



Agenda Date: 12/13/2005  
Agenda Placement: 6A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** John Alexander - Acting Director  
Corrections  
**REPORT BY:** John Alexander, Acting Director, 253-6015  
**SUBJECT:** Adoption of a Resolution Authorizing NCDC to provide a Home Detention Program

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### **RECOMMENDATION**

Acting Director of Corrections requests adoption of a resolution authorizing the provision of a Home Detention Program and approving the Home Detention rules and regulations pursuant to Penal Code Section 1203.016.

### **EXECUTIVE SUMMARY**

The Department of Corrections (NCDC) operates a Home Detention Program designed to provide secure monitoring of locally sentenced low risk inmates re-entering the community pursuant to Penal Code Section 1203.016. Home Detention provides inmates with the opportunity to re-enter the community with employment and a home, while still being monitored and supervised. Statute requires that the Board approve the rules surrounding this program annually. Prior to today's action, a group consisting of representatives from CEO, Sheriff, DA, Public Defender, Probation, Courts, and Napa Police Department met to review and comment on the Home Detention Program generally, and specifically to give feedback on the rules and regulations. The document before you today incorporates that feedback.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Revenue and expenses associated with the operation of the home detention program are budgeted in the Department of Corrections Final Fiscal Year 05-06 budget.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Home Detention Program aides in the overall management of the jail

	population and allows for a safe re-entry to the community of low risk offenders.
Is the general fund affected?	Yes
Future fiscal impact:	NCDC staff annually reviews both the vendors offering electronic monitoring and other services as well as the program fees. If it becomes necessary to adjust either the Department will return to the Board for approval. The fees are intended to reimburse the County for time expended in the overall operation of the program.
Consequences if not approved:	The jail population could be severely impacted leading to possible litigation.
Additional Information:	None

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

In recognition of jail overcrowding and the fact that inmates sentenced to jails, unlike prisons, will return to the community within a relatively short period of time; California Penal Code Section 1203.016 provides for the establishment of an electronic home detention program that protects local communities, maintains judicial confidence, and results in successful and cost-effective participation by offenders. NCDC has operated the Home Detention Program since 1988. The Penal Code requires an annual review by the Board of Supervisors of the program's policies and procedures and staff took this opportunity to have the criminal justice agencies review and provide input. Staff from the District Attorney, the Public Defender, Probation, Sheriff, Courts and Napa Police Department worked with staff from the County Executive Office and Department of Corrections in the development of the document before you today.

As approved by the Board of Supervisors, the Home Detention Program supplements the County's commitment to a strong Community Corrections Program. The Home Detention Program serves three primary purposes:

1. to assist in alleviating or avoiding potential overcrowding of the jail;
2. to provide a safe and effective process for reentry to the community and;
3. to aid with inmate management which involves provision of incentives and sanctions based on inmate behavior.

Home Detention not only allows inmates to serve their sentence and to pay their debt to society, it allows them, while under intensive, close supervision, to safely reenter and remain in the community. The participant can continue to contribute to the welfare of their family both financially and emotionally in addition to receiving any needed treatment. While working and supporting their families, inmates can begin paying their fines and restitution to the victims. Inside housework and childcare are areas that the community no longer has to support with a Home Detention program in place. In addition, obtaining needed counseling and treatment, will help deter future criminal behavior and incarcerations.

Home Detention is an alternative classification for sentenced inmates. Penal Code section 1203.016 allows

minimum security and low-risk offenders committed to NCDC to voluntarily participate in the program. The current Home Detention program allows qualifying inmates to remain at home under rules which require strict schedules and mandatory monitoring, 24 hours/7 days a week through the use of an electronic transmitter worn by the inmate. Inmates are not allowed to leave their home except for pre-approved purposes. Time away from home for work, education, and counseling are a few examples of what will be allowed. Even the freedom of mowing the lawn or going to town is limited and requires prior approval and scheduling.

Today's action will approve new rules providing increased clarity as to the criteria and processes used by NCDC when considering an inmate for the program. The eligibility evaluation process has been expanded to include a three step process: a) inmates must meet certain minimum qualifying criteria; b) an advisory committee consisting of experienced staff from NCDC and Probation will conduct a final screening process and make recommendations to the Director of NCDC and; c) the Director or designee will make the final decision regarding program participation. Inmates convicted of serious and violent felonies, such as those listed in Penal Code sections 667.5(c) and 1192.7, will not be eligible for the program. Examples of offenses include, but are not limited to, rape, sexual offenses involving minors, felony offense involving sales of controlled substances, and any felony gang offense. A complete list of offenses may be found beginning on page 6 of the Policies and Procedures. Inmates who violate probation will be precluded from the program if the original felony charge appears on the list of charges in Penal Code sections 667.5(c) and 1192.7.

In reviewing the procedures, staff has further clarified program operations. Specifically, staff has worked with local law enforcement agencies regarding the notification process when program violations occur. In addition, working with the District Attorney and County Counsel, NCDC staff has modified the Inmate Agreement to include specific reference to program requirements.

Those inmates who fail to adhere to the conditions of the Home Detention process will face termination from the program and incarceration in the NCDC facility for the remainder of their sentence, and may be subject to subsequent additional charges, including escape. The Home Detention Program is a self sufficient program, the inmates pay their own way.

## **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi