



Agenda Date: 2/6/2007  
Agenda Placement: 6B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** John Pearson - Director  
Corrections  
**REPORT BY:** Helene Franchi, Senior Management Analyst, 253-4820  
**SUBJECT:** Adoption of a Resolution Authorizing NCDC to provide a Home Detention Program

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### **RECOMMENDATION**

Director of Corrections requests adoption of a resolution 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. Last year, 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 and has not required any additional changes.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **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. In 2005, 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. No changes have been made since the document was approved by the Board of Supervisors in December 2005.

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. Participants are also required to report regularly to NCDC to confirm status of employment, counseling, etc, and drug and alcohol testing.

The Home Detention Program is a self sufficient program, the inmates pay their own way.

The following table summarizes the experience of the program for the calendar year 2006. As you can see, a number of inmates were denied admission to the program based on screening criteria established by the Committee last year. Criteria is based on a risk assessment that rates an inmate's ability to participate in the program while maintaining community safety. Elements include but are not limited to things such as criminal history, current offense, job, home, telephone, etc. These factors are considered by a review committee of Corrections and Adult Probation staff, who make a recommendation to the Director of Corrections. Some of those considered do not meet the minimum qualifications, or assessment of risk and ability to comply with the rules. Others were denied because of a court order that prohibits home detention. These orders are typically based on a plea agreement that the defendant agrees to. In evaluating the performance of the program, staff from NCDC removed a total of 13 (24%) inmates from the program. All but one were removed due to failing routine drug and/or alcohol testing. In the other case, the person's phone was disconnected. These inmates were returned to

custody to serve the balance of their sentence. None of the failures were due to not abiding by the restrictions placed on them as to the time they were required to be inside their residence. No participants were arrested for new offenses. The Department will be determining what additional strategies can be implemented to address the failures due to drug and/or alcohol usage.

### **NCDC Home Detention Program Summary for Calendar Year 2006**

#### Assessment Process

116 Considered

55 Approved & Participated

8 Approved but declined to participate

53 Denied

29 by Court Order (Plea Agreement)

24 by NCDC-Probation Committee (Risk Assessment)

#### Performance on the Program

55 Participants

42 Successfully Completed

13 Removed by NCDC during the program & served balance of sentence

12 Failed Drug/alcohol Testing

1 Phone service removed

34 average days in the program; 1,870 total days or an average of 5 per day

### **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Molly Rattigan