



A Tradition of Stewardship  
A Commitment to Service

# **NAPA COUNTY GRAND JURY**

**2011-2012**

**Report on**

**NAPA COUNTY JAIL**

**NAPA COUNTY JUVENILE HALL**

**CALIFORNIA PUBLIC SAFETY  
REALIGNMENT ACT**

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A Tradition of Stewardship  
A Commitment to Service

**NAPA COUNTY GRAND JURY**  
**P.O. BOX 5397**  
**NAPA, CALIFORNIA 94581**

June 12, 2012

The Honorable Mark S. Boesseneker  
Presiding Judge  
Superior Court of the State of California  
County of Napa  
825 Brown Street  
Napa, California 94559

Re: 2011-2012 Grand Jury Final Report on Inspections of Napa County Jail, Juvenile Hall,  
and related issues.

Dear Judge Boesseneker,

Pursuant of Section 933 (a) of the California Penal Code, the 2011-2012 Napa County Grand Jury submits to you its final report on County Inmate Facilities and related issues.

Our investigation of this subject was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury, to protect the interests of and inform the residents of Napa County.

This is the third in a series of final reports we will be issuing before the term ends. I would like to acknowledge the hard work and dedication of the Grand Jurors, which our report reflects.

It is a privilege and a pleasure to work with them.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David B. Gilbreth".

David B. Gilbreth  
Foreman  
2011-2012 Napa County Grand Jury



A Tradition of Stewardship  
A Commitment to Service

# NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

To the Residents of Napa County:

In order to fulfill the Grand Jury's mandate to investigate local jail and detention facilities, and to assure they are being administered efficiently in the best interests of Napa County residents, the 2011-2012 Grand Jury investigated the Napa County Jail, Napa County Juvenile Hall, and examined the potential effects on Napa County Jail as a result of the California Department of Corrections and Rehabilitation Reorganization Plan.

After investigation, the Grand Jury developed findings and recommendations in furtherance of informing public awareness.

The Napa County Office of County Counsel has reviewed this final report. The Napa County Superior Court Presiding Judge, pursuant to California Penal Code Section 933(a), has found that this report complies with California Penal code Part 2 Title 4. This report has been accepted and filed as a public document by the County Clerk.

Copies of this report are available for review in the Napa City-County Library and online at [www.napa.courts.ca.gov](http://www.napa.courts.ca.gov) (follow the link to the Grand Jury).

We hope you find this report informative. It is an honor and privilege to serve you during our 2011-2012 Grand Jury tenure.

Respectfully Submitted,  
Napa County Grand Jury 2011-12

## **SUMMARY**

This Grand Jury report incorporates three elements of the County's Criminal Justice system; the two mandated inspections of the Napa County Jail and Napa County Juvenile Hall facility as well as a report on the impact of California's new Public Safety Realignment Act on Napa County.

### **NAPA COUNTY JAIL**

The California Penal Codes mandate that the Grand Jury annually inspect detention facilities within the county. The 2011-12 Napa County Grand Jury inspected the Napa County Jail (NCJ), reviewed operations and interviewed Napa County Department of Corrections (NCDC) Administrators and Staff in compliance with California Law.

In addition to the jail inspection, the Grand Jury also interviewed Law Enforcement Personnel from the Napa County Sheriff's Department, Napa Police Department, St. Helena Police Department, and Calistoga Police Department regarding their evaluation of the NCJ Facility, Administration, and Staff in meeting the needs of our community.

The jail and its location in downtown Napa are currently under review at request of the Board of Supervisors (BOS) to determine the facility's adequacy to meet the County's needs in the future. The Adult Correctional System Master Plan recommendations to the BOS, as well as subsequent studies and analysis, have identified a need for an updated jail facility. Outside consultants are currently updating recommendations as a result of Realignment Act projections in order to refine three options for a new or remodeled jail facility. This study should be complete in summer 2012.

### **NAPA COUNTY JUVENILE HALL**

Pursuant to the same mandate, the Grand Jury also inspected the Napa County Juvenile Hall (NCJH) located in downtown Napa and interviewed facility administrators and staff. The NCJH is a modern well-designed facility with rehabilitation programs and a classroom environment to allow a full school curriculum.

The NCJH is a secure facility providing safe custody, counseling, medical care, and guidance to delinquent youth. The NCJH is well managed and maintained with programs designed to engage and rehabilitate youth, and instill the values of treating others with respect and courtesy. The facility provides residents the opportunity to continue school through on site teachers and classrooms. In cooperation with other County Agencies and non-profits, the NCJH provides programs addressing alcohol and drug abuse, mental health, conflict resolution, religious services, and art.

## **PUBLIC SAFETY REALIGNMENT**

The evolution of criminal justice policy began to change significantly in the early 2000's. For the previous 30 or so years, legislators and executive policy makers across the United States were busy designing laws that increased the punitive nature of criminal justice policy. Primarily, they broadened the definitions of criminal behavior and measures to increase the number of offenders sentenced to prison as well as the lengths of time served. In 2001, the economic impact became more apparent and caused many legislators to re-examine the corrections budgets. Many states got an early "jump" on these budgetary cuts in state expenditures, and the results of some of these efforts encouraged other states to follow.

California's "awakening" to the state prison overcrowding crisis came in May 2011 when the US Supreme Court upheld a federal court ruling that California must reduce the prison population by 33,000 inmates within two years.

In 2011, the Governor signed Assembly Bills (AB) 109 and AB 117, Public Safety Realignment Act (<http://www.cdcr.ca.gov/realignment/>). The state's new Realignment Act shifts the burden for incarceration, monitoring and rehabilitation of offenders convicted of low-level crimes to the counties. The legislation is designed to close the revolving door of low-level inmates cycling in and out of state prisons. These new laws are the state's solution to complying with the U.S. Supreme Court decision to reduce the number of inmates in the state's 33 prisons to 137.5 percent design capacity by May 24, 2013. The legislation specifically states that:

Inmates will complete their sentences in state prisons and trickle into county post-release community supervision services. After October 1, 2011, all new offenders who are non-violent, non-serious, and non-sex offenders must go to county jails.

No inmates currently in state prison will be transferred to county jails or released early.

The Realignment Act contains provisions that exclude felons with certain felony convictions from county jails. These include: defendants who have prior or current serious or violent felony convictions, or defendants who are required to register as sex offenders, or defendants who are convicted of felonies with enhancements for aggravated theft. Incarceration for these crimes will continue to be at the state prisons.

Under the Realignment Act ("Realignment"), felony sentencing is revised to include specified lower-level crimes that would be punishable in jail or another local sentencing option for more than one year. As a result, the County will not only see an increase in number of prisoners diverted to our jail, but could also encounter a different class of prisoners with mental health and substance abuse disorders requiring significantly more treatment. Treatment for this group of individuals will require facility modifications, as

well as the development of programs and practices that effectively address their complex needs.

The State of California and Napa County are in the midst of a vast experiment under Realignment. County officials implementing corrections Realignment are doing so under considerable public scrutiny and perhaps some skepticism.

Some observers have stated that Napa County is in a better position than most other California counties. In 2006, the County retained outside expertise to assist with developing a master plan for its correctional system's short and long term needs. County officials analyzed criminal justice trends, jail trends, and jail capacity needs. The County has established an aggressive goal to reduce recidivism by 30 percent through the use of in-jail programming and the Community Corrections Service Center (CCSC).

Napa County has a history of handling its correctional issues collaboratively among various groups who have demonstrated an ability to work together as a cohesive team. Earlier than most other counties, the Napa County Criminal Justice Committee, a group of local stakeholders from the criminal justice community, was formed to seek alternatives. In addition to seeking cost-effective solutions, the committee sought to include evidence-based practices into any solution implemented so that long-term results could be maximized and public safety impacted positively. Napa Criminal Justice Committee recognized that implementing evidence-based practices could potentially reduce the demand for increasingly costly jail beds, reducing costs and recidivism.

Napa County has systems in place to remain flexible with changes that AB 109 will require. County officials recognized that best practices must be identified. It is critical that the State and Napa County engage in careful, ongoing evaluation and make adjustments as necessary.

# **NAPA COUNTY JAIL INSPECTION**

## **BACKGROUND**

The Napa County Jail (NCJ) is located in downtown Napa adjacent to the Napa Superior Courts and Napa County Administration Offices. The original structure was completed in 1975 with new additions in 1989. It is a secure facility housing male and female detainees and inmates, including those awaiting sentencing. It has a maximum capacity of 264 inmates, which is exceeded frequently. The overcrowding conditions are managed daily by the addition of temporary beds. Housing areas include Temporary Holding, Observation Cells, Work Furlough, General Population, Administration Segregation, Protective Custody, Maximum Security, a Medical Unit, and Solitary Confinement. A contracted medical provider provides for the medical, mental health and dental needs of the inmates. There is a staff member from the medical unit on duty 24 hours a day.

The NCJ is one of only two California County Jails operated by a civilian corrections department. In 56 other California Counties, the jail is operated by the Sheriff's Department. This organizational structure has been discussed in previous Grand Jury reports and was not considered as part of this report. The Department is responsible for the coordination of all programs and services related to the institutional punishment, care, treatment, and rehabilitation of inmates, including intake screening, diagnosis, classification, and programs that deal with sentencing alternatives. The Department must meet all California guidelines for jail operations.

## **DISCUSSION**

NCDC has jurisdiction over the Napa County Jail facility. The NCDC reports directly to the Napa County Board of Supervisors through the County Executive Officer. The current Director of the NCDC is bringing much needed stability and oversight to a facility that has experienced frequent transition in its top management over the past few years. The Director is providing strong and professional leadership essential to the safety of both inmates and the public. All County law enforcement officials interviewed stated that the current jail facility and NCDC are operating efficiently and meeting the needs of Napa County. As a member of the County Criminal Justice Community, the NCDC complements a strong team of public safety professionals prepared to deal with the overcrowding issues and jail expansion plans facing Napa County.



The NCJ and its location are currently under review by the county administration for the Board of Supervisors to determine the facility's adequacy to meet the county's needs in the future. The jail currently handles bookings in the range of 6,000 to 6,500 per year, a snapshot population sampling showed an Average Daily Population (ADP) of 277. This included 185 (67%) who were pre-sentence status and 92 (33%) who were post-sentence, serving their time. The pressures to manage the jail population limits within the legal maximum are likely to increase as a result of the new Public Safety Realignment legislation. It will fall upon the jail administration, District Attorney's office, and the Probation Department, to determine which available options meet sentencing guidelines, reduce recidivism and protect public safety.

The jail has implemented the Jail Employment Education Program (JEEP), an evidence based program, to provide case management, group classes, and computer training for employment preparation. The program's focus is on occupational planning, job search and interviewing skills.

The county has engaged an outside consultant to update the Conceptual Facilities Master Plan, June 7, 2011. This update will consider additional data, specifically including data from the impact of the Realignment legislation on Napa County, and make facility recommendations.

## **FINDINGS**

The 2011–2012 Grand Jury finds that:

- F1. The recent hiring of a new NCDC Director and the cooperative working relationships in the County's Criminal Justice Community has resulted in an efficient administration of justice that is certainly a plus for Napa County.
- F2. The NCDC Director has demonstrated a high level of professionalism and leadership, while improving jail operations, and staff morale.
- F3. The Napa County Criminal Justice Committee has promoted evidence based programs to reduce recidivism and has implemented alternatives to jail sentences for lower level criminals.
- F4. There are frequent overcrowding issues in the current jail facility.

# **NAPA COUNTY JUVENILE HALL INSPECTION**

## **BACKGROUND**

The facility was built in 2004 as a state of the art detention and rehabilitation center and was designed to house up to 50 juveniles, supervised by 27 permanent staff assisted by additional part time staff members. The Napa County Probation Department oversees the operation of NCJH. The Chief Probation Officer serves as its Director, responsible for the overall operation of NCJH.

NCJH provides for juvenile detention and rehabilitation providing custody, counseling, medical care, and guidance of delinquent and custodial children in a variety of short- and medium-term evidence based programs and assessments. Juvenile probation oversight delivers various levels of supervision that are based on protection of the community, risk/needs assessments, out-of-home placements, and amenability to rehabilitation. The juvenile supervisors collaborate with the Napa County Health and Human Services Department in the supervision of selected cases wherein mental health issues are a major factor. The supervisors also collaborate with other community and government agencies such as Juvenile Drug Court, Wolfe Center and Aldea Inc. Detainees receive treatment including mental health evaluations and services provided by a mental health professional 40 hours per week. General nursing care is provided seven days per week.

## **DISCUSSION**

The Grand Jury found that NCJH is a secure facility that provides safe custody, counseling, medical care, and guidance to delinquent youth. The Grand Jury found the NCJH to be well managed and maintained with programs designed to engage and rehabilitate youth, and instill the values of treating others with respect and courtesy. The facility provides residents the opportunity to continue school through on site teachers and classrooms. In cooperation with other County agencies and non-profits, the NCJH provides programs addressing alcohol and drug abuse, mental health, conflict resolution, religious services and art.

The Grand Jury was satisfied with the facility operations, and the high level of professionalism and respectfulness of the administration and staff.

## **FINDINGS**

The 2011-2012 Grand Jury finds that:

- F5. The NCJH is providing a safe and secure environment for delinquent Napa County youths.
- F6. The Juvenile Hall facility is well designed, maintained and has a dedicated management team.
- F7. Administration and staff demonstrate a high level of professionalism and respectfulness while carrying out their duties.
- F8. Administration and staff are making use of evidence based drug abuse, alcohol abuse, and mental health rehabilitation programs.

# CALIFORNIA PUBLIC SAFETY REALIGNMENT

## BACKGROUND

As shown in the table below, California's prison population grew rapidly over the past two decades. From 1990 to 2011, the population in the state's prisons grew from 97,000 to nearly 161,000. At the same time, the cost of incarceration rose from \$20,562 per inmate to \$49,190.

	1990	2011	Change
Prison Population	97,000	161,000	+166 %
Cost of Incarceration	\$20,562	\$49,190	+239 %

With a greater than 70 percent state prison recidivism rate, most observers would rate the state's prison system challenged.

These were clearly unsustainable trends. Many factors influenced this increase in the state's prison population. The two most significant contributors were mandatory sentencing laws and tougher drug enforcement policies. The ultimate recognition of the rising prison population, combined with the economic factors of prison expansion programs, and soaring labor costs, began to gather attention. Researchers, lawmakers, fiscal analysts and corrections officials recognized that the rehabilitation process was not working and that the system could not sustain this growth.

Thus the Realignment legislation shifted the responsibility for monitoring, tracking and imprisoning low-level offenders, previously bound for state prison, to county jails. Unfortunately it did so without necessarily providing all of the equivalent funding to the county governments. Criminals arrested after October 1, 2011, who qualify under the so-called "triple non" qualification (non-violent, non-serious, non-sex offenders), will serve their sentences in county jail rather than the state prison. This puts offenders under the management of local officials who may have a greater stake in their rehabilitation than distant state prison employees.

Napa County's response to this legislation, in essence, began in 2004 when seeking a long-term solution for overcrowding conditions at the jail. A study illuminated trends at the jail and made recommendations for improvements. These recommendations evolved into a two phase Master Plan identifying correction system needs for the next 20 years. Subsequent reports presented to the BOS in 2007 and 2008 by the Criminal Justice Committee concluded the County was not implementing evidenced based programs that

could reduce recidivism, and recommended the County begin planning for a jail that would meet population projections.

In December of 2010, the BOS was presented with a Major Facilities Preliminary Financing Plan and Feasibility Analysis that, among other items, recommended a two phase Jail Replacement Project. The CEO's office conducted community meetings in early 2011 to solicit public comment on this new Downtown Campus Redevelopment Plan.

By then it was obvious these earlier projections for jail population increases would be impacted by the legislature's enactment of the Realignment Act. While the legislation neither transfers nor orders early release of any inmates, it does shift custody of newly convicted felons sentenced for non-violent, non-serious, non-sex offenses to county control unless excluded by statute. In the near term, this bill will affect Napa County by impacting both the number of prisoners in the jail and the severity of their crimes. It will also impact the probation monitoring requirements.

This necessitated a re-evaluation of previous projections. In June 2011, a presentation, Napa County Jail Expansion Design Concepts and Split Operations Analysis, was made to the BOS taking into consideration the projected Realignment impact over the next several years, detailing the cost estimates of three jail construction alternatives.

In addition to the revised jail population projections and cost estimates, the analysis explored access to Courts, proximity to other County Departments and services, land use, compatibility for other jail sites, law enforcement access and parking. The report also explored construction complexities associated with each prospective site and capacity for expansion if necessary in the future.

The staff recommendation to the BOS is for the jail to maintain its current position, that the downtown site is the preferred location for the jail. However, staff recommended delaying a final decision until further analysis can be conducted. The two primary issues driving the delay are related to the downtown location; limited future expansion capacity and complexities associated with new construction at the existing site. An updated report to the BOS is anticipated later this year.

The State has allocated \$1 billion to the 58 counties to administer the Realignment program, but this initial funding will end on June 30, 2012. The money comes after lawmakers converted part of the state sales tax to a local sales tax. Counties also will receive \$453 million from the state's vehicle license fees that used to go to the Department of Motor Vehicles. The State allocates a relatively low dollar amount to Napa County versus other counties, based on the number of offenders the county has sent to state prison in the past.

The Governor has pledged to put a constitutional amendment before voters in November 2012 to guarantee that local governments get this money regardless whether the state runs into more fiscal difficulties. Despite these promises, funding remains one of the many concerns for Napa County as well as the other counties. It is uncertain whether there will be enough money from the state to implement and manage the upcoming changes. If not, this burden could shift to the Napa County taxpayers.

## **DISCUSSION**

### **JAIL EXPANSION ALTERNATIVES**

The Master Plan recommendations to the BOS, as well as the subsequent studies and analysis, have identified a need for an updated jail facility. Based on these recommendations and escalating overcrowding issues, Carter Gobel Lee Companies, a consulting group, was authorized in February of 2011 to update the 2008 County Corrections Master Plan.

Among the alternatives under consideration have been suggestions that, in light of the nearby Napa River Development, the Jail should be relocated to a more remote location that would allow better use of the current jail property. Others have pointed out that keeping the jail downtown is more convenient to County agencies working with the jail, including probation staff and the Superior Court, due to their current proximity to the jail.

The initial proposal arrived at three options summarized below:

- Option #1 \$90,810,063 - 526-bed jail on the existing jail site downtown
- Option #2 \$103,660,995 - 526-bed 2-jail split operation with a 358-bed jail on the existing jail site and a 168-bed jail on a new site
- Option #3 \$96,660,344 - 526-bed on a new site outside the city of Napa

All the preliminary cost estimates are expressed in 2011 dollars.

An updated evaluation of the impacts on the jail is expected in the consultants' revised Conceptual Facilities Master Plan later this year. However, it is already clear that:

- Facility overcrowding conditions can be somewhat mitigated with the continuation of evidence-based programs; ultimately, however, facility expansion will become necessary.
- Staffing levels in the County Probation Department will likely need to increase to meet additional parolee monitoring.

- Increases in medical staff and medical facility upgrades will be necessary. With the probable rise in the average age of inmates, including that of high need inmates, the amount of medical services and costs are sure to be substantial.

## ALTERNATIVE PROGRAMS

The state's new Realignment Act shifts the burden for incarceration, monitoring and rehabilitation of criminal offenders to the counties. The impact of this shift will be felt by many of Napa County's agencies, which will have to provide additional facilities, staffing and monitoring. Needless to say, an unknown fiscal impact is also forecast due to funding uncertainties at the state level.

National studies have demonstrated that the practice of just "locking them up" does little to reduce the rate of recidivism (see Methodology). This is evident by a current recidivism rate of greater than 70% for the state's prisons. It is felt that having non-violent, non-serious, non-sex criminal offenders incarcerated locally, where they are close to families, support networks and ultimate job environment, will significantly reduce this recidivism rate.

In order to mitigate some of Realignment's impact on the community, Napa has begun a series of programs based on practices implemented in other states. These programs have been found, by documented evidence, to be effective. These programs are designed to reduce the recidivism rate. They are based on risk assessment and alternative evidence based programs tailored to rehabilitate individuals and prevent their recycling through the criminal justice system.

Napa County is considered ahead of most other counties in the state, as a result of a planning process that began addressing jail overcrowding, and investigating alternative programs, several years ago. The County has since received statewide recognition for its efforts addressing Realignment requirements and implementing alternative community resources for criminal rehabilitation. These programs provide an alternative to incarceration. They are designed to reduce the rate of recidivism by changing the individual's criminal behavior as well as providing vocational training by teaching job related skills.

The success of these alternative programs is the basis for Napa County's projections of the cost impact and facilities expansion necessary to accommodate increases in jail population, as well as rehabilitation and monitoring programs. The criminal justice officials in Napa County have established the following specific goals in implementing these programs:

- Insure the public safety
- Tailor punishment to provide a deterrent
- Reduce the recidivism rate

- Provide a cost effective solution
- Utilize alternatives to incarceration

National studies have shown that incarceration in prison or jail reinforces negative interactions, weakens ties to society, and often increases the likelihood of reoffending. Nationwide programs have been developed to provide an alternative to the full-time monitored jail environment while still providing sanctions and rehabilitation. These programs are designed to impose restrictions on offenders' freedoms and limit their mobility during the period of their sentence. There is, of course, a need for retribution in the event the individual does not successfully complete prescribed programs. This can be in the form of a return to jail for short periods (flash incarceration), or for the remainder of the original sentence.

## ELECTRONIC MONITORING

Electronic Monitoring (EM) is one type of sanction widely used across the nation today. EM devices are of two types: active or passive. Active devices are physically attached to an individual and track the offender via GPS technology. This enables a supervisor or probation officer to continuously monitor an individual's location in real-time. Any variance from the pre-set boundaries is immediately reported. Passive monitoring may be used in home detention where the offender is required to periodically call a specific number, or to answer the phone when called. These methods of monitoring allow individuals to reconnect with family and community. It also affords employment continuity and inhibits further criminal activity.

National studies have shown this alternative is most effective when used with other treatment programs like those employed by the CCSC at the Napa County Department of Corrections. An overwhelming majority of offenders surveyed in the study said it was an effective supervision tool, and they would not have considered escaping.

In the past, EM had primarily been used for high-risk parolees and sex offenders. This category typically represents less than 10% of the nation's parolee population. Napa's utilization of these devices, in the past, has been a much lower percentage. However, as the pool of parolees increases with Realignment's impact, and overcrowding conditions at the jail necessitates early releases, electronic monitoring may become a significantly more expedient alternative for monitoring a larger population.

## REPORTING PROGRAMS

Day reporting and work release programs are alternatives that allow offenders to, return or remain in, their communities under strict monitoring conditions with tailored rehabilitation requirements. Both of these program types are considered intermediate sanctions. They have historically been used as early release alternatives.



However, in today's Realignment climate, they are becoming more prevalent as an alternative to overcrowded jails for non-serious offenders. Day reporting centers are structured environments that provide treatment and close supervision to offenders who have not responded to traditional supervision, such as parole or probation. These programs are nationally recognized for providing enhanced surveillance of problem offenders and for referring them to treatment services.

Napa's implementation of these programs began with concern about overcrowding conditions at the jail, and the recognition that over three quarters (77%) of the inmates were there for misdemeanors. This led the county to explore alternatives to incarceration and ultimately implement a community based day reporting program.

The Community Corrections Services Center (CCSC) is a contracted facility through Behavioral Interventions Incorporated (BI), to provide treatment and services for offenders that have been referred by the county Probation Department. Using evidence based programs, the CCSC focuses on breaking the cycle of criminal thinking and providing services in order to facilitate transition back into the community.

The CCSC assesses each offender to determine individual risk and establish a need level. Offenders are assigned a tailored curriculum of group treatment programs and training classes. The enrolled participants begin with daily reporting requirements at the CCSC where they are monitored for drug and alcohol use. They are required to demonstrate a commitment to the programs and undergo close monitoring for alcohol and drug use. Individuals completing the program are monitored for subsequent offenses. Initial statistics indicate a recidivism rate of 23%, which is the county's target in projections to the BOS.

In addition to the post-release programs, in-jail transition programs are structured to introduce behavioral change, treatment, and training to help ensure a successful transition toward release and to help prevent re-arrest. In addition, the Jail Employment Education Program (JEEP) provides case management, group classes, and computer training for employment preparation.

The potential monetary savings resulting from these programs is staggering. A report from the Justice Policy Institute states:

In 2008 there were 1.6 million sentenced people in state prisons and county jails in the United States. One-quarter of this population, 413,693 - were serving time for non-serious, non-sexual offenses and could be eligible for alternative sentences.

Potential cost savings were based on a hypothetical adopting of alternative programs for 80% of the non-serious, non-sexual prison and jail population. For this year \$12.9 billion dollars was expended on incarceration in the U.S.; estimating a cost of alternatives at \$3.2 billion there would be a potential savings

of \$9.7 billion.

In California we had 173,186 prisoners in state facilities of which 23% were non-serious, non-sexual offenders. Cost of incarcerating 80% of nons is \$1.5 billion dollars and using a cost of alternatives of \$116 million yields a potential savings of \$1.4 billion.

## IMPACT TO THE COUNTY

Local officials throughout the state have expressed concerns about Realignment. Many worry that the current level of state funding to counties is insufficient to manage the high and moderate risk offenders that will be under local jurisdiction. Serious questions remain, for example, about how to fund support services and medical care costs that CDCR is presently paying for former parolees. Future funding is also a concern, given the current state budget deficit and the lack of a guaranteed funding stream in the Realignment legislation. Counties might be left with responsibility for more and more high-needs correctional clients without the requisite financing.

The county's capacity to manage the increased population is another concern. The jail is frequently crowded beyond designed capacity and could come under court-ordered capacity limits. Probation department caseloads will likely grow with the new influx of parolees from the State as well as the increased caseload from the jail overflow.

As with any new legislation there are many elements of the Realignment Act that have yet to be determined. Some can be considered positive, for example, the county will now have control and will manage programs aimed at rehabilitation. Others issues will be negatives and will represent challenges for the County to address.

## POSITIVE ASPECTS

- Some believe that Napa County can provide better rehabilitation and job training services that will ultimately decrease the state's high recidivism.
- If Napa County can coordinate social service and educational programming effectively, the net result may be reduced crime and a reduced flow of offenders to prisons and jails overall.
- Realignment moves low-level offenders to the local level where they can be closer to work and family connections, a familiar environment, and the rehabilitation services the counties offer.
- Napa County is implementing many alternative rehabilitation programs other than jail incarceration – one example is the Community Corrections Service Center (CCSC). All offenders are given counseling, job training and lessons on how to make wise decisions when posed with moral predicaments – all of which should lead to less recidivism and less crime.

## NEGATIVE ASPECTS

- Increased numbers of sentenced prisoners in Napa Jail that formerly went to State Prison. Many are parolees who would have normally gone back to state prisons after violating terms of their parole. Instead, they can be sentenced to Napa's already overstressed jail.
- Increased caseload for the County Probation Department to monitor State-released and local parolees.
- Potential for increased crime in the County.
- Many of these State-released inmates had plea bargained their sentence down and are already getting a reduced sentence. Through Realignment they are now effectively seeing further sentence reduction. This could be perceived by some as a "get out of jail free" card.

A significant impact to the County would be the lack of continuing state funding. If that occurs, Realignment will likely cause an increased burden on Napa County taxpayers to fund expansion of the County Corrections and Probation Departments, and increases in cost for new alternative programs. Immediate fiscal impacts would likely be felt (1) in the day-to-day costs of feeding, housing and clothing county jail's rising population, and (2) in alternative community rehabilitation programs, especially for "special needs" inmates with gang affiliations or who require medical treatment or prescription medications for drug and mental health issues.

## PUBLIC SAFETY

Some have suggested that Realignment is a threat to public safety because more offenders will be on the streets. Unlike the other concerns, this fear is not supported by the evidence. The current parolees, who will be transferred to county jurisdiction, are presumably not highly dangerous individuals. Further, there is very little evidence that accelerated release from incarceration leads to higher levels of recidivism. In fact, in some cases it may lead to lower recidivism.

Three priorities may help in keeping the community safe as Realignment takes place:

- Assure enough bed space at the jail to incarcerate individuals who truly are a threat to public safety. The County's criminal justice community will need to identify this group.
- Have proactive supervision and immediate sanctions for those offenders who are on county probation or parole. This probably will require increased staffing.

- Have in place programs that will affect positive change in offenders' behavior that will decrease recidivism, and lead them to be law abiding, productive members of society. We cannot change every offender, and those who choose to continue a life of criminality will still need to be incarcerated.

## **FINDINGS**

The 2011/2012 Grand Jury finds that:

- F9. The various agencies involved within the County's criminal justice system are working well together as a team to solve the many issues imposed by the new Realignment legislation and current jail overcrowding conditions.
- F10. These stakeholders are finding a common ground, implementing jail alternatives such as the Community Corrections Service Center and the use of home detention and electronic monitoring.
- F11. Napa's alternative programs to incarceration are up and running and have been recognized statewide.
- F12. Alternative programs have been shown to reduce recidivism and modify criminal behavior, potentially increasing the safety of our community and saving taxpayers' funds.
- F13. Current overcrowding conditions could be exacerbated by the influx of new prisoners; expansion solutions remain several years away.
- F14. County projections forecast a 23% population reduction with evidence-based practices. If achieved, this could translate into a cost savings for the taxpayers of Napa County since the cost of the monitoring and treating out-of-custody offenders is less than the cost of incarceration.
- F15. The County's Criminal Justice team is challenged on a daily basis to manage the prisoner population to stay within the bed-rated capacity.
- F16. Commitments of State financial support have been very limited, funding provisions included in the Assembly Bills expire in June 2012. A long-term solution is dependent on future legislation.

## **RECOMMENDATIONS**

The 2011/2012 Grand Jury recommends that:

- R1. County Criminal Justice Community report each year to the citizens on how the alternative programs are working, including current information on average jail population, alternative program statistics, and recidivism rate along with the annual crime rate report.
- R2. County administration continue to reach out at public forums, and solicit community input regarding jail design and location, while looking at jail expansion alternatives.
- R3. The County prepare to assume greater financial responsibility for Realignment, in the event State funding is not forthcoming.
- R4. The County study alternative funding strategies, in the event State funding is not forthcoming.

## **COMMENDATIONS**

The 2011/2012 Grand Jury commends:

1. The NCJ and NCJH leadership and staff, for their dedication and commitment to explore newer evidence based programs and innovations in an attempt to reduce recidivism and address offenders' rehabilitation needs
2. The Napa County Criminal Justice committee, as the representatives and stakeholders in the county, who have worked harmoniously to come up with innovative solutions to address the issues imposed by the Realignment Act

## **REQUEST FOR RESPONSES**

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individuals:

- Napa County Chief Executive Officer: R2, R3, R4.
- From the following governing bodies:
  - Napa County Board of Supervisors: R2, R3, R4.
  - Napa County Department of Corrections: R1.
  - Napa County Probation Department: R1.

## **GLOSSARY**

ALDEA – Children and family services provider  
BI Incorporated – Contract provider for monitoring, supervision, treatment services  
BOS – Napa County Board of Supervisors  
CDCR - California Department of Corrections and Rehabilitation  
CCSC - Community Corrections Services Center  
CCP – Community Corrections Partnership  
EM – Electronic Monitoring  
Evidenced Based Programs – Rehabilitation programs that are based on empirical results  
JEEP – Jail Employment Education Program  
NCDC – Napa County Department of Corrections  
NCJ – Napa County Jail  
NCJH – Napa County Juvenile Hall  
PRCS – Post-Release Community Supervision  
RECIDIVISM - reoffending criminal activity

## **METHODOLOGY**

### **Interviews Conducted**

- Calistoga Police Department
- St. Helena Police Department
- Napa Police Department
- Napa County Sheriff's Department
- Napa County Department of Corrections, administration and staff
- Napa County Juvenile Hall, administration and staff
- Napa County Probation Department, administration and staff
- Members of the Downtown Merchant's Association
- Napa County administrative staff
- Member of the District's Attorney's Office
- The Community Corrections Services Center, administration and staff
- Napa County Jail Inmates

### **Documents Reviewed**

- 2008 County Correction's Plan, Submitted by Carter, Gobel, Lee Companies
- The Public Safety Realignment Act., California Assembly Bills 109 & 117
- Rethinking the State – Local relationships; correction's, By Public Policy Institute of California
- The San Francisco Chronicle (a newspaper)
- The Napa Valley Register (a newspaper)

- The Cary Group Publications
- Press release from the Los Angeles District Attorney's Office
- California State Sheriff's Association report
- Napa County Jail Expansion final report
- Adult Correctional System Master Plan Phase 1, Report to BOS, 20 November 2007
- Napa County Jail Expansion Design Concepts and Split Operations Analysis, Carter Goble Lee, 3 June 2011
- Conceptual Facilities Master Plan, Napa County, 7 June 2011
- Published articles by John Tavaglione, President of the California State Association of County's
- Sense and Sustainability, Fresh Perspective on Sustainable Development, 17 December 2011 | Karin Drucker
- Attitudes of US Voters toward Non-serious Offenders and Alternatives to Incarceration; FOCUS, June 2009
- CDCR Fact Sheet, 2011 Public Safety Realignment
- Rethinking the State-Local Relationship: Corrections; Public Policy Institute of CA, August 2011
- Realignment: A Bold New Era in California Corrections, Warren Institute, 30 August 2011
- Jail Location Options – Update Alternatives, Analysis and Recommendations, Napa County Executive Office, 9 August 2011
- The Extravagance of Imprisonment Revisited, National Council on Crime and Delinquency, January 2010

## **APPENDIX A KEY PROVISIONS PUBLIC SAFETY REALIGNMENT ACT**

**[HTTP://WWW.CDCR.CA.GOV/REALIGNMENT/](http://www.cdcr.ca.gov/realignment/)**