



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/22/2012

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Bret Prebula for VARE, LENARD - Director
Corrections

REPORT BY: Bret Prebula, STAFF SERVICES MANAGER - 707-253-4342

SUBJECT: Presentation for discussion/request for direction/possible action regarding the creation of the
Community Corrections Work Program (CCWP)

RECOMMENDATION

Director of Corrections to present for discussion and possible action regarding the creation of the Community Corrections Work Program (CCWP).

EXECUTIVE SUMMARY

The Director of Corrections is requesting the Board approve the creation of the Community Corrections Work Program (CCWP). With the passage of AB 109 Realignment the Department of Corrections is anticipating an increase in its Average Daily Population (ADP), over the first year, by 77 inmates (70 inmates due to sentencing changes and 7 beds needed for probation violators flash incarcerations). The Department is currently operating at or near its rated capacity (264) on a daily basis. Without the increased use of alternatives to incarceration such as the CCWP, the Department will have a difficult time mitigating the population increase.

Although the Department continues to utilize many alternatives to incarceration such as forms of electronic monitoring, home arrest, 4024 orders and its Corrections Conservation Corp. (CCC) program, additional steps need to be taken to manage the jails increasing inmate population. In order to continue to manage the increasing jail population the Director of Corrections is requesting support to increase and modify the CCC program by creating an additional outlet for CCC qualified inmates to serve their sentence outside of direct incarceration in the Napa County Jail.

The CCWP will increase the amount of days available to qualified inmates to serve their time in the program. The program will be conducted Friday-Monday, allowing individuals who cannot serve their alternative

program during the weekdays (as the current CCC program restricts) the option to attend the program on the weekend.

The CCWP would generally consist of the following types of programs:

- Trash clean up on County/City Roads
- Graffiti removal (potential partnership with local law enforcement programs)
- Work programs at local non-profits or schools (school partnerships can only occur on weekends or days school is not in session)

The program will require the increase of one (1) FTE Correctional Officer to oversee the program and supervise the inmate workers. Additionally, the program will require ongoing and onetime service and supply costs to ensure the proper equipment and training is available to perform the aspects of the program outlined above. Funding for the CCWP will come from a combination of fees from participants in the program and from a transfer of 2011 Public Safety Realignment revenue from the Local Community Corrections Account Fund to the Department of Corrections budget. The CCWP program was presented and received supportive comments from the Community Corrections Partnership (CCP) on February 2, 2012.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Funding will come from two sources; fees from the individuals participating in the program and an allocation of the State 2011 Public Safety Realignment (AB 109) revenue which will be budgeted in the Department of Corrections recommended FY 2012-2013 budget. The CCWP will provide an additional outlet for qualified inmates to serve their sentence and should provide additional revenue, although there may be times when fees need to be waived to ensure the department is able to maximize the amount of qualified inmates attending the program in order to assist in lowering the jails ADP. Any fee revenue received from the CCWP will offset the amount of funds needed to be transferred from the Local Community Corrections Account (2011 Public Safety Realignment Funds).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This item is discretionary in that there is no requirement to provide funding to create the CCWP. That being said, the requested action meets the requirements of the approved Realignment and Post-Release Community Supervision Implementation Plan and has the support of the Community Corrections Partnership. With the passage of AB 109 Realignment it is imperative the Department, when appropriate, utilize alternatives to incarceration to manage its rising inmate population.
Is the general fund affected?	No
Future fiscal impact:	The funds will be used to offset expenses related to the annual operations of

the CCWP. The exact annual costs of the program are unknown as they can vary from year to year. The Department estimates the cost of the Correctional Officer will be approximately \$70,000 in FY 2012-2013, and will increase in future years based on negotiated COLA increases and step increases. The annual cost of services and supplies will ultimately depend on the type of projects implemented but the Department estimates, based on current project projections, the annual cost for services and supplies will be between \$9,000 and \$12,000 per year. The amount of fees generated from the program will not fully offset the programs total costs thus a transfer from the Local Community Corrections Account (2011 Public Safety Realignment) or General Fund will need to occur each fiscal year to mitigate the shortfall in fee revenue.

Consequences if not approved: Without the additional funds from the Local Community Corrections Account the Department will not be able to create the CCWP to augment the anticipated increase in ADP due to Realignment or would need to offset the costs with the use of General Fund resources.

Additional Information:

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

The Director of Corrections is proposing the creation of the Community Corrections Work Program (CCWP). This program will allow properly classified minimum security inmates to serve their sentence outside of direct incarceration at the County Jail.

With the passage of AB 109 Realignment based upon the numbers provided by CDCR, it is estimated that approximately 70 additional beds (increased ADP) will be added to the Napa County Jail population over the first year of realignment. Another 7 beds will be required to address parole violators and probation violators County Probation feel need to be flash incarcerated. Napa County Jail currently has a 264 bed rated capacity and is regularly near or at capacity. At times ADP has exceeded 300 inmates in custody. An addition of 77 beds will create an enormous burden to the County as the jail, within it's current facility, does not have the ability to house these additional inmates without potentially jeopardizing the safety and security of both inmates and staff. Adding beds in hallways, recreational areas, and day rooms would be the only options available to the Department under critical conditions. However, these measures create unsafe conditions and creates liability for the County as it would be difficult to ensure that all inmates receive their constitutionally guaranteed rights.

Presently, Napa County has taken steps to address the urgent needs by creating a pretrial release program (through the Probation Department), updating the home detention release policy, increasing the use of the electronic monitoring program, the creation of a Deferred Entry of Judgment program for certain vehicle infractions, and regular meetings with criminal justice stakeholders to consider alternatives to incarceration programs and other process changes to help reduce the jail population. These steps are within the parameters established by the County's Public Safety Realignment and Post Release Community

Supervision 2011 Implementation Plan and have had the intended result of addressing the immediate needs of the Department to reduce the jail population. The Plan stated reductions in recidivism would be an important policy direction, but not the only one. In addition, alternative sanctions are merited if they generate less financial and human cost than programs solely aimed at reducing recidivism and save jail beds.

The creation of the CCWP will have an impact beyond decreasing the jail's population. The program will provide support to many community based programs i.e. trash cleanup, graffiti removal, assistance with various projects through partnerships with local non profits and/or schools. These partnerships will allow the program and individuals serving in it the ability to make an impact within the community instead of spending their time in custody at the County Jail. Currently, the Department is in discussions with many organizations including the CALTRANS adopt-a-highway program. These relationships will allow the program to have the necessary partnerships to ensure the CCWP has a positive impact on the community, beyond just lowering the Jail's ADP.

The annual cost of the program will vary depending on the types of partnerships available in the community. At this point the Department is only requesting (1) FTE Correctional Officer to start the program. The one (1) FTE Correctional Officer will manage the program and supervise the inmates. The annual cost of this Correctional Officer will be approximately \$70,000 for FY 2012-2013 and will increase each fiscal year based on COLA's, contracted step increases and changes in benefit costs. The program will meet the needs of the Department as the County continues to implement additional alternatives to incarceration programs to manage the overall jail population. It is anticipated that as future needs grow for this type of program, there will be an additional need to add positions to expand the program. It is estimated that at full implementation over the next several years, the program may require adding up to an additional (2) FTE Correctional Officers for a total reduction of approximately 14 to 21-ADP per year. It will be difficult to estimate the potential growth of the program until it has been operational for a year and the Department can produce data identifying the total costs of the program and the total bed days saved per year (reduction in ADP). Additionally, the growth of the program will be limited to the amount of qualified sentenced minimum custody inmates in custody at the jail.

The Department is initially estimating 4 to 6 participants per day. The program, as designed, would have capacity for up to 12 participants per day, although there would be some additional service and supply costs associated with increasing the program beyond 6 participants per day. If the program is successful and solid partnerships are developed with community organizations, whom will provide meaningful and productive work opportunities for the inmates, the Department will evaluate the benefit of expanding the program to include additional inmates. Initially though, depending on the daily average of individuals in the program, the overall reduction in the jail's population could range from 1-ADP to as high as 3.4-ADP per year (see chart below). The reduction in ADP, although small relative to the total jail population, is one piece of the jail's population management program which uses many forms of alternatives to incarceration. The ability to manage the jail's ADP using alternatives to incarceration is a key part of insuring inmates' constitutionally guaranteed rights are not violated due to jail population related issues.

<u>Avg. Number of Participants Per Day</u>	<u>Total Jail Bed Days Saved</u>	<u>ADP Change (Annual)</u>
6	1,248	3.4
5	1,040	2.85
4	832	2.27
3	624	1.71
2	416	1.14
1	168	.46

Funding for the CCWP will come from revenues generated from the program and a transfer of 2011 Public Safety Realignment revenue from the Local Community Corrections Account Fund to the Department of Corrections budget with no impact on the County's General Fund. If the requested action is approved this transfer (including the estimated service and supply needs) and the increase of one (1) FTE Correctional Officer will be included in the Department of Corrections recommended FY 2012-2013 budget. The actual amount required from the Local Community Corrections Account will ultimately depend on the amount of fees collected from the CCWP. The CCWP program was presented and received supportive comments from the Community Corrections Partnership (CCP) on February 2, 2012.

SUPPORTING DOCUMENTS

A . CCWP Presentation

CEO Recommendation: Approve

Reviewed By: Liz Habkirk