

# RESOLUTION No. 20-436

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION APPROVING THE NEVADA COUNTY COMMUNITY CORRECTIONS PARTNERSHIP PLAN FOR 2020-2021 (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, the Public Safety Realignment Act requires the County of Nevada to establish, and renew each year, a Public Safety Realignment Plan and requires the Plan to be approved by the Community Corrections Partnership Executive Committee and the County of Nevada Board of Supervisors; and

WHEREAS, the Nevada County Public Safety Realignment Plan is now titled the Nevada County Community Corrections Partnership Plan; and

WHEREAS, the Community Corrections Partnership Executive Committee reviewed and unanimously approved the Nevada County Community Corrections Partnership Plan for 2020-2021; and

WHEREAS, the County of Nevada will adhere to the requirements of the Public Safety Realignment Act regarding the submission of the County of Nevada Community Corrections Partnership Plan to the Corrections Standard Authority, expenditure of funds and submission of required reports.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, of the County of Nevada, approves the County of Nevada 2020-2021 Community Corrections Partnership Plan and that the Chair of the Board of Supervisors be and is hereby authorized to approve and sign the Plan, on behalf of the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of October, 2020, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Heidi Hall, Chair

10/30/2020 cc: Probation\*  
AC\* (Release)

# County of Nevada Community Corrections Partnership Plan 2020-21



## 2011 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

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## EXECUTIVE COMMITTEE

- Michael N. Ertola, Chief Probation Officer (Chair)
- Shannon Moon, Sheriff
- Cliff Newell, District Attorney, also representing Victim Services
- Keri Klein, Public Defender
- Chief Alex Gammelgard, Chief of Police Grass Valley
- Ryan Gruver, Health and Human Services Director
- Tonya Clark, Specialty Courts Director, Superior Court Designee

## CCP MEMBERS

- Supervisor Dan Miller, Board of Supervisors
- Alison Lehman, County Executive Officer
- Steve Sinclair, Probation Program Manager
- Angelina Coffey, Administrative Services Officer, Probation
- Jeremy Vance, Supervising Deputy Probation Officer
- Robin Tamietti, Deputy Probation Officer III
- Phebe Bell, Behavioral Health Director
- Suzanne McMaster, Behavioral Health Program Manager
- Darryl Quinn, Program Manager Behavioral Health
- Kristen O'Shea, Behavioral Health Therapist
- Alicia Burget, Under Sheriff
- Sam Brown, Sheriff Captain
- Nancy Ramsey, Community member
- Pauli Hallstead, Community member
- Rolf Kleinhans, Chief Fiscal Administrative Officer, Sheriff
- Ariel King Lovett, Director, Granite Wellness Centers
- Joe Festersen, Director, Common Goals
- The Honorable Linda Sloven, Presiding Superior Court Judge
- The Honorable Candace Heidelberger, Superior Court Judge
- Kristine Farrell, Program Manager Alliance for Workforce Development
- Heather Alexander, Director, Alliance for Workforce Development
- Ann Guerra, 211 Nevada County
- Tim Giuliani, 211 Nevada County
- Martin Polt, CEO office
- Rachel Roos, Director of Social Services
- Heather Vance, Turning Point
- Steve Johnson, Captain, Grass Valley Police Department
- Scott Lay, Superintendent of Schools
- Jamie Hogenson, County Counsel
- Jefferey Thorsby, CEO Office
- Tamaran Cook, Adult Protective Services
- Jill Blake, Public Health Director



# 1. Sustaining AB109 Reforms – 2020 Update

## A. Challenges

California state prisons 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 are mandated 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-trial programs releasing low level offenders awaiting court.

## **B. Opportunities**

AB109 legislation, and the associated funding, presumed counties will do a better job providing treatment and rehabilitation along with incarceration. Nevada County has reduced recidivism rates and improved reintegration of AB109 offenders into local communities. Good public safety policy involves community supervision, focused evidenced based treatment rehabilitation, and enforcement. The Nevada County CCP membership is unanimously committed to maximizing public safety through a commitment to all these strategies.

Nevada County is very fortunate to have a tradition of excellent collaboration among the Courts, Probation, Sheriff, Police Departments, District Attorney, Public Defender, Health and Human Services, Community Based Organizations and the faith-based community. Members of the Nevada County Community Corrections Partnership (CCP) are committed to working closely together to assess, implement, maintain, refine and increase services funded by AB109 insuring two primary goals are met:

Criminal Justice reform:

- Insuring and providing public safety to residents of Nevada County through risk-based supervision combined with treatment referral services based on criminogenic needs and effective case planning and interventions.
- Avoid jail overcrowding by implementing alternative strategies across all aspects of the local criminal justice system from Pre-Trial, diversion and community re-entry.
- Address needs associated with healthcare, treatment and rehabilitation opportunities for AB109 offenders in order to achieve necessary reductions in recidivism. These include Mental Health Therapy, Substance Abuse Treatment, Recovery Housing, Education, Vocational Training, Eligibility Assessments and Cognitive Behavioral Therapy.

Evidenced based interventions have proven effective around the country. Reduced recidivism is a result of addressing criminogenic needs that lead to criminal behavior and is the best protection for the community. Utilizing proven rehabilitation practices ensures scarce resources are committed to effective and efficient approaches in reducing criminal behaviors. Services funded by AB109 are practices statistically proven to yield positive outcomes which result in significant recidivism reductions. 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.

## C. Evidence-Based Responses and Other Promising Interventions

Incarceration or traditional probation supervision are no longer considered effective in curbing recidivism. These practices below have been replaced by proven programmatic strategies:

- Validated Risk Assessments
- Risk based supervision
- Cognitive Behavioral Therapy (CBT)
- Pre-Trial Program
- Reentry Program
- Community-based programs targeting criminogenic needs
- Substance Abuse Treatment
- Mental Health assessments and referrals
- Sanction/Reward Matrix
- Random Drug Testing
- Flash incarceration
- Electronic GPS Monitoring
- Community Service
- Transportation assistance
- Reward cards
- Gas cards

## 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.

\* The Nevada County CCP 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 community correction programs.

(e) Nevada County has a larger CCP group which will include members listed above on page 3. This group is made up of line staff, county agency representatives, community partners and community members. 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):** 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.

**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.



## **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 were 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. As of 2015, Nevada County Probation invested in a new case management system that has provided data tracking and outcomes post 2015. With all case management systems, there are limitations to collecting certain data points. Long-term planning efforts will address the data capturing, tracking and analysis needs for monitoring program progress, success and areas requiring improvement.

Baseline data is 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 aggregate populations. Analysis and reporting of data continues to be used as much as possible to establish program measurements for upcoming fiscal years 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. 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 as needed. 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 risk needs-assessments, risk-based supervision strategies and intensive 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
- Results First Best Practices Clearinghouse
- Risk based supervision
- 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. 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 a mitigation strategy that maximizes county use of existing jail beds. As mentioned on page 5, Nevada County is mandated and responsible for adopting evidenced based programming in the jail to deal with the influx of this population to better utilize existing jail beds. A program the CCP has implemented is a Pretrial program. A pretrial program includes assessing individuals incarcerated on new charges, releasing eligible (low level) individuals into the community to be monitored by the probation department awaiting their sentencing. This strategy decreases jail population while increasing public safety and allowing for utilization of jail bed reentry services for the most serious offenders.

## **C. Cognitive Behavioral Therapy (CBT)**

Cognitive Behavioral Therapy (CBT) and 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 is to change thinking processes to prevent the future participation of criminal activities and improve public safety. Probation has dedicated one Deputy Probation Officer and a Behavioral Health Therapist, stationed at the probation department, to facilitate CBT programming.

## **D. Expansion of GPS Technology (GPS)**

GPS utilizes a cellular networking system, satellite monitoring 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 using mapping software.

GPS monitoring can be used for detention, restriction and surveillance purposes and to confirm an offender remains in a designated place, for example their home (detention). GPS can also be used to protect 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 can continue to work, attend treatment, 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 cannot re-offend if he/she so chooses.

GPS primary goals are threefold:

1.) re-integration into the community; 2.) accountability; and 3.) monitoring. Home custody options allow offenders to remain (or re-enter) into their community under increased supervision and maintain employment and/or education and treatment.

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. GPS is a cost-effective response to non-compliance in lieu of custody.

## **E. Flash Incarceration**

Flash incarcerations are brief jail stays (up to 10 consecutive days) intended to motivate treatment, probation compliance, employment, education 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.

## **F. 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. Educational achievements are pivotal to improving upon the employability and overall success of offenders in the community and can be identified as goals within the case plan. GED services and testing can occur in county jail or in the community.

## **G. Random Drug and Alcohol Testing**

Random Drug and Alcohol Testing is often an adjunct to offender drug treatment, though it is also applied as part of supervision case plan efforts when offenders assess out for 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. Probation has developed and maintained a complex numbering random drug testing system to increase testing supervision and in line with best practices and offender accountability.

## **H. 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 Substance Abuse Treatment, 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 Motivational Interviewing techniques and the ability of the program to utilize graduated sanctions and mandatory testing in response to offender non-compliance.

The CCP currently utilizes Granite Wellness Center 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, medical assisted treatment (MAT) and individual counseling for the duration of treatment.

## **I. Housing**

Housing remains one of the top three criminogenic needs for Nevada County AB 109 offenders. Individuals without stable housing are more likely to reoffend than those with stable housing. To address this need, the Nevada County Probation Department contracts with Granite Wellness Center and Common Goals to provide recovery housing to those found to be in need through the assessment process. The goal of recovery housing is to provide shelter but also to support the individual towards permanent housing opportunities. Since the time an offender is on community supervision can be limited, permanent housing can be difficult to achieve. The Probation Department also partners with Hospitality House to provide housing and life skill options for the Post Release Community Supervision population released from prison to local jurisdictions.

## **K. 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 CCP partners with Granite Wellness Center and Common Goals for substance abuse treatment and recovery housing and Alliance for Workforce Development, Inc. for vocational training and job opportunities.

## 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 \$1,730,679.36 for FY 2020-2021. This plan also includes a Capital Facilities Fund \$600,000 for future criminal justice needs as they develop, \$100,000 of which has been unanimously approved by the CCP Executive Committee to go towards the Truckee Joseph Center Remodel project. This project will provide equity in service provision for Eastern County which is needed to carry out the CCP's plan and increase public value.

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


- Community-wide, front-loaded assessment protocol
- Community correctional Intervention Needs (Treatment)
- Health Care Needs
- Mental Health Needs
- Impacts on front-line law enforcement and efficiencies through partnership
- Recovery 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
- 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
- Program fidelity for criminal justice and community partners
- CCP Strategic Planning

### **Risk and Contingency Planning**

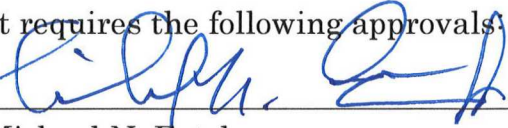
Implementing and sustaining a change as large and overarching (in both scope and magnitude) as that intended in AB109 is very risky on multiple fronts. This necessitates solid risk and contingency planning. Project-specific risk assessments will be conducted with the CCP workgroup to identify potential 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 and allow us to deal with future unknown trends in the criminal justice system.



**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   
Heidi Hall  
Board of Supervisors, Chair  
Approval Date 10/26/2020