

County of Nevada
Community Corrections
Partnership Plan 2015-16



2015 Public Safety Realignment:

The mission and goal of the Nevada County Community Corrections Partnership is to comply with the Public Safety Realignment Act by adopting evidence-based, cost-effective policies and practices that reduce recidivism, improve offender outcomes and promote public safety.

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Nevada County Community Corrections Partnership

EXECUTIVE COMMITTEE

- Michael N. Ertola, Chief Probation Officer (Chair)
- Tonya Clark, Specialty Courts Director, Superior Court Designee
- Cliff Newell, District Attorney, also representing Victim Services
- Don Lown, Public Defender
- Sheriff Keith Royal
- Chief John Foster, Chief of Police Grass Valley
- Michael Heggarty, Health and Human Services Director

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- Joseph Salivar, Under Sheriff
- Darryl Quinn, Program Manager Behavioral Health
- Kristen O'Shea, Behavioral Health Therapist
- Holly Hermanson, Nevada County Superintendent of Schools
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- Paul Schmidt, Sheriff Captain, Wayne Brown Correctional Facility
- Darlene Woo, Administrative Services Officer, Probation
- Pamela Markham, Probation Program Manager
- Fred Viola, Deputy Probation Officer
- Joseph Roberts, Deputy Probation Officer
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- Laurie Miller, Deputy Probation Officer
- Jeremy Vance, Deputy Probation Officer
- Warren Daniels, Director, Community Recovery Resources
- Jeff Jones, Executive Director, Community Recovery Resources
- Joe Festerson, Director of Common Goals
- The Honorable Candace Heidelberger, Presiding Superior Court Judge
- Kristine Farrell, Program Manager Alliance for Workforce Development
- Fred Jefferson, Common Goals
- Ann Guerra, 211 Nevada County
- Tim Guliani, 211 Nevada County
- Alison Lehman, CEO office
- Dianne Marshall, Community Member
- Anita Bagwell, John Muir Academy
- Keri Klein, Assistant Public Defender

- Ryan Gruver, CEO office
- Mike Dent, Director of Social Services
- Rachel Pena, Victor Services
- Ricardo Goodrich, Board of State and Community Corrections
- Steve Johnson, Grass Valley Police Department
- Ty Conway, Nevada County IT
- Chris Frye, Community Recovery Resources
- Amie Weaver, Alliance for Workforce Development
- Martin Polt, CEO office

1. Sustaining AB109 Reforms – 2015 Update

A. Challenges

California state prisons have operated significantly over capacity for many years. A series of court cases, including a decision by the United States Supreme Court in 2010, found health care, treatment and rehabilitation to be unacceptably poor in our state's prisons. Under current California Department of Corrections and Rehabilitation (CDCR) structure, California had a dismal history (one of the worst in the country) of re-offense and recidivism. AB109, AB117 and associated legislation was implemented in 2011. Since then the state has significantly shifted a number of inmates housed in state prisons to local incarceration or community supervision thereby transferring considerable risk from state responsibility to counties.

Three different groups of offenders have been affected by this change in law. Beginning October 1, 2011, individuals convicted of specified low level felonies are no longer incarcerated in state prisons. Instead, incarceration time is spent in county jail rather than prison. Further, specified individuals who have completed prison sentence after October 1, 2011, are now supervised by county Probation rather than state Parole upon release from prison. Finally, those under supervision by state Parole who violate conditions of Parole will serve their parole violation time in county jail rather than state prison.

As with past transfers of other state functions, incremental county funding may not be sufficient to meet all of the increasing responsibilities passed on by the state. As offenders transfer from state to county jurisdiction, many of the mandates and standards previously applied to prison care, including catastrophic health care costs, will in the future be applied to county-level care. This may result in currently unforeseen additional costs to counties.

AB 109 funding may not be adequate to allow counties to focus only on prosecution and incarceration. Dynamic changes in Nevada County's jail population characteristics present capacity and population management challenges as AB109 funding may not be sufficient to meet the demands of an increasing inmate population. Therefore, local jurisdictions will be

tasked with implementing proven evidenced based practices to deal with the increase in local jail population. Such programs may include, but not limited to re-entry programs which include in-custody programming/life skills to create a smooth transition back into the community, increased GPS/EM utilization, split sentences over straight sentences and pre-release assessment tools to release low level offenders awaiting court.

B. Opportunities

AB109 legislation, and the limited associated funding, presumed counties will do a better job providing treatment and rehabilitation along with incarceration. AB109 anticipates reduced recidivism rates and improved reintegration of allegedly low level offenders into local communities. Good public safety policy is a two pronged approach: enforcement and prevention/rehabilitation. The Nevada County CCP is unanimously committed to enhancing public safety through a continuum of enforcement, incarceration, supervision and rehabilitation.

Nevada County is very fortunate to have a tradition of excellent communication and collaboration among the Courts, Probation, Sheriff, Police Departments, District Attorney, Health and Human Services Agency, Community Based Organizations and the faith-based community. AB109 requires all of these entities to work closely together in order to meet competing and complex demands inherent in AB109 and within limited resources available. Members of the Nevada County Community Corrections Partnership (CCP) are committed to working closely together and implement, maintain, refine and increase services funded by AB109 insuring two primary goals are met:

- Continued commitment towards:

Insuring and providing public safety to residents of Nevada County through intensive supervision combined with risk based treatment referral services and effective case planning.

Avoiding overcrowding and premature releases by considering alternative strategies across all aspects of the local criminal justice system from diversion through community re-entry.

- Funding for increased local costs associated with healthcare, treatment and rehabilitation opportunities for AB109 inmates/offenders in order to achieve necessary reductions in recidivism.

Mental Health Therapy, Substance Abuse Treatment, Transitional Housing, Education, Vocational Training, Eligibility Assessments and Cognitive Behavioral Therapy.

Reduced recidivism is a result of decreasing individual criminal behaviors and is the best protection for the community. Utilizing evidence-based (EB) rehabilitation practices ensures scarce resources are committed to effective and efficient approaches in reducing criminal behaviors.

Evidenced based interventions have proven effective around the country. The Nevada County Probation Department has shown considerable foresight and initiative in recent years by adopting a number of proven practices for serving adult probationers. Services funded by AB109 are practices statistically proven to yield positive outcomes which result in significant recidivism reductions.

C. Evidence-Based Responses and Other Promising Interventions

Incarceration or traditional routine probation supervision are no longer considered effective in curbing recidivism. These practices below have been replaced by probation and community responses and interventions including:

- Validated Risk Assessments
- Risk based supervision
- Cognitive Behavioral Therapy (CBT)
- Moral Reconciliation Therapy
- Community-based residential programs start targeting criminogenic needs
- Day Reporting Center
- Sanction/Reward Matrix
- Flash incarceration
- Electronic Monitoring and/or GPS
- Intensive community supervision
- Community Service
- Bus passes
- Reward cards
- Gas cards
- Mandatory drug testing
- Substance abuse treatment
- Work Furlough Program
- Work, training, education furlough programs

2. CCP Voting Requirements

- Submission to the Board of Supervisors with a simple majority vote from CCP
- Plan Approval requires simple majority vote by Board of Supervisors
- Plan Rejection requires 4/5 vote by the Board of Supervisors

Section 1230.1 of the California Penal Code was amended to read:

(a) each county local Community Corrections Partnership (CCP) established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the County Board of Supervisors for implementation of the 2011 public safety realignment;

(b) the plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the chief probation officer of the county as chair, a chief of police, the sheriff, the district attorney, the public defender, the presiding judge of the superior court, or his or her designee, and one department representative listed in either subparagraph (G), the Director of Welfare and Social Services, (H), the Director of Mental Health or (J), the Director of the County Alcohol and Substances Abuse Services*, of paragraph (2) of subdivision (b) of Section 1230, as designated by the county board of supervisors for purposes related to the development and presentation of the plan.

* Nevada County has chosen the Director of Health and Human Services.

(c) the plan shall be deemed accepted by the county board of supervisors unless the board rejects the plan by a vote of four-fifths of the board, in which case the plan goes back to the Community Corrections Partnership for further consideration;

(d) consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

(e) Nevada County will have a larger CCP group which will include members listed above on page 3. This group is made up of line staff, county agency representatives and community partners. This group is selected based on their direct or indirect contact with this population and the value they can bring to this process. Current members invite new members to the group to offer their services. This group focuses on the impacts of this population and the programmatic strategies and outcomes associated with AB 109. They will report back to the Executive Committee with outcomes and develop collaborative solutions to address each need.

3. AB109 Offender Population Terms and Definitions

Non-Violent/Non-Serious/Non-Sex Offenders (Non, Non, Non's): AB109/AB117 revises the Penal Code to allow certain offenders convicted of specified crimes to serve their “prison” terms in the county jail, effective October 1, 2011. The population serving sentences locally are those convicted of certain non-violent/non-serious/non-registerable sex offenses. These offenders may be sentenced to a period of mandatory supervision as part of their sentence and would be under the supervision of the Probation Department. Approximately 60 Non/Non/Non offenses on an exclusion list may still render an offender eligible to be sentenced to State Prison, although this list is continuing to expand.

Post Release Community Supervision (PRCS): Non/Non/Non offenders released from State Prison after October 1, 2011, are placed on Post Release Community Supervision under the jurisdiction of county authorities. These offenders have been and continue to be released from State Prisons to community supervision on their regularly anticipated parole date.

Mandatory Supervision: Mandatory Supervision is the term given to the period of supervision imposed as part of a “split sentence” under 1170 (h)(5) PC. While probation departments have jurisdiction over the “split sentence” subgroup, these offenders are not on traditional probation but will be managed under terms and procedures similar to probationers.

Parole Revocations: Parole revocation hearings will continue to be heard by the Board of Parole Hearings. However, parole revocation terms are now served in the County Jails since October 1, 2011, and may not exceed 180 days. Only offenders previously sentenced to a term of life can be revoked to prison.

Probation: Eligibility for Probation will not change under the provisions of AB109 or AB117.

4. Reporting and Analysis

A. Baseline and Ongoing Performance Indicators

A key to monitoring and reporting outcomes is reliability of data. Data tracking and analysis tools previously available within Nevada County are limited, and historical data was incomplete, making it difficult to establish any baseline against which to measure future outcomes. Efforts towards data development, analysis and establishment of baseline measures continue. Long-term planning efforts will address the data capturing, tracking and analysis needs for monitoring program progress, success and areas requiring improvement.

Our new Probation case management system, Caseload Explorer, will hopefully allow probation to capture all desired data points. Baseline data will be used to establish future outcome goals. Full implementation will result in reliability of measurements and analysis and will provide better understanding of program outcomes by individual offender and by aggregate populations. All strategies included herein were implemented beginning October

1, 2011. Analysis and reporting of data was conducted in third quarter FY 2014/2015 and used as much as possible to establish program measurements for FY 2015/2016 and beyond.

B. Reporting

Data necessary to develop a baseline and measure outcomes will be gathered by Probation, Sheriff and the Health and Human Services Agency departments. Under direction of the Chief Probation Officer the Probation Department will compile and consolidate data, perform analysis and provide reports to the CCP. The CCP Chair will present this data along with implementation and planning updates to the CCP workgroup on a quarterly basis. The same type of data and status reporting will be made to the Board of Supervisors on an annual basis.

5. Monitoring and Control Methods and Programs

A. Case Management Supervision

Case management supervision is a model for providing cohesive case management to high-risk offenders in all felony community corrections populations (felony probationers, mandatory supervision and post-release community supervision population).

Case management supervision consists of needs-assessment-driven case management and supervision of offenders in the community. This strategy applies an overall structure comprised of risk, need, and responsivity principles; relational elements between Probation Officer and offender; techniques designed to engage and motivate offenders to change; and behavioral interventions coupled with the use of graduated sanctions and incentives supporting engagement, motivation, and behavior change. A case plan is developed to aide Probation in making the appropriate referrals for treatment interventions. Probation will keep statistical data regarding trends with case plans and report out to the CCP what trends are occurring so that the CCP can appropriately address the current and evolving needs of this population.

Strategy components include:

- Risk and Needs assessments
- Needs-assessment-driven case planning
- Use of engagement and motivation techniques
- Use of behavioral interventions and instruction (cognitive-behavioral interventions)
- Swift and certain responses to violation behavior, employing graduated sanctions and incentives to support behavior change

B. Expansion of Electronic Monitoring (EM)

Electronic monitoring (EM) requires participants to wear devices monitoring their proximity to a designated home residence. This ensures home detention compliance. Typically implemented in lieu of incarceration, EM's primary goals are threefold: 1.) reintegration; 2.) accountability; and 3.) monitoring. Home custody options allow offenders to remain (or re-enter) their community under increased supervision.

Serving dual purposes, this strategy increases Nevada County's ability to closely monitor offenders who would otherwise be in-custody by providing an alternative to custody. EM can also be used as alternative sanction.

C. Increasing Available Jail Beds

By shifting responsibilities for the three offender populations from CDCR supervision to local jurisdiction average daily populations (ADP) in county jails are impacted. Increasing available jail beds in Nevada County's Wayne Brown Correctional Facility is an immediate mitigation strategy that maximizes county use of existing jail beds. As mentioned on page 5, Nevada County will be responsible for adopting evidenced based programming in the jail to deal with the influx of this population to better utilize existing jail beds (e.g. re-entry programs which include in-custody programming/life skills to create a smooth transition back into the community, increased GPS/EM utilization, the Courts sentencing mandatory supervision cases as split sentences.

This strategy will increase resource capacity and serve a larger number of sentenced offenders while increasing public safety and allowing additional time for more deliberate planning/review of the present utilization of jail beds, which may inform future resource allocation.

D. Cognitive Behavioral Therapy (CBT)

Cognitive Behavioral Therapy (CBT) and Moral Reconciliation Therapy (MRT) is designed to change dysfunctional thinking patterns exhibited by offenders (e.g. antisocial behavior, displacement of blame, relational dominance, etc.). Programs are usually offered in small settings, incorporate lessons, role-playing exercises, modeling, demonstrations, and sometimes individual counseling sessions. Ultimately, the goal of CBT and MRT is to change thinking processes to prevent the future participation of criminal activities and improve public safety. Numerous Deputy Probation Officers and the .5 Behavioral Health Therapist, stationed at the probation department, are currently trained to facilitate CBT groups in the Day Reporting Center. Further, the Nevada County Probation Department has contracted with Victor Services to provide all of the above in probation's Day Reporting Center.

E. Expansion of GPS Technology (GPS)

GPS utilizes a cellular networking system, satellite monitoring and tracking and computer software to provide offender tracking. An ankle bracelet transmitter electronically tethers the offender to a portable tracking device or miniature tracking device which communicates position and compliance information to a surveillance data center. All AB109 offenders are placed on GPS for their initial 14 days of supervision to improve successful reintegration into the community. Active GPS tracking allows a Probation Officer to locate an offender at any time day or night and review their location

from any previous time frame through the use of mapping software. Passive GPS provides a Probation Officer with the same information.

GPS monitoring can be used for detention, restriction and surveillance purposes and to ensure an offender remains in a designated place, for example their home (detention). GPS can also be used to ensure an offender does not contact victims, co-offenders or complainants (restriction). Additionally, GPS can be used to continuously track a person, without actually restricting their movements (surveillance). The use of GPS technology with offenders reduces jail overcrowding by providing a viable alternative to incarceration. The community benefits because offenders are able to continue to work, pay taxes, care for their families and even attend school to increase future employment options, while the offender remains under surveillance. GPS does not, however, restrict the offender so completely that he/she can not re-offend if he/she so chooses.

F. Flash Incarceration

Flash incarcerations are brief jail stays (up to 10 consecutive days) intended to motivate treatment, probation compliance and behavior change. Not only is flash incarceration an encouraged sanction in AB109 itself, but it also receives strong theoretical support stating sanctions must be swift, specific, consistent, and short. Flash incarcerations should be limited to the least amount of punishment necessary to bring about a desired behavioral change. This strategy can be imposed without delays associated with court revocation hearing processes. Flash is most effectively utilized as one of a few higher-end responses in a system of graduated sanctions.

G. General Education Development (GED)

General Education Development (GED) services assist offenders in preparation for the examination required to receive a California High School Equivalency Certificate. Topics tested on the GED exam include language arts/reading, language arts/writing, mathematics, science, and social studies. Educational achievements are pivotal to improving upon the employability and overall success of offenders in the community and are likely identified as goals within the case plan. GED services and testing can occur in county jail or in the community.

The Nevada County Jail GED services are operated by the Superintendent of Schools Department. The program prepares the inmates for the testing process and exams are monitored by staff.

H. Mandatory Drug Testing

Mandatory Drug Testing is often an adjunct to offender drug treatment, though it is also applied as part of traditional supervision and surveillance efforts when probation staff suspect or have knowledge of illegal substance use. Mandatory testing may result from case

planning generated at the point of risk/need assessment and can be applied as part of a system of graduated responses to non-compliant behavior.

Nevada County Probation Department currently utilizes Redwood Toxicology Laboratory as the contractor for presumptive test kits and Community Recovery Resources for confirmation lab testing.

I. Mandatory Substance Abuse Treatment

According to the National Survey on Drug Use and Health (2014), the rate of substance abuse or dependence among adult offenders on probation or parole supervision (40.3%) is more than four times that of the general population rate of 9%. Analysis of national data on state prison inmates indicates nearly three fourths are in need of some substance abuse intervention.

In implementing Mandatory Substance Abuse Treatment, it is critical services are structured as part of a case plan designed to address criminogenic needs identified during assessment of the offenders' risks and needs. Whether in a residential treatment program or out-patient setting, assigned staff and interventions are enhanced through the use of Motivational Interviewing techniques and the ability of the program to utilize graduated sanctions and mandatory testing in response to offender non-compliance. Models to consider include drug court, therapeutic communities (either in custody or in the community), cognitive behavior drug treatment and drug treatment with aftercare.

Nevada County currently utilizes Community Recovery Resources and Common Goals as treatment providers when attempting to address significant substance abuse issues among offenders. Additional services include but are not limited to, medical detox (for opiate and stimulant withdrawal), mandatory random drug testing, and individual counseling for the duration of treatment.

J. Collaborative Partnerships

Partnering with community agencies to provide services are directly related to the top criminogenic needs of the AB109 offender population. The top three criminogenic needs in Nevada County to date are substance abuse, housing and employment. Based on the aforementioned needs combined with CCP recommendations, the probation department is partnering with Community Recovery Resources and Common Goals for substance abuse treatment, Community Recovery Resources and Common Goals to provide transitional housing and with Alliance for Workforce Development, Inc. for vocational training and job opportunities. The probation department will also partner with Northern California Construction Training (NCCT) to provide vocational training and job placement assistance in many facets of the construction field. NCCT has been extremely successful in Sacramento and San Joaquin counties.

6. Planning for Contingencies

The best planning efforts cannot capture all unknown or unexpected events which can have a devastating effect on budget and funding for existing and future programs. This plan includes contingency funds of \$923,329 for FY 2015-2016. This plan also includes a Capital Facilities Fund (\$600,000) for future planning that may include, but not limited to: Jail expansion, lease space for larger Day Reporting Center, etc.

The following areas are items for discussion and evaluation within this fifth year, to be encompassed in the community resource planning efforts:

- Community-wide, front-loaded assessment protocol
- Correctional Intervention Needs (Treatment)
- Health Care Needs
- Mental Health Needs
- Impacts on front-line law enforcement and efficiencies through partnership
- Housing for homeless offender/re-entry population
- Employment/Vocational Training, readiness, and placement
- Educational needs
- Streamlining referral processes for existing programs
- Identifying available resources
- Analyzing need information for clients on an aggregate level to drive planning
- Matching needs to available resources and identifying service gaps
- Identifying places where resources can be re-purposed to increase effectiveness
- Development of partnerships in a program for community service for offenders
- Identifying and evaluating areas where partnerships can more efficiently meet community needs
- Establishing outcome reporting and feedback loops for collaborative review to ensure transparency and maximize accountability for the criminal justice system
- Alcohol and Drug Treatment Need

Risk and Contingency Planning

Implementing and sustaining a change as large and overarching (in both scope and magnitude) as that intended in AB109 is very risky on multiple fronts. This necessitates solid risk and contingency planning. Project-specific risk assessments will be conducted with the CCP workgroup to identify potential risks to Nevada County, the community, and sustainability of change efforts. Mitigation strategies will be developed that can be initiated in the event that a risk event occurs. The mitigation strategy can identify the potential budget impact which is used as the basis for contingency (budget) planning.

Signatures and Approvals:

Prepared By _____

Michael N. Ertola,
Chief Probation Officer

This document requires the following approvals:

Approved By _____

Michael N. Ertola
Community Corrections Partnership, Chair

Approval Date _____

Approved By _____

Ed Scofield
Board of Supervisors, Chair

Approval Date _____