



COUNTY *of* NAPA

BOARD OF SUPERVISORS

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September 18, 2007

The Honorable Francisca P. Tisher
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

Dear Judge Tisher:

As required by Penal Code Section 933(c), enclosed is the response to the 2006-07 Grand Jury Final Report. Responses to findings and recommendations affecting local government entities other than the County are not included in the Board's response when those entities are not under the jurisdiction of the County Board of Supervisors.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed. We note that a number of the Grand Jury's recommendations have been implemented or are in the process of being implemented at this time.

The Board acknowledges the members of the 2006-07 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Harold Moskowitz, Chair
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2007-08 Grand Jury

**NAPA COUNTY
RESPONSES TO GRAND JURY REPORT
FISCAL YEAR 2006-2007**

CHILD WELFARE SERVICES DEPARTMENT

Finding No. 4: The Grand Jury finds that there is an urgent need for respite care for foster parents, for both emergency and overnight child care.

Because there are restrictions regarding individuals that care for children who are wards of the court, foster parents can not hire just any babysitter as other parents do. Securing an appropriate babysitter so that foster parents can enjoy an evening away from the children can be challenging. Currently there also is no place for foster parents to drop off children in an emergency situation.

Response, Director of Health & Human Services: Health & Human Services Agency agrees in part and disagrees in part with this finding.

We agree that all caregivers of children need to take time away from the children. This need is particularly acute for kin and foster parents of children who have been abused or neglected. These children frequently require a higher level of care and supervision than other children in their age range. Their behaviors, because of their life experiences, can be challenging to manage day in and day out. The need for foster parents to have good quality substitute/respite care is an acute and critical need. We agree these situations include short-term care in an emergency up to overnight or longer care to allow a planned vacation from foster parenting.

We disagree that foster parents cannot hire a babysitter for an evening away from the children in the same manner as other parents can. Effective January 1, 2006, Senate Bill 358 changed the Welfare & Institutions Code to allow relatives and foster parents caring for foster children to arrange "occasional short-term babysitting of a foster child" without requiring criminal background checks, health checks or CPR training. In passing this law, the legislature acknowledged that allowing a caregiver to select a babysitter to provide occasional short-term care to a foster child supports recruitment and retention of high quality foster parents and normalizes life experiences for both the foster child and caregiver. The California Department of Social Services issued an All County Letter (ACL) dated March 7, 2006 to instruct counties on this change in the law.

Recommendation No. 4: The Grand Jury recommends that efforts to address foster care respite, both for relative and non-relative foster parents, be a high priority. The Grand Jury acknowledges that the proposed receiving center will also provide some respite care. The Grand Jury believes that ongoing efforts to provide respite care should be a high priority, an action which may improve the ability of Napa County to recruit and retain foster parents.

Response, Director of Health & Human Services: This recommendation is in the process of being implemented.

HHSA appreciates the support of the Grand Jury in recognizing this critical service need. Likewise, there has been a groundswell of support for this effort coming from concerned citizens and community organizations. The Foster Care Advocates group has identified development of a cohesive respite care program as one of two priority objectives. The other is development of the Receiving Center referenced in the Grand Jury's Recommendation # 3.

To begin addressing this need, HHSA and the Foster Care Advocates group have worked with the Foster Kids Fund to seek funding for a planning process to create a comprehensive system of respite. An application has been prepared and submitted to a local charitable funder for both the Receiving Center and respite care. A decision by the funder is anticipated by early fall.

The first year funding request calls for selecting and contracting with a consultant to research the various "pockets" of funding earmarked for respite, putting those sources into a matrix and identifying program and funding gaps. A preliminary assessment has revealed that there are funding sources earmarked for specific purposes or populations. While these funds appear to be clearly inadequate, identifying and understanding what is currently available will assist in designing next steps, including the search for additional funding sources and/or work with a legislator to craft legislation for a cohesive respite program. In addition to funding a consultant to facilitate this undertaking, \$10,000 has been requested for emergency respite care so that urgent immediate needs can be addressed while the planning effort proceeds.

Finding No. 5: The Grand Jury finds that the current system of financial compensation to foster parents for the care of children placed in their homes is inadequate. Monthly payments of \$450 per child fall far short of the actual out-of-pocket costs of providing a child with food, shelter, clothing, transportation and school-related expenses.

Foster care reimbursement rates are set by the California State Department of Social Services. A bill currently pending in the State Assembly, AB324, would require an immediate increase in foster care payments, as well as annual adjustments.

Additionally, the Napa County Department of Health & Human Services is seeking non-governmental partnerships within our local community to create ancillary funding in support of foster children's unmet needs, such as sports equipment, field trips and additional clothing, among others.

Another common complaint is that foster care reimbursement payments frequently lag three months or more behind incurred expenses. This cash flow problem presents a serious challenge for many and is an impediment to recruiting and retaining foster parents.

These payments are authorized by the State and subsequently distributed by the County Auditor's Office.

Response, Director of Health & Human Services: Health & Human Services Agency agrees with this finding in terms of the inadequacy of the state established compensation rate for foster parents. Since the 1970's, state-set foster care reimbursement rates have been periodically adjusted for increases in the cost of living. However, as state budget constraints tightened, these COLAs have become sporadic. Thus, the foster care rate, which was marginal even in good budget times, has failed to keep pace with the rising cost of living.

In terms of the issue of timeliness of issuance of foster care payments, we agree that this issue warrants analysis. Until a thorough analysis is completed, it is difficult to know if there is a systemic problem and what the causes may be.

Recommendation No. 5: The Grand Jury is encouraged by pending legislation which would increase payments to foster parents, and endorses efforts by the Department of Health and Human Services to create public/private partnerships to help meet the needs of foster children in our community.

The Grand Jury recommends that CWS begin to monitor the actual time taken for foster parents to receive reimbursement checks.

The Grand Jury further recommends that, if the lag time is found to be excessive, CWS identify any possible procedures within Napa County that would expedite the payments, and actively advocate at the State level for more timely payments to foster parents.

Response, Director of Health & Human Services: This recommendation will be implemented. Our work to create, maintain, and expand community partnerships is ongoing. The undertaking to analyze the timeliness of foster care payments will begin upon the acceptance of these recommendations by the Board of Supervisors and will be completed by October 31, 2007.

Health & Human Services Agency will continue to engage in partnerships that will support foster children and their caregivers in our community. While the adage that “it takes a village to raise a child” have become overused and clichéd, one of the core values of HHSA is to seek both community involvement and input in our service programs. We remain committed to transparency and maximizing community partnerships.

Timely foster care payment is critical to supporting our kin and foster care providers. Upon acceptance by the Board of Supervisors of these recommendations, we will obtain and analyze data reports that will allow us to determine the average length of time for the issuance of foster care benefits. Our assumption is that the Grand Jury was concerned about initial payment as, once granted, ongoing foster care payments are automatically issued each month. By regulation, eligibility staff has 45 days to process the initial benefit payment. We will determine if the initial benefit checks are issued and transmitted within that time frame. In addition, we will put into place a system to inform caregivers what to expect so they can be prepared for when payments will begin.

NAPA COUNTY JAIL

Finding No. 1: The Napa County Jail is adequately run and serving the county in its designated role.

Response, Director of Corrections: The Director of Corrections agrees with this finding.

Response, Board of Supervisors: We agree with the response from the Director of Corrections.

Recommendation No. 2: Continue the day-to-day operation of the Napa County Jail, recognizing Recommendations 2 and 3.

Response, Director of Corrections: The Department will continue to provide exceptional services to the county in its designated role as an integral part of the local criminal justice system. See response to Recommendations 2 and 3.

Response, Board of Supervisors: We agree with the response from the Director of Corrections.

Finding No. 2: A portion of the Inmate WTF is being used to supplement staffing which will not impart long term benefits to the inmates.

Response, Director of Corrections: The Director of Corrections disagrees with this finding. While we agree that a portion of the Inmate WTF (Welfare Trust Fund) is being used to supplement staffing, we believe that there are long term benefits to inmates. The staff positions that are currently being paid in whole or part using funds from the Inmate WTF have been researched by County Counsel and approved as complying with Penal Code Section 4025. (“...inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates” (or by the Director of Corrections in Napa County)).

The staff positions that are currently supported this way include:

0.75 Office Assistant to support the inmate canteen program.

Extra Help Office Asst.(as needed) to support the inmate canteen program.

1 FTE (Full-Time Equivalent) Cook: Supervises and works with sentenced inmate workers in the kitchen and laundry to provide basic instruction on use of equipment, cooking, cleaning, etc. Skills that can be useful upon release.

1 FTE Maintenance Worker: Supervises and works with sentenced inmate workers performing janitorial services in the jail, including administrative offices and public areas. This also provides for a regular crew of inmates who assist in the routine painting of the jail, including cells and common areas. Again, these are skills and experiences that can be useful upon release.

1 FTE Correctional Officer (Inmate Services Coordinator): This staff person works directly with inmates to screen for eligibility to be an inmate worker, and assigns and schedules the workers, including those that are assigned to Public Works for outside cleaning and landscaping duties. This position also assists in screening and scheduling inmates into various programs in the jail, and those offered at the Health and Human Services campus. These programs include substance abuse, anger management, job finding, etc.

Response, Board of Supervisors: We agree with the response from the Director of Corrections.

Recommendation No. 2: This Grand Jury recommends a positive approach by using the IWTF to develop coping strategies for released inmates. The NCDC is encouraged to continue to use the IWTF on inmate welfare, with emphasis on rehabilitation, training programs, and community support to break the cycle of re-entry into the justice system. Additionally, cross referencing is recommended with existing agencies, (e.g. the Hope Center, Napa College, and Napa Valley Unified School District Adult School) to provide meaningful training and support for the re-entry these people into society.

Response, Director of Corrections: The Director of Corrections agrees with this recommendation and funds have been earmarked in the current 2007-08 fiscal year to utilize IWTF with the emphasis on “breaking the cycle of re-entry into the justice system.” The Department of Corrections is working in concert with Probation, Health and Human Services and other community agencies to develop a comprehensive set of intervention programs. These programs are being planned to utilize evidence-based assessment tools to

individualize services based on risk of re-offending and the criminogenic factors that need to be addressed through the delivery of evidence-based services.

The Department has had a long-standing contractual agreement with the Napa Valley Unified Adult School, has coordinated placements in the Homeless Shelter working with the Hope Center, and involves other community-based programs such as AA and NA.

Response, Board of Supervisors: We agree with the response from the Director of Corrections.

Finding No. 3: Napa County is one of only three counties in the state, (Madera and Santa Clara are the other two), whose jail is operated by a Department of Corrections instead of a sheriff. Currently the NCDC remains independent from the Sheriff with a director appointed by the Board of Supervisors upon recommendation of the County Executive Officer. Because Napa County's structure for jail management is unusual, this Grand Jury chose to examine whether this system is still tenable. Moreover, the Director of Corrections position is currently vacant, which provides an opportunity for review.

Over the past thirty-two years Napa's model for jail management has been called a unique and successful experiment. The following potential advantages to re-uniting corrections with the Sheriff's department have been identified.

- 1) Greater accountability. The elected Sheriff is more directly accountable.
- 2) Improved response to County emergencies. Currently the correctional officers under an independent NCDC can only operate during an emergency as county disaster employees; non-police activities. As employees under the sheriff, the correctional officers could be provided additional training, allowing them to carry weapons and conduct activities in support of law enforcement.
- 3) Efficiency. Placing the corrections department with the Sheriff's Department is potentially more efficient. Organizational and cost efficiencies may be realized by consolidating administrative duties.
- 4) Career Options. By consolidation of the Departments the county has the opportunity to consider whether the career paths should be kept the same, or modified for crossover potential. The model used throughout most of the State is a dual career path, one for sworn deputies and one for correctional officers. Typically, correctional officers are more interested in providing services for inmates consistent with the goals and objectives of a correctional program. Providing a dual career path enables the county to staff the jail without incurring the extended training, salary expense, enhanced retirement and workers compensation benefits of sworn law enforcement deputies.
- 5) Increased collaboration.
- 6) Enhanced support and advocacy is possible at the state level. As the Sheriff participates with the state Sheriff's Association additional issues relevant to corrections can be discussed.
- 7) Statutory Preference. The California Legislature has determined that the sheriff departments shall (throughout the state) provide county jail management. In 1993

the people of California enacted SB911, an amendment to section 26605 of the Government Code which now provides: “*Notwithstanding any other provision of law, except in counties in which the sheriff, as of July 1, 1993 is not in charge of and the sole and exclusive authority to keep the county jail and the prisoners in it, the sheriff shall take charge of and be the sole and exclusive authority to keep the county jail and the prisoners in it...*”. As previously stated, Napa County is one of the exceptions.

Response, Director of Corrections: The Corrections Department agrees in part and disagrees in part with this finding.

The Department agrees that Napa County is one of only three counties in the state whose jail is operated by a Department of Corrections instead of a Sheriff. The Department also agrees that there may be some potential advantages to re-uniting corrections with the Sheriff’s department, but also believes that there could be significant disadvantages that are not identified in the Grand Jury’s report. In addition, the Department does not agree that some of the “potential advantages” identified by the Grand Jury are, in fact, potential advantages. For example:

- Both the Sheriff and Board of Supervisors are elected officials and are equally accountable to the public. In those counties where the Sheriff has authority for the jail, he or she appoints a jail administrator to manage day-to-day operations. In counties where the jail is under the authority of the Board of Supervisors, the Board appoints a corrections director to manage day-to-day operations. Thus, in both cases actual jail management is in the hands of an appointed official who reports to elected officials. And, in fact, keeping the jail under the authority of the Board of Supervisors may provide for greater accountability. When an elected Sheriff is responsible for managing the jail but an elected Board of Supervisors is responsible for the jail’s budget and county personnel policies, etc, it is sometimes difficult for the public to know who to hold accountable if there are problems. If the Board of Supervisors has ultimate responsibility for the jail, the chain of accountability is clear.
- While formal organizational consolidation might be necessary to optimize collaboration between the jail and the sheriff in some jurisdictions that has not been the history in Napa County. Here, the Sheriff’s and Corrections Departments have a long track record of working together to deal with problems or issues of mutual concern. For example, the Sheriff’s Department and Corrections have agreed that the Sheriff will provide transportation services for jail inmates and Corrections will assign corrections officers to sit with inmates during court trials, rather than requiring the Sheriff’s Deputies, who act as court bailiffs, to perform that function. The Sheriff also conducts investigations of activity in the jail and the Sheriff and Corrections staffs share information about activities of mutual concern (such as future warrant sweeps, etc). The Sheriff

also keeps Corrections informed of relevant information related to the State Sheriff's Association's legislative activities.

- We are not entirely clear on the point the Grand Jury is making with regard to having the ability to modify career paths for "crossover" potential. The Grand Jury acknowledges that the model used in most sheriffs' offices in the state is dual career paths – one for sworn deputies and one for corrections officers - and implies that this is a good approach. We agree that this is a good model and that is essentially the system in place here in Napa County: non-sworn Correctional Officers in the jail and sworn deputies in the Sheriff's Department. If the Grand Jury's point is that Napa County ought to be able to consider a model where sworn deputies serve as correctional officers, we do not see that as a critical need since it is unlikely that option would be adopted.

Response, Board of Supervisors: We agree with the response from the Director of Corrections.

Recommendation No. 3: The Grand Jury recommends that Napa County conduct a comprehensive cost benefit analysis, as well as a personnel analysis to determine the economic, as well as societal, feasibility of having the Sheriff assume management of the Jail.

Response, Director of Corrections: The Corrections Department disagrees with this recommendation. The Board of Supervisors has previously indicated that they were not interested in transferring responsibility for the jail to the Sheriff. Nothing in the Grand Jury's report suggests that there is a compelling reason to study this issue further at this time. The Corrections Department is currently addressing a number of important and challenging issues, including the recent hiring of a new Director, completion of the Adult Corrections Master Plan and the possible construction of new jail beds, and implementation of evidence-based practices.

Response, Board of Supervisors: We agree with the response from the Director of Corrections. As indicated above, the jail will be involved in a number of significant issues over the next few years, which could result in major changes to jail operations. Thus, absent a compelling need, we do not believe it would be prudent to introduce a new level of uncertainty into the equation at this time. As the Grand Jury notes, the jail is currently adequately run and we do not see a compelling need to examine this issue now.