

County of Nevada Community Corrections Partnership Plan 2012-13



2012 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)
- The Honorable Thomas L. Anderson, Presiding Judge of the Superior Court
- Cliff Newell, District Attorney, also representing Victim Services
- Don Lown, Public Defender
- Sheriff Keith Royal
- Chief John Foster, Chief of Police Grass Valley
- Jeff Brown, Health and Human Services Director

CCP MEMBERS

- Supervisor Hank Weston, Board of Supervisors
- Joseph Salivar, Under Sheriff
- Michael Heggarty, Director of Behavioral Health/Alcohol and Drug Programs
- Darryl Quinn, Program Manager Behavioral Health
- Brandi Fowler, Behavioral Health Therapist
- Holly Hermanson, Nevada County Superintendent of Schools
- Rolf Kleinhauns, Chief Fiscal Administrative Officer, Sheriff
- Jeff Pettit, Sheriff Captain, Wayne Brown Correctional Facility
- Darlene Woo, Administrative Services Officer, Probation
- Pamela LaFountain, Deputy Probation Officer
- Fred Viola, 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, Superior Court Judge
- George McKnight, CFMG
- Kathryn Schmitz, Chief Executive Officer, Nevada County One Stop Business & Career Center
- Fred Jefferson, Common Goals
- Mary Lowe, Behavioral Health Adult Program Manager

1. Sustaining AB109 Reforms – 2012 Update

A. Challenges

California state prisons have operated significantly over capacity for many years. A series of court cases, including a recent decision by the United States Supreme Court, 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 has a dismal record (one of the worst in the country) of re-offense and recidivism. AB 109, AB 117 and associated legislation was implemented in 2011. Since then the state has significantly shifted the 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 will 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 will result in currently unforeseen additional costs to counties.

AB 109 funding is clearly not 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 AB 109 funding may not be sufficient to meet the demands of an increasing inmate population. Therefore, local jurisdictions will be tasked with finding evidenced based practices to deal with the increase in local jail population. Such programs may include, but not limited to are 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 over straight sentences and pre-release assessment tools to release low level offenders awaiting court.

B. Opportunities

AB 109 legislation, and the very limited associated funding, presumes counties will do a much better job providing treatment and rehabilitation along with incarceration. AB 109 anticipates reduced recidivism rates and improved reintegration of 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, Sheriff, Police, District Attorney, Probation, Health and Human Services Agency, not for profit organizations and the faith-based community. AB 109 requires all of these entities to work closely together in order to meet competing and complex demands inherent in AB 109 and within limited resources available. Members of the Community Corrections Partnership (CCP) are committed to working closely together and continue to refine services funded by AB 109 insuring two primary goals are met:

- Continued commitment towards:

Insuring and providing public safety to residents of Nevada County.

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

- Funding for increased local costs associated with healthcare, treatment and rehabilitation for AB 109 inmates/offenders in order to achieve necessary reductions in recidivism.

Reduced recidivism translates to stopping individual criminal behaviors and is the best protection for the community. Utilizing evidence-based (EB) rehabilitation practices ensures scarce resources are committed to approaches effective in reducing criminal behaviors. EB also complements EB approaches already used to improve law enforcement outcomes (for example, focusing enforcement in high crime areas).

EB interventions are effective. The Nevada County Probation Department has shown considerable foresight and initiative in recent years by adopting a number of EB practices for serving adult probationers. Services funded by AB 109 are EB practices statistically proven to yield positive outcomes which result in significant recidivism reductions.

C. Evidence-Based Responses and Other Promising Interventions

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

- Cognitive Behavioral Therapy (CBT)
- Moral Reconation Therapy
- Validated Risk Assessments
- Community-based residential programs targeting criminogenic needs
- Day Reporting Center
- Flash incarceration
- Electronic Monitoring and/or GPS
- Intensive community supervision
- Community service
- Mandatory drug testing
- Substance abuse treatment
- Victim Awareness Program
- 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.

| Note: Nevada County has chosen the Director of the Health and Human Services Agency (G).

(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 will focus on the impacts of this new 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.

For the past two years, there has been a statewide effort to expand the use of evidence-based practices in sentencing and probation practices and to reduce the state prison population through a reduction of the probation failure rate.

3. AB 109 Offender Population Terms and Definitions

Non-Violent/Non-Serious/Non-Sex Offenders (Non/Non/Non; N/N/N; N³): 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; with no acceleration of release dates.

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 this 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 until July 2013. 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 currently available within Nevada County are limited, and historical data is 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. As these capacities are developing, Nevada County relies partially on existing data and manual data interpretation methods to monitor the strategies implemented.

A data capturing project, initiated by Nevada County Sheriff this year, is near completion. Probation, Sheriff and the Health and Human Services Agency's departments are working with Information Services to establish shared data capabilities within the SharePoint environment. Full implementation will result in reliable of measurements and analysis and will provide better understanding of program outcomes by individual offender and by aggregate populations.

Baseline data will be used to establish future outcome goals. It should be noted second-year outcomes are not likely to be as robust as one may prefer. This is largely due to elapsed time between implementation and achievement of effectiveness for various strategies and programs. All strategies included herein were implemented beginning October 1, 2011. Analysis and reporting of data will be conducted in second quarter FY 2012-2013 and used as much as possible to establish program measurements for remaining FY 2012/2013 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. Community Corrections Case Management (CCCM)

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

CCCM 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 (up to and including flash incarceration) 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 over straight sentences and pre-release assessment tools to release low level offenders awaiting court).

. 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) 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. Two common CBT treatment models are: Moral Reconation Therapy and Reasoning and Rehabilitation. Ultimately, the goal of CBT is to change thinking processes to prevent the future participation of criminal activities and improve public safety. Numerous Deputy Probation Officers are currently trained to facilitate CBT groups in the Day Reporting Center. However, mental health providers, substance abuse providers and specific jail staff will have knowledge of an offender's case plan and will be expected to include CBT into their curriculum to address offenders risk needs.

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. 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. However, information of the offender's whereabouts is not real-time and utilizes a miniature tracking device. At specified times (typically, in the evening at home) the offender connects to a base station which transfers log data to the monitors.

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 s/he can not re-offend if s/he so chooses.

F. Flash Incarceration

Flash incarcerations are brief jail stays (up to 10 consecutive days and 14 aggregate days) intended to motivate treatment and probation compliance and to motivate behavior change. Not only is flash incarceration an encouraged sanction in AB 109 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 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 recently released National Survey on Drug Use and Health (2006), the rate of substance abuse or dependence among adult offenders on probation or parole supervision (38.5%) 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 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, Common Goals and Progress House 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. Community Monitoring of Low Risk Population

Implementation of a telephone reporting/monitoring system is anticipated within the next 12 months and will assist in supervising clients assessed as low risk to re-offend. Such a system is designed to support probation officers and management in supervising caseloads. The goal of the system is to effectively apply the latest technology to automate, streamline and simplify the process of managing Probationer cases and insure timely compliance with program guidelines. The telephone reporting/monitoring system is comprised of two core components:

- Automated Telephone Reporting and Message Retrieval System
- Web-based Supervision Management System

Offenders placed on the telephone reporting and monitoring program will be required to call the automated telephone reporting system once per month and communicate changes to address, phone number, job or contact with law enforcement. Interactive Voice Response System allows officers to listen to probationer messages and leave custom messages for any offender. Probation will use a web based supervision management system to set up conditions, track new enrollments, expirations, registration requirements, community service requirements and payment requirements. Should an offender be determined out of compliance, Sheriff Deputies

can respond and address non-compliance issue(s), as requested by the probation department.

These components must be tightly integrated with the Nevada County Probation Department's computer case record management system to enable a more complete supervision management system. At this time, the current case management system is unable to offer these systems.

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 \$55,222, for FY 2012-2013.

The following areas are items for discussion and evaluation within this second 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 cities and neighborhoods and service planning by geography
- 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
- Evaluating efficiencies of current system and recommending modifications
- 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 11-28-12

Approved By 
Ted Owens
Board of Supervisors, Chair
Approval Date 12-11-2012