



# RESOLUTION No. 18-520

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

### RESOLUTION APPROVING THE NEVADA COUNTY COMMUNITY CORRECTIONS PARTNERSHIP PLAN FOR 2018-2019

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 2018-2019; 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 Chair of the Board of Supervisors, on behalf of the Nevada County Board of Supervisors be and is hereby authorized to approve and sign, on behalf of the County of Nevada, the County of Nevada 2018-2019 Community Corrections Partnership Plan.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_



Edward Scofield, Chair

10/23/2018 cc: Probation\*  
AC\* (Hold)

11/05/2018 cc: Probation (1)  
AC\* (Release)

County of Nevada  
Community Corrections  
Partnership Plan 2018-19



## 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)
- Tonya Clark, Specialty Courts Director, Superior Court Designee
- Cliff Newell, District Attorney, also representing Victim Services
- Keri Klein, Public Defender
- Keith Royal, Sheriff
- Chief Alex Gammelgard, Chief of Police Grass Valley
- Michael Heggarty, Health and Human Services Director

## CCP MEMBERS

- Supervisor Hank Weston, Board of Supervisors
- Alison Lehman, County Executive Officer
- Steve Sinclair, Probation Program Manager
- Angelina Coffey, Administrative Services Officer, Probation
- Michael Sipe, Supervising Deputy Probation Officer
- Jeremy Vance, Supervising Deputy Probation Officer
- Fred Viola, Deputy Probation Officer
- Joseph Roberts, Deputy Probation Officer
- Tarah Guild, Deputy Probation Officer
- Robin Tamietti, Deputy Probation Officer
- Melissa Blais, Deputy Probation Officer
- Phebe Bell, Behavioral Health Director
- Nicole Ebrahimi-Nuyken, Behavioral Health Program Manager
- Darryl Quinn, Program Manager Behavioral Health
- Kristen O'Shea, Behavioral Health Therapist
- Joseph Salivar, Under Sheriff
- Jeff Pettitt, Sheriff Captain
- Shannan Moon, Sheriff Captain
- Alicia Burget, Sheriff Captain
- Rolf Kleinhans, Chief Fiscal Administrative Officer, Sheriff
- Warren Daniels, Director, Community Recovery Resources
- Joe Festerson, Director of Common Goals
- The Honorable Scott Thompson, Presiding Superior Court Judge
- The Honorable Candace Heidelberger, Superior Court Judge
- Kristine Farrell, Program Manager Alliance for Workforce Development
- Heather Alexander, Alliance for Workforce Development
- Ann Guerra, 211 Nevada County
- Tim Giuliani, 211 Nevada County
- Dianne Marshall, Community Member
- Martin Polt, CEO office
- Elise Strickler, CEO office
- Tex Ritter, Director of Social Services
- Rachel Pena-Roos, Victor Services

- Ricardo Goodrich, Board of State and Community Corrections
- Steve Johnson, Grass Valley Police Department
- Brad Kalstein, Nevada County IT

# 1. Sustaining AB109 Reforms – 2016 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 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. AB109 anticipates reduced recidivism rates and improved reintegration of low level offenders into local communities. Good public safety policy involves community supervision, enforcement, and prevention/rehabilitation. The Nevada County CCP 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, Transitional 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 decreasing individual criminal behaviors 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 routine 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)
- Moral Reconciliation Therapy
- Community-based programs targeting criminogenic needs
- Sanction/Reward Matrix
- Flash incarceration
- Electronic GPS Monitoring
- Community Service
- Bus passes
- Reward cards
- Gas cards
- Color coded random drug testing
- Substance abuse treatment
- Work Furlough Program
- Work, training, education furlough programs
- Pretrial Program
- Reentry Program
- Diversion 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.

\* 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 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 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 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. 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. Nevada County Probation has a case management system that has begun to provide data tracking and outcomes. Long-term planning efforts will address the data capturing, tracking and analysis needs for monitoring program progress, success and areas requiring improvement. The addition of an in-house analyst at probation is being used to produce reports so we can show outcomes that dictate future decisions.

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 was conducted in third quarter FY 2015/2016 and used as much as possible to establish program measurements for FY 2016/2017 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 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-assessments, risk based supervision strategies and intensive supervision of offenders in the community. This strategy applies an overall structure comprised of risk, need, and responsibility 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
- 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 an immediate 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. Two programs the CCP has implemented this year is a Pretrial program and a Reentry program. A reentry program includes in-custody programming, eligibility services and life skills to create a smooth transition back into the community. A pretrial program includes assessing individuals incarcerated on new charges, releasing eligible (low level) individuals into the community to be supervised by the probation department awaiting their sentencing.

This strategy will increase resource capacity and serve a larger number of sentenced offenders while increasing public safety and allowing for utilization of jail beds for the most serious offenders.

## **C. 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. Further, the Nevada County Probation Department has contracted with Victor Services to provide all of the above programs that serve the needs of our population.

## **D. 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 confirm an offender remains in a designated place, for example their home (detention). GPS can also be used to confirm an offender stays away from 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 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.

## **F. 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 response 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. During the past year, probation has implemented a color coded random drug testing system to increase testing supervision and in line with best practices and offender accountability.

## **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, 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.

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. 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 CoRR and Common Goals to provide transitional housing to those found to be in need through the assessment process. The goal of transitional housing is to provide shelter but also to support the individual towards permanent housing opportunities.

## **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 Probation Department is partnering with Community Recovery Resources and Common Goals for substance abuse treatment and transitional housing, Alliance for Workforce Development, Inc. for vocational training and job opportunities and Victor Community Services for Cognitive Behavioral Therapy.

## **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 \$ 1,600,471 for FY 2018-2019. 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 a dedicated Day Reporting Center/reentry program, etc.

The following areas are items for discussion and evaluation within this seventh 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
- 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

### **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 10-29-18

Approved By   
Ed Scofield  
Board of Supervisors, Chair  
Approval Date 11/05/18