all applicable regulations. This review revealed that several staff members had been falsifying records to enroll their children in the program. NVC investigated and further reviewed the qualifications of all individuals whose children were in the program. NVC further reviewed and revised the operational procedures for the CDC, took corrective actions against those who had misused the system, and hired a new Director.

A CSDE letter to NVC, dated April 4, 2008, acknowledged that Napa Valley Community College Child Development Program meets all State requirements.

### Capital Improvements (Measures N and L)

With the failure of Measure L in February 2008, NVC is faced with the problem of not having sufficient funds to complete all the projects that were to be funded by Measure N. Measure L, for \$178,000,000, included \$107,659,705 in funds to complete the work commenced after the passage of Measure N and \$70,340,295 in funds for additional capital improvements to the College. The campaign for support of Measure L, as sent out to the general public by NVC, was one of improving educational resources for the community and did not address directly the lack of funding for Measure N projects. On the other hand, the opponents of Measure L focused on the failure of NVC to fund Measure N projects with the funds approved by the voters in passing Measure N.

NVC failed to take into account some preconstruction costs for various projects and fell victim to increases in the costs of construction material and labor. NVC originally used a 3% escalation figure in determining the amount of \$133,800,000 for the bond of Measure N. This escalation figure proved to be grossly understated, which was a primary cause of the insufficient amount of funding sought in Measure N. It is now estimated that the total cost of the all projects within Measure N through the end of 2011, will be \$285,659,705. Available funding for the projects is \$177,984,686 leaving a shortfall of \$107,659,705. To make up for the shortfall there are \$65,336,563 in unfunded projects, \$23,325,133 in underfunded projects (original scope reduced to save funds) and a deficit of \$9,398,775 in funded projects. There also remains approximately \$14,000,000 of Measure N bond funds not allocated to any project.

The Grand Jury has been informed that one proposal made by staff to the Board of Trustees uses these funds for “bare bone” renovations for unfunded projects (underfunding):

- B1500 Library to Administration (old building 300)
- B800/1000 Suscol and Catacula Halls (old building 1000)
- B1300 Administration to Student Services (old building 200)
- B900/1100 Student Services Center (old building 100)

The State of California has allocated but not funded \$3,470,000 in matching funds for the modernization of the Physical Science Building. It is not known if or when the State will seek a Statewide Bond which would provide these funds.

The following is a partial list of the unfunded modernization projects:

- MESA/ Math Lab
- Print Shop
- Fire Alarm Panel replacement
- Tulucay Hall (aka Technology Bldg.)
- B1200 Little Theater (old building 900)
- B3700 Art Center (old building 400)
- B1400 Mallacomes Hall (old building 800)
- B600 Gymnasium (old building 1100) downstairs
- B1600 La Jota Hall (old building 600)
- B3100 Industrial Technology (old building 500)
- B3300 convert to Public Safety (old building 1600A)

The Board of Trustees’ inclination is to use the remaining funds for the most impacted instructional programs. To this end the Board of Trustees will tour all the remaining projects, including Ceramics, to reacquaint themselves with the teaching/learning/working conditions before prioritizing the projects for funding. Staff is presently recommending that Administration and Student Services offices remain as they are rather than making “bare bone” improvements and to put those funds into other projects.



What is apparent is that in the furor over the increase in cost of the projects in Measure N, the public was not informed of what would be lost if Measure L did not pass.

While some may take issue with the worthiness of a specific project within a Bond Measure, one should not lose sight of the total issue. NVC provides educational opportunity for the citizens of Napa, the recent high school graduate, the life-long learner, the Police Academy cadet, and the training of much needed nurses.

## Campus Safety

### Student Right-to-Know

To comply with the federal Student Right-to-Know (SRTK) and the Campus Security Act (Public Law 101-542), NVC provides information to the public on, among other things, the safety and security of the campus.

The first page in the Summer 2008, class catalogue lists Emergency Information, including how to call for help in case of threat of violence, fire, earthquake evacuation, ambulance, and more mundane issues such as lost and found, and routine parking concerns.

The campus website includes information on Crime Watch, a system to report suspicious activity on campus; Emergency SMS Text Alert system; Crime reporting Procedures; Law Enforcement Authority and Interagency Relationships; Crime Prevention; Weapons on Campus; Disruptive Behavior; Sexual Assault; and Hate Crimes.

### Emergency SMS Text Alerts

NVC is now offering a SMS-based emergency notification service for students/faculty/administration's mobile phones. In the event of an emergency, NVC students, staff, faculty and others will be alerted of important security/safety information via a text message in real-time.

Sign-up for this text message service is simple. While this service is free, standard message rates may apply. NVC and their partner AlertU will never spam a receiver, nor sell customer's information to any third party companies.

### Law Enforcement Authority & Interagency Relationship

It is the intent of the Napa Valley College Board of Trustees to use reasonable means to protect all members of the college community and the property of Napa Valley College.

College Police officers are fully sworn peace officers under section 830.32 of the California Penal Code. College Police officers possess peace officer powers of arrest and enforce the laws of California and the rules and regulations of Napa Valley College. All College Police officers have received the same training as

municipal police officers and meet all the standards to be a peace officer in the State of California.

At the October 2007, NVC Board meeting, the Trustees voted to provide active shooter training and arm Campus Police as a crime prevention measure. Budget for the weapons was estimated at \$10,000. Money for the guns is to come out of the NVC "Reserve".

There are four sworn officers with a maximum of two on campus at any one time. Expected response time from Napa Police Department as assist is approximately five minutes. UpValley campus has one security officer. St. Helena Police Department can be summoned.

The NVC Police Department works closely with the Napa and St. Helena Police Departments. College Police officers are able to contact the Napa and St. Helena Police Departments by radio or phone to request assistance for incidents that require resources not available to the College Police. The College Police will summon the assistance of other agencies to provide services for incidents that require special resources.

All NVC Police vehicles have a public address system/bull horn. They use phones to communicate and give warnings/emergency alerts.

The Campus Police are in need of computers in their vehicles and a wireless system on campus, so as to better facilitate communication in the field, increase ability to respond, and provide a better emergency alert system. The wireless system would have the added benefit of aiding students on campus who have their laptops with them.

#### Weapons on Campus

Guns of any type are not allowed on the campus, except in the possession of duly appointed peace officers or holders of a valid concealed weapons permit. Knives with a blade length of more than 3 1/2 inches are not allowed on campus.

#### Crime on Campus


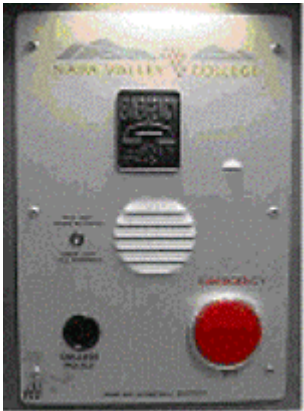
The college does not condone hate crimes or violence. Any incidents of hate crimes or violence are to be reported to the College Police or Office of Student Services.

Main Campus statistics of the time period August 1, 2005 through July 31, 2007: one aggravated assault and two burglaries in 2005; three burglaries in 2006; one aggravated assault, one burglary, and one motor vehicle crime in 2007. There were no reported sexual assaults, hate crimes or arsons during that time period.

UpValley Campus: During the time period August 1, 2005 through July 31, 2007, there was one motor vehicle theft in 2005; no reportable sexual assaults, hate crimes or arsons.

Community Education Center: During the time period August 1, 2005 through July 31, 2007, there was one non-forcible sex offense, one robbery, and six aggravated assaults, and one liquor law violation in 2007. No hate crimes were reported August 1, 2005 through July 31, 2007. The Community Education Center shares a common border with a number of private homes and a high school stadium complex. Their proximity requires NVC to report crimes that occur in the private homes or stadium complex, even though a fence separates the campus from them.

There are 12 emergency phones on campus. Eventually there will be 23 emergency phones connected to 911 and the Napa Police Department. In the new buildings, every classroom will have its own emergency phone. The first of the new emergency phones has been installed in the lower hallway of the gym on the main campus. The phone is easy to use and allows the caller to contact the College Police or the Napa County 911 Center for help. The new phones are very distinctive. The word "EMERGENCY" is written on the sides and a bright blue light marks the location.

New Emergency Phone Station	
	
Located in lower hallway of gym	

None of the classrooms have "Columbine" locks that allow the doors to be locked from the inside. The Campus Police have mixed reaction to the use of such locks, claiming that it would be more difficult to clear/evacuate buildings.

## Disaster Plan

### NIMS/SEMS

NVC participates in the Standard Emergency Management System (SEMS) and the National Incident Management System (NIMS). The Chief of Campus Police teaches an emergency response course that includes SEMS and NIMS. The campus Emergency Operations plan is compliant with the SEMS and NIMS programs. All faculty members received mandatory federal introductory training on these emergency programs and the school site emergency management team commanders received additional training. In the event of a major community or regional disaster, the Campus Police work in concert with the Napa County Office of Emergency Services (OES).

### Fire

Campus Police can respond within one minute of notification of a fire(s) on campus. The reporting system is wired to a central panel. NVC Police call the City of Napa Fire Department and Police to assist in response. NVC officers begin immediate evacuation of affected building(s), while the Napa City Fire Department and Police are en route to the campus, with an estimated 4-5 minute response time.

### Earthquake

The Grand Jury posed the question, what if there was an 8+ earthquake in the area? NVC has 20 Crisis Emergency Response Team (CERT) trained staff as backup to responders. Campus Police would:

- Account for everyone on campus (students, faculty, visitors, administration)
- Ask those students not injured to leave campus
- Facilitate orderly evacuation
- Assemble people remaining on campus
- Begin quick assessment/building inspection for gas leaks, water, fire, etc.
- Determine the location, number and condition of individuals trapped in buildings
- Determine the next priority, meet with Chief Administrative Staff
- Use on-campus CERT for assistance, and if needed, request additional assistance from County
- Set up triage at campus winery site
- Shut down campus (3 entrances/2exits)

## Energy Conservation

NVC's solar field is the 8<sup>th</sup> largest in the United States. When constructed in 2006, NVC's solar energy project was the largest in Napa County and fifth largest in the U.S. Panels should last approximately 35 years. The solar project cost was \$7.5 million, with \$4 million from the college's Measure N bond funds and \$3.5

million from PG&E incentives. Energy from the solar field relieves the general fund from fiscal responsibility for utilities. Solar power saves NVC \$300,000 per year.

The solar field is a 1.2 megawatt system that generates electricity during the day equivalent to what is needed to power 1,200 homes. The solar array covers 6.5 acres with 5,600 solar tracking panels. The panels track the sun across the sky to maximize energy generation, with the panels turning to face the sun throughout the day. The solar power system's prime energy output coincides with periods of highest electric demand, enabling the college to substantially reduce utility peak period energy charges. This tracking system allows the solar array to produce up to 20 percent more energy than a stationary solar array of the same size.

Over the 30-year life of the photovoltaic system, it is estimated that the solar generated electricity will reduce emissions of carbon dioxide by 13,800 tons. The Grand Jury was told that emissions reductions are equivalent to planting over 130 acres of trees, removing 2,700 cars from California's highways, or not driving 35 million miles.

The solar field is located west of the college buildings, just off the road to the college ball fields. The land is in the floodplain and is not suitable for other campus construction. In addition to fueling the college's energy needs, it has other benefits. Physics and environmental studies classes can see solar energy in action.

The soon to be completed chiller plant, which will provide air conditioning via loops of water that go through ice during the night and cool the rooms during the day, will save an additional \$175,000 per year.

## COMMENDATION

The Grand Jury commends NVC for the foresight and vision to install the solar field and chiller plant. Both units reduce the costs to the college's general fund; reduce carbon emissions; and serve as a model to Napa County and other campuses across the country.

## FINDINGS

The 2007-2008 Grand Jury finds that:

1. NVC has a projected increase in student enrollment over the next ten years.
2. NVC is tied to a K-14 funding system/mechanism dictated by the State.
3. NVC did not make clear to the citizens of Napa the causes of the increase in cost of the projects of Measure N.
4. NVC did not make clear to the citizens of Napa the impact of the failure to pass measure L.

5. NVC needs to improve and increase its facilities so as to provide for the growing higher educational needs of our community.
6. NVCCD currently has a \$40,000,000 plus unfunded liability for Other Post Employment Benefits for current and retired employees. These benefits are currently funded on a "pay as you go" basis.
7. the NVC CDC has been restructured to prevent misuse of the services.
8. NVC does not have a campus-wide, stay-in-place notification system besides the PA/bull horn in each of the Campus Police vehicles.
9. there are no "Columbine" locks on classroom doors.
10. NVC has instituted the SMS Text Alert system.
11. the Board of Trustees voted to train and arm the Campus Police as a security measure.
12. Campus Police do not have computers in their Campus vehicles.
13. NVC does not have a wireless communications system.
14. the solar field and chiller plant help reduce costs to the general fund and over time will pay for themselves.

## RECOMMENDATIONS

The 2007-2008 Grand Jury recommends that:

1. NVC continue to support efforts at the State level to secure a more stable funding mechanism that is not tied to K-14 funding.
2. NVC Board of Trustees proceed expeditiously to convert the unfunded health care liabilities from a "pay-as-you-go" to an accrual basis.
3. NVC inform the public when promoting new bond issues, not only of what will be gained by the passage of the Bond issue but what will be lost if the Bond issue does not pass.
4. NVC take a more pro-active role in informing the public about its accomplishments and needs.
5. NVC provide campus-wide wireless access to benefit the faculty, the students and Campus Security.
6. computers with wireless capabilities be installed in campus police cars.
7. NVC install a campus wide alert/alarm system to inform those on campus of emergency situations and what actions/precautions be taken.

## REQUEST FOR RESPONSES

The 2007-2008 Grand Jury requests responses to all recommendations from:

- NVC President
- NVC Board of Trustees

## GLOSSARY

ADA – Americans with Disabilities Act

ASB – Associated Student Body

CALPERS – California Public Employees Retirement System  
 CC – Community College  
 CCC – California Community Colleges  
 CDC – Child Development Center  
 CERT – Crisis Emergency Response Team  
 CMR – Contract Monitoring Review  
 CSDE – California State Department of Education  
 ESL – English as a Second Language  
 FERPA – Family Educational Rights and Privacy Act (aka the Buckley Amendment)  
 FTES – Full Time Equivalent Student  
 GASB – Governmental Accounting Standards Board  
 NVCCD – Napa Valley Community College District  
 NIMS – National Incident Management System  
 NVC – Napa Valley College  
 NVCF – Napa Valley College Foundation  
 OES – Office of Emergency Services  
 OPEB – Other Post Employment Benefits  
 SBDC – Small Business Development Center  
 SEMS – Standardized Emergency Management System  
 SMPTE – Broadcast Television Management Technology  
 SMS – Short Message Service (cellular phone text message)  
 SRTK – Student Right-to-Know  
 STRS – State Teachers Retirement System

## APPENDIX

### Appendix 1: Student Enrollment Statistics/Demographics

Student Headcount: Total number of students enrolled. Each student is counted as one.

Fall 2006.....9,041

Source: *California Community College Chancellor's Office Data Mart*

Enrollment: Total course enrollments. A student taking three courses counts as three enrollments.

Fall 2006.....17,807

Source: *California Community College Chancellor's Office Data Mart*

Graduation Figures, 2005-2006:

Degrees conferred – 504

Certificates awarded – 194

Source: *California Community College Chancellor's Office Data Mart*

Retention rate: Percentage of students who are retained in courses (i.e., who receive grades of A,B,C,D,F,CR,NC,I) out of total students enrolled in courses (and receive grades A,B,C,D,E,F,CR,NC,I,W).

Fall 2006 retention rate:.....79.9%

Spring 2006 retention rate:.....80.2%

Source: *California Community College Chancellor's Office Data Mart*

Persistence rate: Percentage of students enrolled in one term who also enroll in the next term.

Fall 2005 – Spring 2006 .....61.2%

Fall 2005 – Fall 2006.....41.8%

Source: *MIS Data, SX Files*

Successful Course Completion rate: Percent of students who are successful in courses (i.e., receive grades of A,B,C,CR) out of total students enrolled in courses (and receive grades A,B,C,D,F,CR,NC,I,W).

Fall 2006.....66.1%

Spring 2006.....66.0%

Source: *California Community College Chancellor's Office Data Mart*

#### STUDENT DEMOGRAPHICS

Ethnic/Racial Background (Credit students Fall 2006)

White..... 45.9%

Hispanic..... 21.5%

Filipino..... 11.3%

Unknown..... 9.4%

African American..... 6.1%

Asian/Pacific Islander..... 4.2%

Other..... .9%

Native American..... .7%

Source: *California Community College Chancellor's Office Data Mart*

Age (Credit Students Fall 2006)

19 years or younger.....26.1%

20 to 24 years.....23.9%

25 to 29 years.....12.0%

30 to 34 years..... 7.6%

35 to 39 years..... 6.6%

40 to 49 years.....11.5%

50 years and over.....12.2%

Source: *California Community College Chancellor's Office Data Mart*

Gender (Credit students Fall 2006)

Female.....58.7%

Male.....40.1%

Unknown..... 1.2%

Source: *California Community College Chancellor's Office Data Mart*



Percent of 2005-2006 University of California and California State University graduates who attended a California Community College: 45.3%  
Source: *Focus on Results: Accountability Reporting for the California Community Colleges, 2007*.

**NAPA COUNTY**

**JAIL**

**DEPARTMENT OF  
CORRECTIONS**

## TABLE OF CONTENTS

1. Letter to Presiding Judges	
2. Letter to the Citizens of Napa County	
3. Napa County Jail – Department of Corrections	
a) Summary	1
b) Background	1
c) Methodology	2
Interviews Conducted	2
Documents Reviewed	2
Napa County Jail Physical Inspection	3
4. Discussion	4
a) Déjà vu All Over Again	4
b) The Adult Correctional System Master Plan	5
c) Lack of Leadership	6
d) Premature Release of Inmates	6
e) Medical Care	7
f) Inmate Grievance Procedures	7
g) Inmate Welfare Trust Fund	8
h) Jail Capacity	8
5. Findings	8
6. Recommendations	10
7. Request for Responses	10
8. Glossary	10
9. Appendix	11
a) Appendix 1: Napa County Adult Corrections System Plan – Phase I, Executive Summary	11



## NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

April 28, 2008

The Honorable Francisca P. Tisher  
The Honorable Raymond A. Guadagni  
Presiding Judges 2007/2008  
Superior Court of the State Of California  
County of Napa  
825 Brown Street  
Napa, CA 94559

Dear Judges Tisher and Guadagni,

Pursuant to Section 933(a) of the California Penal Code, the 2007-2008 Napa County Grand Jury submits to you its Final Report on the Napa County Jail/Department of Corrections. Our investigation of the Napa County Jail/Department of Corrections was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury – to protect the interests of the citizens of Napa County.

This is the ninth in a series of final reports we will be issuing before our term ends. I would like to acknowledge the hard work and dedication of the Grand Jury which our reports reflect. It is a privilege and a pleasure to work with them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Trautman".

William E. Trautman  
Foreperson  
2007-2008 Napa County Grand Jury



## **NAPA COUNTY GRAND JURY**

**P.O. BOX 5397**

**NAPA, CALIFORNIA 94581**

To the Citizens of Napa County:

The 2007-2008 Napa County Grand Jury inspected the Napa County Jail on several occasions during the past year and reviewed its operations in compliance with the mandate of California law..

The Napa County Jail is operated by the Napa County Department of Corrections. Napa is one of only three counties in the State to have a Department of Corrections. The prior Grand Jury recommended that the County should consider disbanding the Department of Corrections in favor of having the jail administered by the Napa County Sheriff. The 2007-2008 Grand Jury took another look at this proposition, having in mind the revolving door for Directors of the Department of Corrections in the past several years. In fact, as we issue this report, the position of Director is vacant. Despite this history, we have come to a different conclusion.

A Criminal Justice Committee, composed of local officials who deal daily with criminal justice, mental health and corrections matters, developed a comprehensive Adult Correctional System Master Plan. After meeting with representatives of the Committee, with the outside consultant, and with jail administrators and familiarizing itself with the history of the Department of Corrections and with the Master Plan, the Grand Jury has concluded that a new emphasis on community-based, evidence-based programs means that the Department of Corrections will have much broader responsibility than running the jail. There will be a greater need for coordination and cooperation with other agencies to provide mental health, housing, job training, and services for newly released inmates and others who are supervised by the criminal justice system. Thus, the Grand Jury recommends that the County of Napa reconsider the qualifications needed to meet these new expanded responsibilities which will guide the selection and hiring of an experienced individual who can work meaningfully on programs to reduce recidivism, and thus the need for additional jail space, and protect the citizens of Napa County.

Napa County Counsel has reviewed this final report on the Department of Corrections and the Presiding Judge of the Napa County Superior Court has certified that the report complies with Title 4 of the California Penal Code. The report has been accepted and filed as a public document by the County Clerk.

Copies of this report are available for your review in the Napa City/County Library and online by following the link to the Grand Jury at <http://www.napacourt.com/>. It is our pleasure and honor to serve you during the 2007-2008 Grand Jury tenure.

Respectfully submitted,  
The 2007-2008 Napa County Grand Jury

# **NAPA COUNTY JAIL**

## **DEPARTMENT OF CORRECTIONS**

### **SUMMARY**

The 2007-2008 Grand Jury has completed its annual inspection and review of the Napa County Jail. The facilities are adequately maintained and operating procedures are in order with the exception of the premature release of 25 inmates discussed below. The Grand Jury is concerned that the lack of a permanent Director of the Department of Corrections over the past four years has been detrimental to the safety of both the inmates and the public. It believes that strong, institutional and individual leadership in the Department of Corrections is essential to the successful implementation of the County's Adult Correctional System Master Plan.

At the direction of the County Board of Supervisors, County staff initiated a process to address the County Jail and other future correctional system needs. As a result, a broad-based Criminal Justice Committee was formed to develop an Adult Correctional System Master Plan. In December of 2007, the Board of Supervisors adopted the Committee's recommendations in Phase I. Among other things, Phase I calls for the creation and implementation of evidence-based programs in the Jail, Probation and Health and Human Services aimed at reducing recidivism, the redesign of the Jail facilities to allow segregation of low and high-risk inmates, and implementation of a Community Correctional Service Center (CCSC). The current Jail facility is not presently equipped to segregate different classes of inmates from each other and at this time there are no positive evidence-based programs being conducted at the Jail.

Because of the difficulty in recruiting a Director of the Department of Corrections and the importance of having seasoned leadership of the Jail, the Grand Jury believes that the Criminal Justice Committee must address and identify the proper official or agency to provide leadership prior to selecting and hiring a new Director. The Grand Jury recommends that the search for a new Director of the Department of Corrections be deferred until such time as a new job description for this position is developed, taking into account the new responsibilities described in the Corrections Master Plan. The County's response to the 2006-2007 Grand Jury's Jail Report acknowledges the important role the leader selected to manage corrections responsibilities must play in achieving the objectives of the Master Plan.

### **BACKGROUND**

The Napa County Jail, completed in 1975, is a secure facility for detention and incarceration of both presentenced and sentenced inmates. It has a capacity of 264 inmates but is not designed to allow segregation of low-risk and high-risk inmates. The Jail is managed by the Napa County

Department of Corrections (NCDC). It is one of only three jails in California not under the auspices of the county sheriff. It is currently staffed with 80.75 full-time equivalent staff positions. A very thorough physical and operational description of the Jail is contained in the Report to the Board of Supervisors-Adult Correctional System Master Plan-Phase I, dated November 13, 2007. The Executive Summary of this Phase I Report is Appendix 1 hereto.

A new Director was hired in September 2007, after an extended executive search. This was the fourth Director in the past four years. Previously, this Director supervised detention facilities in a Northern California county under the direction of the Sheriff. Within the first few months of employment, the new Director mistakenly released 25 inmates causing the County to incur substantial time and expense in returning these inmates to the Jail. Because the Director resigned in March 2008, the County is once again without the seasoned leadership needed to implement new Corrections/Jail programs and to redesign the Jail to allow for segregation of different classifications of inmates.

## **METHODOLOGY**

The Grand Jury investigated the Jail physical facility and met with representatives and former representatives of the Department of Corrections, the Sheriff's Office, the Probation Department, the District Attorney's Office, and others listed below. The Grand Jury also reviewed and discussed the policies and procedures of the Department of Corrections, the recent early release of a number of Jail inmates, future needs of the Department and the recommendations of the Consultants to the Criminal Justice Committee, and the Report to the Board of Supervisors, Adult Correctional System Master Plan-Phase I.

### **Interviews Conducted**

Various representatives and other personnel from the following list were interviewed:

- Present and former NCDC Administration and Staff
- NCDC Inmates
- Napa County Sheriff's Department
- Napa County Probation Department
- Napa County District Attorney's Office
- Napa County Executive Office Personnel
- Staff of the Napa County Criminal Justice Committee
- Napa Police Department
- The Carey Group - Consultants

### **Documents Reviewed**

- Grand Jury Report – 2006-2007
- Napa County Adult Correctional System Master Plan (July 3, 2006)

- Report to the Board of Supervisors, Adult Correctional System Master Plan-Phase I, dated November 13, 2007
- Department of Corrections Administrative Services (Training Topics)
- Department of Corrections Administrative Services (Highlights of the Correctional Officers' Training Program)
- Department of Corrections Annual Budgets: 2006-2007; 2007-2008
- Professional Services Agreement with the California Forensic Medical Group – 2003-2005 (automatically renewed from year to year)
- Napa County Health and Human Services Agency (Public Health Division) – Menu Nutrient Analysis (September 20, 2006)
- Department of Corrections (Budget Unit Revenue Detail: 2005-2006; 2006-2007; 2007-2008)
- Department of Corrections – Organizational Chart
- Inmate Commissary Order/Receipt Form
- Current List of full-time equivalent vacant/under fills
- Department of Corrections population statistics
- Department of Corrections and Rehabilitation – State of California: California Standards Authority Inmate Welfare Trust Fund
- Jail population analysis: 1/1/07 – 7/1/07
- Inmate Cash Revolving Fund
- NCDC Inmate Handbook
- *Napa Valley Register* articles: 3/16/07, 4/11/07, 9/19/07
- Medical Pre-screening questionnaire
- Incident/ Booking Report
- Inmate Grievance Record Book
- Relevant Sections of the Penal Code of the State of California
- Jail and Evidence Based Practices Assessment, Napa County, California, report of the Mark Carey Group dated October 19, 2007
- Board of Supervisors Resolutions Nos. 75-96, 79-101 and 81-91
- County of Napa – Jobs website, Director of Corrections job description
- Napa County California 2006 Director of Corrections Recruitment brochure, by Ralph Anderson & Associates
- County of Napa Director of Corrections 2008 Recruitment brochure, by CPS Executive Search
- Other relevant business records

## **Napa County Jail Physical Inspection**

- Initial Booking area
- Holding cells
- Sally Port Entry
- Male and Female inmate cells
- Food Preparation area
- Exercise area



- Visitation area
- Attorneys' interview facilities

## **DISCUSSION**

### **Déjà vu All Over Again**

More than 30 years ago, the County, preparing to occupy and operate a new jail facility, established a County Department of Corrections by Resolution No. 75-96 of the Board of Supervisors giving it jurisdiction over the operation of the Napa County Jail. In June 1975, the County Jail was moved from the Sheriff's control to civilian control. It was the stated desire of the Board of Supervisors in making this change to develop a comprehensive system for County correctional services. It was also the desire of the Board that the County correctional and detention programs and services be fully coordinated and integrated to include programs relating to presentenced and sentenced incarceration, as well as alternative programs. The Board stated that the Department of Corrections "shall also coordinate all programs and services related to the institutional punishment, care, treatment and rehabilitation of persons, i.e., to include intake screening, diagnosis, classification and programs that deal with alternatives to incarceration." Now, more than 30 years later, the County is developing a Master Plan to do just that.

With that resolution in 1975, the Board of Supervisors also established a Bureau of Corrections composed of the Napa County Sheriff, Chief Probation Officer, District Attorney and one Police Chief of a city in Napa County. The County's Judges and Napa County Director of Criminal Justice Planning serve ex officio. The Bureau was to meet monthly to review and make recommendations on overall operating policies, procedures and programs of the County Department of Corrections; develop position specifications, duties, and descriptions for the Director of the Department of Corrections and other personnel; screen applicants for position of Director; review staffing, training, and the budgetary requirements of the Department of Corrections; and evaluate effectiveness of Department of Corrections programs, procedures and staff performance. Finally, the Board of Supervisors ordered the Director to cooperate with the Bureau of Corrections and coordinate all departmental activities with all other County criminal justice planning efforts.

In July 1979, four years after establishing the Department of Corrections, the Board of Supervisors issued Resolution No. 79-101 "to clarify the mission and responsibilities of the Department of Corrections as well as the role and responsibilities of the Bureau of Corrections." The Board of Supervisors directed that a "comprehensive system of adult correctional services be developed" by the Department of Corrections and that these "programs and services be fully coordinated and integrated under the framework of the entire criminal justice system of the County". The Board of Supervisors then made its intentions clear that the resources and programs of the Jail facility be principally directed to those individuals who require control and safe-keeping. It instructed all County and County-sponsored agencies to cooperate on the development and effective utilization of programs providing alternatives to incarceration, "including appropriate reductions in length of stay for inmates, through such programs as citation, parole and other special programs".

The Board of Supervisors adopted Resolution No. 81-91 in November 1981, modifying the Bureau of Corrections and clarifying its relationship to the Department of Corrections. This resolution named only the Napa County Sheriff to serve as the Bureau of Corrections which was to function as an advisory body and to give the Sheriff additional duties regarding the Jail.

### **The Adult Correctional System Master Plan**

There is a remarkable similarity between what the Board of Supervisors said in the mid-1970's and the current Board's direction to have the County "embark on a well thought-out effort to assess the operation of the local criminal justice system and its impact on jail use". A Criminal Justice Committee (CJC) was formed 3 years ago, with every facet of the criminal justice system represented. During the period since its formation, the CJC has conducted: (1) an evaluation of the existing Jail and its place in the future of the County's adult corrections system; (2) an assessment of the capacity of current corrections programs and alternatives for both pre-sentenced and sentenced individuals; (3) an analysis of historical offender population flow and volume; and (4) a forecast of the County's corrections population through 2025. The CJC, after meeting over 40 times, presented its conclusions and recommendations to the Board of Supervisors in completion of its Phase I work. In summary, the CJC recommended that the County should implement evidence-based practices, including creation of a Community Corrections Service Center and other intermediate sanctions and programs. It also recommended that the county establish quality assurance and outcome evaluation to ensure the appropriate design of programs to reduce recidivism. It suggested that the County reconfigure Jail space and/or replace Jail beds to be able to better manage risk and monitor correction data and trends to assist the population and caseload management.

The Board of Supervisors approved these recommendations in late 2007. County staff is now moving into Phase II "to begin designing and developing a Community Corrections Service Center; designing and implementing evidence-based programs; begin development of detailed operational and space programming of any new and/or renovated correctional facilities to meet bed space and program needs". The program will include evidence-based curriculum and be multipurpose and multidisciplinary, with participation from the Department of Corrections, Probation Department and Napa County Health and Human Services.

The Grand Jury recognizes that greater emphasis on community corrections is not without risk. One day a participant in a rehabilitation program will commit an offense that dramatically impacts some citizen(s) and comes to the attention of the general public. It is our conclusion that there is less risk of such an event with the implementation of evidence-based corrections programs than with our present course.

Since the Department of Corrections as it is now envisioned and being implemented is responsible for the coordination of all programs and services related to institutional punishment, care, treatment, community services for and rehabilitation of adult offenders, the Grand Jury believes that the success of the Adult Correctional System Master Plan will only be possible with the right leadership at all levels.

## **Lack of Leadership**

A strong, experienced leader is necessary at the Department of Corrections. After more than four years without stable leadership, the Department of Corrections has been unable to develop or sustain the Jail and community-based programs which the Board of Supervisors intended more than 30 years ago. As a result, the Jail continues to be configured in a way that does not permit proper segregation of low-risk and high-risk inmates. Also undeveloped are evidence-based programs which the County's Adult Correctional System Master Plan envisions. These programs based on the needs of the individual do not currently exist in the Department of Corrections and the County Jail. This can result in increased recidivism. It is necessary that a culture be established in the Jail and throughout the Department of Corrections to support these changes to reduce recidivism by combining security with treatment.

It has proven difficult to recruit such a leader, a fact that the County has repeatedly discovered over the past four years. The principal reasons for this difficulty are: most potential law enforcement recruits are at the end of their careers with good pensions (e.g. 3% x years of service x highest salary for Sheriff's deputies) and would not want to move; those available would have to be in the next tier down; and the cost of living in Northern California and Napa County in particular is very high. Additionally, the job description has emphasized jail management to the detriment of other, equally compelling, corrections needs. In effect, the County was looking for a jail manager, not a department administrator.

The Grand Jury is aware that a new recruitment is underway to retain another Director of Corrections, but is concerned that current hiring efforts do not yet give sufficient emphasis to the expanded responsibilities such a person will have for developing and superintending evidence-based programs in the Jail, at the CCSC facility, and elsewhere. The Grand Jury believes that the current hiring effort is premature and that the County should not continue to spend County funds on another search for a new Director until the position has been redefined and the CJC addresses the issue of various alternatives for leadership, given the renewed emphasis on the Jail as one component of a comprehensive spectrum of facilities, programs and services.

The Grand Jury has concluded that the organizational structure is not as important as the person running the organization. The Department of Corrections needs leadership. It will be important for the CJC to develop a job description for the leader of such a Department that acknowledges the administrative skills needed to coordinate services with other agencies, such as Health and Human Services and the Probation Department, and manage the Jail and its programs and services.

## **Premature Release of Inmates**

Recently, the then serving Director, in reviewing current inmate release criteria interpreted by the courts, misread recent court cases relating to the subject and, as a result, the NCDC prematurely released 25 inmates before their court-ordered sentences were complete. The Probation Department discovered this error when one of the inmates did not report for a scheduled probation appointment. The Probation Department, the Courts, and the District Attorney were not consulted before this untimely release. In fact, the District Attorney was not notified until late afternoon of the day after the releases. In addition, the Sheriff was not notified until the morning after the releases. When the release error was publicized in the local media, a

few of the released inmates voluntarily returned to the Jail to serve out their sentences. Others were located and returned with the assistance of the Sheriff's Department and the City of Napa Police Department. Some returned when contacted by their probation officers, and those with 5 days or less to serve did not have to return.

The County and the City of Napa incurred substantial expense in additional judicial proceedings and law enforcement time, including overtime. The cost to the County has not been estimated, but is believed to be considerable..

### **Medical Care**

Procedures are in place to obtain inmates' medical information when they are booked into the Jail. The Grand Jury investigation revealed that the inmates were generally well treated, although several complained that the Jail staff does not respond in a timely manner to requests for prescribed medications and appropriate medical care. Napa County has a contract with California Forensic Medical Group to provide medical care and mental health services for adult inmates. This contract provides for an onsite medical director and a registered nurse who acts as a program manager. When requesting medical attention, inmates are occasionally advised by custodial staff only that the doctor will be informed. The Grand Jury found several occasions when inmates claimed that there was no timely response or attention to their medical needs.

### **Inmate Grievance Procedures**

The Department has in place an inmate grievance process by which inmates at the Napa County Jail may grieve matters such as Jail conditions, problems with the Jail staff, food, medical care and other services. Grievance procedures are in place to give inmates the opportunity to have these matters brought to the attention of the custodial staff who can resolve the problem(s) or explain why the inmate's complaint(s) cannot be handled to his/her satisfaction. The purpose of a grievance mechanism is to reduce stress in the Jail on both inmates and staff. It can also give Jail administrators information about Jail conditions, food, and operations that they would not get from Jail staff. The process in place complies with applicable state law. The inmate grievance procedure initially requires an inmate to request a grievance form from a custodial officer, complete the form, return it to a custodial officer and then await a reply. When an inmate's grievance is against a line custodial officer, the inmate may have to request a grievance form from that same officer, and then return the completed form to the officer for a reply.

There are levels of appeal if an inmate is not satisfied with the reply received. The Grand Jury found that there is no time limit within which the Jail administration must respond to or resolve inmate grievances.

When the Grand Jury requested grievance records, NCDC was able only to provide copies for the prior three months. The Grand Jury is concerned about NCDC's lack of complete and accurate records of grievance documents. Improved recordkeeping will allow NCDC to identify recurring problems and to provide accurate information to the Director of Corrections as well as to State inspectors about the volume and outcome of grieved matters. There presently is no way for NCDC or State inspectors to know whether records of all grievances and their resolution have been maintained.

## **Inmate Welfare Trust Fund**

Previous Grand Juries have expressed concerns regarding the Inmate Welfare Trust Fund, which was established from the proceeds of sales of Jail commissary items, such as snack food sales and the inmates' use of the telephone. The California Penal Code permits the creation and purposes of such a trust fund. As of December 14, 2007, the fund totaled \$458,798.15. NCDC has earmarked the sum of \$300,000 of this amount for the development of programs referenced as "evidenced-based" to assist inmates in transitioning from detention to the community. As noted above, consultants are being utilized to recommend and develop such programs. One program to better prepare post-sentenced inmates to return to the community as productive members of society has been developed by a Criminal Justice Committee. A second program, which will provide for greater circulation of literary materials and other services to both pre- and post-sentenced inmates, is being developed in conjunction with the Napa City/County Library. The Fund is also permitted to be used for Jail maintenance, and NCDC uses some of the funds to provide cleaning and food service staff for the Jail.

The Grand Jury is concerned that the use of IWTF to cover the cost of cleaning and food services by inmates does not fulfill the objective of providing substantive job skills to individuals that can be used on their return to the community.

## **Jail Capacity**

Currently the Jail has a population of 264. This does not include inmates in temporary holding cells such as in booking, medical cells and safety cells. The average Jail population between January 1, 2007, and July 10, 2007 was 250. Consultants retained by the County project average daily population of the Jail to increase from a low of 315 to a high of 383 by the year 2025, and projected bed needs ranging from 351 to 473 by 2025. These initial projections assume a status quo situation as far as corrections process and jail diversion alternatives are concerned. This is without consideration for changes which the County may choose to implement in its corrections process, including the possibility of early release. As indicated by media reports, when the overcrowding in jails statewide is taken into consideration, it is clear that the County must continue to prepare for the custody of criminal offenders in larger numbers by developing funding sources for a new CCSC, to redesign the current Jail facility, and to find safe alternatives to incarceration. Otherwise, the County needs to plan for a new jail facility in the future.

## **FINDINGS**

The 2007-2008 Grand Jury finds that:

1. In 1975, the Board of Supervisors put the operation of the Napa County Jail under a new Department of Corrections with an appointed Director of Corrections.
2. Napa County is one of only three counties in California whose jail is not run by the Sheriff's Department.
3. The Board of Supervisors' intent in the mid-1970's was to have the County develop a comprehensive system of adult correctional services and that programs and services be fully coordinated and integrated within the framework of the entire criminal justice system of the County.

4. The Napa County Jail has lacked permanent leadership for over four years with four different Directors of Corrections serving on a temporary basis or in the case of the last one, resigning after less than 6 months on the job.
5. The Napa County Criminal Justice Committee recommended, and the Board of Supervisors approved in December 2007, an Adult Correctional System Master Plan – Phase I.
6. The Adult Correctional System Master Plan is intended to provide alternative means of incarceration for both pre-sentenced and sentenced inmates, to design and implement a Community Corrections Services Center, to develop evidence-based programs in the Jail, the Probation Department and the Health and Human Services Department to reduce recidivism, and to redesign the Jail to allow for proper segregation and handling of inmates.
7. The creation, implementation and monitoring of these evidence-based programs will require permanent leadership of the Department of Corrections.
8. The Criminal Justice Committee did not address and the Plan does not deal with the issue of leadership of the Department of Corrections/Jail.
9. It has been, and will continue to be, difficult for Napa County to recruit an experienced, proven person to lead the Department of Corrections until such time as the Criminal Justice Committee redefines the position, recognizing that the jail is only one component of a comprehensive corrections plan.
10. The job description in the recruiting materials does not give sufficient emphasis to the expanded responsibility the head of the Department of Corrections will have for developing and superintending evidence-based programs.
11. Requests from inmates for medical prescriptions and medical attention are occasionally delayed or denied without adequate explanations for the delay or denial provided to the affected inmates. With respect to medical care, there is no significant evidence indicating that problems pertaining to medical issues are pervasive within the detention facility .
12. The grievance procedure of the Napa County Jail has the potential to result in immediate adverse consequences for an inmate with a legitimate complaint regarding a correctional officer or other staff member who must submit the complaint to that officer or staff member.
13. The Inmate Handbook does not include any reference to a timeline within which the Department must respond to a grievance.
14. The Napa County Department of Corrections maintains few records of inmate grievances and its record-keeping in this regard is inadequate.
15. The Inmate Welfare Trust Fund and its use for the funding of certain Jail custodial and food staff training does not impart sufficient substantive job skills facilitating inmate transition from detention to the general population.
16. The use of Inmate Welfare Trust Fund funds for new evidence-based programs for inmate rehabilitation is a reasonable use of such funds.

## **RECOMMENDATIONS**

The 2007-2008 Grand Jury recommends that:

1. The Criminal Justice Committee address and identify in the Adult Correctional System Master Plan the proper official or agency to provide the leadership necessary to carry out the Plan's recommendations.
2. The Criminal Justice Committee develop a proposed job description for the Director of the Department of Corrections that acknowledges the broad responsibility such a person will have for the jail and for community-based corrections efforts in cooperation with other agencies.
3. The selection of a new Director of the Department of Corrections be deferred until such time as a decision is made regarding the job description for this position, taking into account the new responsibilities described in the Adult Correctional System Master Plan.
4. The Jail's on-site Medical Director ensures that inmates' medical needs are met on a timely basis.
5. The Director of Corrections receives timely notice of each grievance filed by an inmate.
6. Accurate and complete grievance records, numbered sequentially, be retained for at least one year, assuring that all grievances are recorded and appropriate action taken.
7. The Inmate Welfare Trust Fund not be used for jail maintenance or cleaning and food services for the Jail.

## **REQUESTS FOR RESPONSES**

Napa County Board of Supervisors – Recommendations 1-3

Criminal Justice Committee – All Recommendations

Napa County Department of Corrections – All Recommendations

Napa County Probation Department – Chief Probation Officer – Recommendations 1-3

Napa County Sheriff – Recommendations 1-3

County Executive Officer – Recommendations 1-3

## **GLOSSARY**

CCSC – Community Corrections Service Center

CJC – Napa County Criminal Justice Committee

IWTF – Inmate Welfare Trust Fund

NCDC – Napa County Department of Corrections

NCPD – Napa County Probation Department

# **APPENDIX**

## **Appendix 1 – Napa County Adult Corrections System Plan – Phase I, Executive Summary**

### **ADULT CORRECTIONAL SYSTEM MASTER PLAN**

#### **PHASE ONE**

#### **EXECUTIVE SUMMARY**



REPORT TO THE BOARD OF SUPERVISORS

**ADULT CORRECTIONAL SYSTEM MASTER PLAN- PHASE I**

PREPARED FOR NOVEMBER 20, 2007 BOARD MEETING

NOVEMBER 13, 2007



**County Executive Office**  
**1195 Third Street, Suite 310**  
**Napa, California 94559**  
**(707) 253-4176**  
**[www.co.napa.ca.us](http://www.co.napa.ca.us)**

## **BOARD OF SUPERVISORS**

**Harold Moskowitz, District 5, Chair**  
**Brad Wagenknecht, District 1**  
**Mark Luce, District 2**  
**Diane Dillon, District 3**  
**Bill Dodd, District 4**

## **COUNTY EXECUTIVE OFFICE**

**Nancy Watt**  
**County Executive Officer**

## **CRIMINAL JUSTICE COMMITTEE**

**Mark Luce, County Supervisor and Co-Chair**  
**Francisca Tisher, Presiding Judge and Co-Chair**  
**Diane Price, Judge**  
**Ray Guadagni, Judge**  
**Steve Kroyer, Judge**  
**Rodney Stone, Judge**  
**Gary Lieberstein, District Attorney**  
**Doug Koford, Sheriff**  
**Rich Melton, City of Napa Police Chief**  
**Nancy Watt, County Executive Officer**  
**Britt Ferguson, Assistant County Executive Officer**  
**Stephen Bouch, Court Executive Officer**  
**Mary Butler, Chief Probation Officer**  
**Terry Davis, Public Defender**  
**Julie Hutchens, Director of Corrections**  
**Randy Snowden, Director of Health and Human Services**  
**Ron Abernethy, Chief Deputy Public Defender**

## **COMMITTEE STAFF**

**Connie Moreno-Peraza, Administrator of Alcohol and Drug Programs**  
**Jay Vanderhurst, Mental Health Director**  
**Helene Franchi, Principal Management Analyst**  
**Molly Rattigan, Management Analyst II**  
**John Pearson, Consultant**  
**Dennis Handis, Consultant**

## EXECUTIVE SUMMARY

On November 11, 2004, the Napa County Board of Supervisors directed staff to initiate a process develop an Adult Correctional System Master Plan to identify and address the County's jail and other adult correctional system needs over the next 20 years. The Board's direction was to embark on a well-thought out effort to assess the operation of the local criminal justice system and its impact on jail use, and to make reasoned decisions on various issues, including, but not limited to, whether additional jail beds were needed. If additional beds were needed, the key questions were: how many, for what type(s) of inmates, and were there any conditions or changes that might mitigate these findings. The Board's direction to staff was to involve all local criminal justice agencies to work toward addressing these questions, and to return to the Board with conclusions and recommendations.

A Criminal Justice Committee was formed comprised of representatives of the Board, the County Executive Office, all of the County's justice-related departments, Health & Human Services Agency, the Courts and the Napa Police Department. The Committee's work over the last three years has produced a wealth of information and many productive discussions on the state of Napa County's Adult Criminal Justice system. The work presented in this report address Phase I of the Adult Correctional System Master Planning process. The objectives accomplished include:

- An evaluation of the existing Jail and its future utility in the County's adult corrections system.
- An assessment of the "capacity" of current community adult corrections programs available in the County, which will help to define needs for expansion of existing alternatives and/or creation of additional program options as part of an inmate population management strategy.
- An assessment of alternatives for both pre-trial and post-sentenced individuals.
- An analysis of policy factors that may have influenced historical trends in offender population flow and volume.
- Project baseline and alternative forecasts on the County's future corrections population, including bed space needs, through the year 2025, based on analyses of policy and other factors that will likely determine correctional resource needs.

The activities conducted that led to this report's findings and recommendations included the use of various consultants including The Omni Group, Mark Morris and Associates, Carter Goble Lee Associates, The Carey Group, Dennis Handis and John Pearson. Members of the committee have participated in interviews, assessments, mapping exercises and numerous policy discussions.

The Committee presents the following Conclusions and Recommendations to the Board of Supervisors:

Conclusion No 1: The County currently does not utilize evidence-based practices in a comprehensive way to manage the adult offender population, nor are there many intermediate sanctions available to facilitate the use of evidence-based practices. If evidence-based practices programs are appropriately implemented, there is an opportunity to manage limited secure custody

resources more effectively, and significantly reduce offender recidivism, thus enhancing public safety.

- Recommendation No. 1-1: The County should fully commit to implementing evidence-based practices, including the creation of a Community Corrections Services Center and associated intermediate sanctions and programs.
- Recommendation No. 1-2: The County should support the Probation Department's ongoing efforts to implement evidence-based practices.
- Recommendation No. 1-3: The County should support the Health & Human Services Department's efforts to enhance the level of mental health and substance abuse services provided to the adult offender population, including working with contract service providers to ensure that those agencies have appropriate knowledge and training about programs that are effective in dealing with the offender population.
- Recommendation No. 1-4: The County should establish a quality assurance and outcome evaluation capacity that ensures that evidence-based practices are appropriately designed and implemented and having the desired effect in terms of reducing recidivism. This would likely require a Quality Assurance capability that could provide assistance to all corrections-related agencies involved in programming for the offender population.

Conclusion No. 2 A: Without implementing evidence-based practices or other policy changes, it is estimated that an additional 120 rated jail beds may be needed by 2020, with an additional 36 beds needed by as early as 2010 and 78 by 2015. If evidence-based practices are effectively implemented, the need for net additional jail beds could potentially be delayed until 2020 and even then as few as 31 additional rated beds could be needed. However, there are many questions about implementing evidence-based practices and exactly what the impact of these and other changes in policies might be. Consequently, these modified projections must be viewed skeptically. In addition, there are serious limitations in housing options in the current jail.

Conclusion No. 2B: Because the jail lacks the appropriate mix of housing types, risk classification principles are being compromised on a daily basis and the jail faces operational inefficiencies and increasing safety and security concerns. This issue must be addressed independently of whether and when net new beds need to be added and, depending on how this is addressed net additional beds may be required in the near term.

- Recommendation No. 2 -1: The County should proceed to plan for the immediate (within the next three years) reconfiguration and/or replacement of jail beds to change the mix of rated beds in the jail (and potentially add additional rated or specialized beds) so that risk can be appropriately managed and adequate services provided, while creating the capacity to smoothly and expeditiously increase the number of total rated beds by 2020 – or sooner as experience and close monitoring indicate.
- Recommendation No. 2-2: Establish a dedicated staff position that will monitor and provide feedback to management and the Criminal Justice Committee on criminal justice/corrections population data and trends to assist in the population and caseload management of the jail and probation functions.

If the recommendations made by the Criminal Justice committee are approved, staff will move immediately into Phase II to begin designing and developing a Community Corrections Service Center; designing and implementing evidence-based programs; and begin the development of detailed operational and space programming of any new and/or renovated correctional facilities to meet bedspace and program needs. This will start with the assessment of the options for creating the desired mix of beds in the short term and develop plans for the eventual expansion to meet long-term bed space needs projected in Phase I.

Key Steps to be accomplished in Phase II include:

- Determine the precise number of reconfigured or new rated beds needed in the short term and the precise number of additional specialized beds (mental health, health, holding and so forth) needed.
- Determine whether current facilities can be reconfigured, remodeled or expanded, or if it would be preferable to construct a new facility. This will include both creating a new mix of jail beds to meet the classification requirements of the inmates by replacing existing beds, providing for adequate specialized housing units, and preparing for longer term needs for net additional jail beds.
- Create a description of site requirements and objectively evaluate alternative facility locations as necessary.
- Identify the most appropriate facility standards and inmate management approaches to be considered in programming and designing facilities.
- Identify preliminary staffing requirements and operating costs for the desired facility.
- Evaluate alternative construction methods that could be utilized.
- Identify preliminary construction, operation and life-cycle cost estimates for the facility.
- Design and implement a Community Corrections Service Center and associated intermediate sanctions and programs to provide various options for supervision, control and programming for adult offenders. This program will include an evidence-based curriculum and be multi-purpose and multi-disciplinary, with participation from the Department of Corrections, Probation and Health and Human Services.
- Develop and provide for appropriate programs and services in the Probation Department designed to address the criminogenic needs of offenders. This may require the addition of staff to adjust caseloads to meet national standards.
- Develop evidence-based programs in Health and Human Services and among community providers to address substance abuse and mental health needs of offender in an effective community-based manner.
- Create a Quality Assurance and outcome evaluation capacity to ensure that evidence-based practices are appropriately designed and implemented and having the desired effect in terms of reducing recidivism.