



A Tradition of Stewardship
A Commitment to Service

Napa County

Community Corrections

Partnership FY 2020-2021

PUBLIC SAFETY REALIGNMENT PLAN

Table of Contents

I. PURPOSE	2
II. CCP MEMEBERSHIP	2
III. INTRODUCTION	3
IV. GOALS, OBJECTIVES & OUTCOMES	4
V. SUMMARY	4-6

I. PURPOSE

The purpose of the Community Corrections Partnership (CCP) is: (1) to advise the Probation Department on the development and implementation of a “Community Corrections Program,” as provided for in the Community Corrections Performance Act of 2009 (California Penal Code Sections 1228 through 1233.7); and (2) to recommend a “local plan” to the Board of Supervisors for the implementation of the 2011 public safety realignment, as provided for in Section 1230.1 of the Penal Code.

II. CCP MEMBERSHIP

A. Executive Committee – Standing Members

- 1) Julie Baptista, Chief Probation Officer
- 2) Mark Boessenecker, Presiding Judge of the Superior Court
- 3) John Robertson, Sheriff
- 4) Allison Haley, District Attorney
- 5) Rob Abernethy, Public Defender
- 6) Jennifer Yasumoto, Director of Health & Human Services
- 7) Robert Plummer, Napa Police Department

B. Other Partnership Members

- 1) Brad Wagenknecht, Board of Supervisors
- 2) Lindsay Stark, Alcohol and Drug Administrator
- 3) Barbara Nemko, County Superintendent of Schools
- 4) Sarah O’Malley, Mental Health Director

C. Other Criminal Justice Partners

- 1) Minh Tran, County Executive Officer
- 2) Doug Parker, Deputy County Counsel
- 3) Victoria Wood, Superior Court Judge
- 4) Scott Young, Superior Court Judge
- 5) Elia Ortiz, Superior Court Judge
- 6) Monique Langhorne, Superior Court Judge
- 7) Bob Fleshman, Court Executive Officer
- 8) Jon Crawford, Undersheriff
- 9) Paul Gero, Assistant District Attorney
- 10) Sue Kuss, Management Analyst
- 11) Yuen Chiang, Victim Witness Program Manager
- 12) Karen Graff, Geo Group, Inc.
- 13) Dina Jose, Director of Corrections

Terms of Office: Standing Members shall serve during their terms of office, except that the Presiding Judge's designee, if any, shall serve at the pleasure of the Presiding Judge. The County Supervisor, County Executive Officer or designee of the Board, shall serve as determined by the Board of Supervisors. The term for appointed members shall be four years beginning on July 1 and ending on June 30, except that at the initial meeting of the Partnership the appointed members shall by lot choose one of their three members to serve an initial two year term. Upon the expiration of that two year term, all appointed members will serve a four year term.

Vacancies: The Partnership shall comply with the system for new appointments, resignations, and replacements for Appointed Members as specified by the Napa County Board of Supervisors. Whenever an unscheduled vacancy occurs, the Board of Supervisors will appoint the vacancy pursuant to Government Code Section 54974. The term for the incoming member will be to fill the vacancy for the remainder of the original term. The Commission may review applications received and make recommendations to the Board of Supervisors for appointments to fill vacancies.

III. INTRODUCTION

In an effort to address overcrowding in California's prisons and assist in alleviating the State's financial crisis, the Public Safety Realignment Act (Assembly Bill 109) was signed into law on April 4, 2011. AB109 transferred responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. AB109 did not contain the funding for county agencies to implement the realignment shift and was not operative until funding was provided for counties. On June 30, 2011, Governor Brown signed a series of legislative bills as part of the State budget that provided funding and made necessary technical changes to implement the Public Safety Realignment Act, which went into effect on October 1, 2011.

AB109 transferred responsibility for supervising non-violent, non-serious, non-sex offenders (non/non/non's or PRCS-Post Release Community Supervision) upon release from State Prison to County Probation in lieu of being supervised by State Parole. Further, any non/non/non's sentenced after October 1, 2011, are no longer eligible to serve their prison sentence in State Prison and instead must serve it at the County Jail (Penal Code 1170(h)). The third population realigned from state to local responsibility is parolees who are no longer revoked to State Prison; their revocation period is instead served at the County Jail and is capped at 180 days. AB109 allows counties maximum flexibility in developing intervention and sanctions at the local level.

IV. GOALS, OBJECTIVES & OUTCOMES

Principles and Objectives

The Napa County plan is governed by the primary responsibility of criminal justice agencies: to protect the community, provide due process to the accused, and hold accountable those who need it. A variety of means may be chosen to fulfill these objectives, in addition to incarceration; and conservation of public resources is a critical consideration for such choices. Furthermore, the County has an ethical and legal responsibility to maintain jail populations at a safe and secure level for staff and inmates. Adoption of alternatives to incarceration, therefore, will be governed by the following criteria:

1. *Safety*. Assure that the proposed program or policy maintains sufficient control over defendants and offenders to minimize risk to the community when they are not confined.
2. *Accountability*. Assure that the proposal is consistent with the deterrent and retributive functions of law enforcement, both for participants and for the public at large.
3. *Recidivism*. Implement programs or policy shown to produce a reduction in recidivism. Recidivism is measured by returns to incarceration for supervision violations and failures to appear as well as by the commission of new offenses. These multiple measures will allow Napa to measure success in terms of jail bed use as well as community safety, and to account for pretrial defendants as well as sentenced offenders.
4. *Cost*. Determine what investment is required by the county to establish a program and then to maintain it. Assure that there is evidence that enough people would qualify for or be referred to the program to justify it.

The County will identify target groups for policy and programmatic intervention by means of the best available evidence on how these criteria may be met.

Evidence

Assessing evidence for population management programs in terms of the above criteria differs from the evaluation of recidivism reduction programs because the policy context rarely allows us to isolate program outcomes from other factors. When controlled comparisons are lacking, evidence must be gathered from the characteristics of Napa's correctional population and the experience of jurisdictions in which policies have been changed or programs introduced.

Strategy

Population Management programs including realigned offenders focus on four groups:

1. *Pretrial Defendants.* Using a combination of SB 678 and Realignment Funds, the Probation Department developed a Pretrial Services Unit to interview defendants as they are booked, check references, and make recommendations so judges can quickly make informed decisions about recognizance release. Safeguards such as electronic monitoring or day reporting may be included in release conditions where appropriate. Additionally, pre-filing diversion programs are reviewed and implemented as needed. Community referrals and linkages are made by the Probation Officers assigned to this program. Further interventions will be considered and reviewed on the basis of policy discussions and analysis of jail bookings. These include modifications to the bail schedule, police-based crisis intervention and diversion, and enhanced day reporting for defendants whose social service needs would otherwise prevent them from being released on recognizance.

2. *Sentenced Offenders.* Risk assessments are conducted prior to sentencing when a presentence report is being completed. Results of the assessment highlighting the risk and needs of the offender are included in the report to assist in evidence based sentencing. Referrals to programs are based on assessment data and could include additional assessments, education and treatment programs, community referrals and linkages, housing assistance and a pre-release program.

Less restrictive settings that may be used include electronic monitoring, home detention, work release, and day reporting—including the program-oriented day reporting program at the Community Corrections Service Center, with appropriate variations for new clients. These variations address the needs of realigned offenders who may pose higher risk than current program clients, as well as less risky offenders who serve all or part of their sentences on day reporting or electronic monitoring in lieu of total confinement. Addressing the behavioral health needs of offenders can support such alternatives. A victim advocate has been added to the District Attorney's office to assure compliance with Marsy's Law prior to releasing inmates into an alternative to custody program.

Further options for sentenced offenders included designing and building a staff-secure residential facility with special rules and monitoring, which will allow residents to attend school or employment in the community. Staff monitor of residents' schedules and passes, but no specialized security personnel are required. This the Reentry Facility is completed, but use of the program has been delayed indefinitely due to the 2020 Global Pandemic. Once operational, the program could also be used for pretrial defendants and offenders on daily work, education, or treatment program release.

3. *Probation Violators.* The Probation Department has designed a matrix of sanctions and rewards, ranging from counseling through “flash incarceration” to revocation of community status, which provides guidance on responses to violations based on the needs of the offender and the severity of the violation, as well as reward positive behavior. Objectives include preserving jail space for people committing new crimes and reducing the chances of repeated violations and revocation. Instituting such a system required not only revisions to policies, procedures, and training in the Probation Department, but administrative agreements to allow application of the matrix of sanctions to the vast majority of violators who are referred for booking by police and prosecutors.

4. *Transition Plan for those returning from prison.* All offenders returning from prison have a range of assessments as soon as possible. Additionally, referrals to community agencies are made based on the results of the assessment. In the coming year, assessment team will be developed to review offenders prior to their return to the community to assure all known needs are met.

Experimentation and cost control

The institutional context of correctional population management means there is no advance guarantee, even when applying the best evidence, that any particular intervention will succeed in controlling populations or reducing recidivism at an acceptable cost. Even programs based on well established principles will not necessarily work as expected when instituted in a new environment. In light of this consideration and the objective of cost control, two final planning guidelines may be stated:

1. A genuinely evidence-based approach to policy requires willingness to experiment and modify assumptions or methods based on observation.
2. We began with interventions that were less costly in human and financial terms: pretrial services, day reporting, alternative sanctions for violators, electronic monitoring, home detention, and enhanced programming, and continue to assess whether these are meeting our community safety and population management objectives.

V. SUMMARY

The Napa County Community Corrections Partnership strives to create a balanced plan that focuses on law enforcement related activities and reentry services. The Plan is intended to improve the success rates of individuals under supervision and result in reduced recidivism, less victimization, and increased public safety. Accomplishing this in the most cost effective manner and through data driven decision making, while employing proven correctional and justice system evidence based practices continues to be the Partnership’s primary strategic goal.