



RESOLUTION No. 12-050

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE NEVADA COUNTY 2011 PUBLIC SAFETY REALIGNMENT IMPLEMENTATION PLAN

WHEREAS legislation was enacted by the State of California, known as Assembly Bill 109, and this legislation became known as California Public Safety Realignment Act, and

WHEREAS the Public Safety Realignment Act required the establishment of a Community Corrections Partnership and the establishment of a Community Corrections Partnership Executive Committee and the Realignment Act statutorily established the membership of the Community Corrections Partnership Executive Committee, and

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

WHEREAS the Community Corrections Partnership Executive Committee on January 6, 2012, reviewed and unanimously approved the County of Nevada 2011 Public Safety Realignment Plan, 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 Public Safety Realignment Implementation Plan to the Corrections Standard Authority, expenditure of funds and submission of required reports, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada hereby approve the County of Nevada 2011 Public Safety Implementation Plan.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of January, 2012 by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Terry Lamphier and Hank Weston.

Noes: None.

Absent: Ted S. Owens.

Abstain: None.

ATTEST:

By: Donna Landi
Donna Landi, Acting Clerk of the Board

Hank Weston
Hank Weston, Vice Chair

01/25/2012 cc: Probation
A-C* (hold)

03/15/2012 cc: Probation
Sheriff
RCRC
A-C*

County of Nevada



2011 Public Safety Realignment:

Initial Mitigation and Planning for Sustainable Reform
Presented by the Nevada County Community Corrections Partnership

October 1, 2011

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Implementing AB109 Reforms

1. Purpose

The 2011 Public Safety Realignment encompassed in AB109 (and subsequent clarifying legislation) stands to substantially impact local criminal justice systems and communities. If left unmanaged, the shift of the population and associated release of offenders could have a negative impact on local public safety. On the other hand, this reform effort offers California a unique opportunity to address long-standing issues related to the management of the correctional population at both the state and local levels. This plan provides an initial roadmap that will assist Nevada County in the transition activities necessary to successfully implement the requirements of AB109 during the first year of the system reform.

Due to the stringent implementation timeframes, the planning process will be accomplished in two phases. Phase I, called the **Initial Collaboration Plan**, will address items that must be in place by October 1, 2011, in order for Nevada County to respond to shifting populations related to the public safety realignment. Phase II involves the long-term and on-going systemic changes to which Nevada County must adjust to successfully implement all aspects of AB 109. This plan addresses Phase I planning and includes an overview of Phase II planning activities.

2. California's Correctional Context

Prior to the passage of AB109, California's prison system consisted of 33 state prisons and over 160,000 prisoners who are incarcerated and about the same on state parole.

In his paper "Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries," Judge Roger K. Warren (2008) initiates his support of evidence-based programs to reduce recidivism with the following opening statement:

The Current Crisis

The growth of U.S. prison populations and the related costs associated is well-documented. Over the past decade, criminologists and legal scholars alike have repeatedly characterized the growth in prison population as "unprecedented," creating a dangerously overcrowded system and unmanageable caseloads (Hanes, 2008). According to the Pew Center on States' 2009 report, between 1973 and 2009, the American prison population grew by an alarming 705 percent. This means, **one in thirty-one (3.2%) U.S. adults are under some form of correctional control** and despite increased correction expenditures, more than forty percent of adult offenders return to prison within three years (Pew, 2009). Additionally, state correctional general fund expenditures have spiked to an aggregate average of \$47 billion, representing a 303% increase in just twenty years (Pew, 2009). Researchers agree that we can no longer continue building our way to public safety and states have past the point of diminishing returns (Hanes, 2008; Aos, et al. 2006; Petersilia, 2006). While incarcerating serious, chronic, and violent offenders is justifiable, incarceration of lower-level offenders costs tax payers far more than it saves in preventing crime (Pew, 2009).

California's Contribution to the Crisis

California, one of the largest correctional systems, contributes greatly to the correctional crisis facing the U.S. With over 160,000 inmates, 33 adult prisons statewide, and **recidivism rates reaching upwards of 70%, the state's correctional system is clearly in trouble** (Petersilia, 2006). Considering the national recidivism rate hovers closer to 50%, California must make significant strides towards correctional effectiveness (Pew, 2009). With one of the highest recidivism rates in the nation, the Little Hoover Commission (2007) characterized California's parole system as a "billion-dollar failure." Furthermore, over 35% of offenders are incarcerated compared to only 28% in 1982 (Pew, 2009). Despite spending close to ten percent or \$9 billion of the state's general funds on corrections, California provides fewer programs for prisoners and has higher inmate-to-officer ratios relative to comparable states. In fact, California expenditures are among the highest in the nation per inmate, per staff, and a share of the overall budget (Petersilia, 2006). The state's atrocious recidivism rates coupled with prison overcrowding and high spending has resulted in legislative and judicial action.

The prison overcrowding crisis reached its height in 2003 when institutions were operating at 200% of their designed capacity (Petersilia, 2006). While reform efforts initiated in the mid-1990s, they often went underfunded and lacked appropriate research to create lasting change. Additionally, the state faced a series of class action lawsuits that were initiated in 1990 and 2001 by seriously mentally ill prisoners and prisoners with serious medical conditions. Finally, in 2009, a panel of three federal judges ordered California to reduce its prison population to 110,000 from 156,000 (the official state prison capacity is 80,000) (Liptak, 2011). In May, 2011, the federal ruling was upheld by the Supreme Court decision in *Brown v. Plata No. 09-1233* where the Court noted that overcrowding is the "primary cause" of "severe and unlawful mistreatment of prisoners through grossly inadequate provision of medical and mental health care...leading to needless suffering and death (Liptak, 2011)." AB 109 represents the state's attempt to meet the mandated population reduction through increased local control supported by flexibility and fiscal appropriations. The New York Times characterized AB 109 as a "seismic shift" in California's correction system (Archibald, 2010).

3. Legislative Changes

Start Date

- Applies to all those sentenced after October 1, 2011.

Leverages existing Community Corrections Partnership (CCP)

- The Community Corrections Partnership is identified as the governing body that is responsible for submitting a recommended realignment implementation plan to the Board of Supervisors (BOS). The plan must then be approved by the BOS in time to allow implementation by the mandated operational date of October 1, 2011. The Executive (voting) membership of the Community Corrections Partnership includes:
 - Chief Probation Officer (Chair)
 - District Attorney
 - Public Defender
 - Grass Valley Chief of Police
 - Sheriff

- Director of Health and Human Services
- Presiding Judge or designee

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

Impact on Offender Populations

- **Post Release Community Supervision (PRCS) Population**
 - Those being released from state prison after October 1, 2011, will fall under the authority of the locally-determined PRCS entity, with the following exceptions who will be placed on CDCR Parole:
 - Individuals whose commitment offense is a serious felony
 - Individuals whose commitment offense is a violent felony
 - Third strikers
 - High-risk sex offenders
 - Mentally Disordered Offenders
 - Low Level Offender Population
 - No longer eligible for commitment to CDCR, with the following exceptions:
 - Those who have either a current or previous conviction for a serious or violent felony
 - Those who have either a current or previous conviction for a sex offense
 - Those whose commitment offense is on a list of 66 “excluded” crimes
 - Parole Violators
 - All custody time for parole violations will be served in local jail
 - Exception: Those who have been previously committed to life may serve their violation terms in state prison.

Parole Revocations

- Effective October 1, 2011, PRCS revocations will be heard by local courts. The courts are granted authority to modify terms and conditions, as well as grant early discharge
- Only periods of incarceration exceeding 10 days require a court hearing
- All PRCS and parole revocations will be served in local jail for up to 180 days
- In 2013, the Board of Parole Hearings (BPH) will no longer hear parole revocation hearings. These will be transitioned to the local courts.

Evidence-based Correctional Responses and Interventions

Evidence-based correctional responses and programming other than incarceration alone or traditional routine probation supervision. Community-based options include but are not limited to the following:

- Cognitive Behavioral Therapy (CBT)
- Community-based residential programs targeting criminogenic needs
- Day Reporting Program
- Flash incarceration
- Electronic Monitoring and/or GPS

- Intensive community supervision
- Community service
- Mandatory drug testing
- Substance abuse treatment
- Mother-infant care programs
- Restorative justice programs
- Victim Awareness Program
- Work Release Program
- Work, training, education furlough programs

4. Research and Terminology Supporting Evidence-Based Correctional Programming

There is growing support among criminal justice practitioners and scholars regarding the validation of evidence-based programs on the reduction of recidivism. Evidence-based practices are based on five primary principles. These principles address the questions of who, what and how to apply the most effective correctional interventions.

1. **The Risk Principle** (who) – Target local resources to higher risk offenders. Sufficient resources are applied to supervise, case manage and treat high and moderate risk offenders appropriately.
2. **The Need Principle** (what) – Apply interventions that target each offender’s particular criminogenic needs. Criminogenic needs are those areas that can be changed and have been scientifically demonstrated to be correlated with the probability of re-offense. The seven factors include: Anti-social attitudes and beliefs, Anti-social peers, Anti-social personality pattern, lack of positive family support, lack of appropriate education or employment success, lack of pro-social leisure activities, and substance abuse.
3. **The Responsivity Principle** – Interventions should be applied based on the individual characteristics of the offender that may affect how she/he may respond to the given intervention. Such characteristics include mental health issues, medical issues, intelligence level and readiness for change.
4. **The Treatment Principle**– The most effective correctional interventions are behavioral, focusing on factors that influence behavior, are action-oriented, and are appropriately reinforced. These include cognitive-behavioral approaches, structured social learning where new skills and behaviors are modeled, and family based approaches where the family is trained in new skills and techniques.
5. **The Fidelity Principle** – Ensure that evidence-based programs must be implemented as designed, often including structured measurements of model-adherence, extensive quality assurance mechanisms, pre/post evaluation, and other methodologies of measuring outcomes for ensuring fidelity.

5. Initial Mitigation Planning Process

Early in the process, the Community Corrections Partnership (CCP) chose to designate a workgroup to work on the development of the initial implementation plan. This workgroup is made up of representatives from the various entities which comprise the CCP, as well as other interested parties.

The workgroup, which meets regularly, discussed areas of greatest concern/interest to each respective entity represented. These concerns/interests were then grouped into strategic areas by the CCP Implementation Team. The implementation team identified strategies to move forward which included staffing, evidenced-based programs and cost estimates were also discussed for each strategy. The literature review and costing efforts were limited due to the compressed timeframes in which the plan must be developed and implementation initiated. The narrative detail of the strategies proposed by the CCP is included in Appendix A.

The narrative detail of each strategy was grouped by program focus and presented to the CCP workgroup. The group discussed the proposed strategies focusing on those of greatest impact to the community and those that could be realistically implemented in the timeframes allowed by the legislation. It should be noted that during this process two possible strategies or proposals that were submitted to the CCP workgroup, one from the Nevada County Sheriff and another from the Nevada County Chief Probation Officer.

After the Community Corrections Partnership workgroup prioritized the strategies and provided any additional input they felt critical to a proposed strategy, implementation budgets were negotiated, and an overall budget was developed to support the plan for initial mitigation as well as the remaining funding that could be allocated to the long-term planning efforts.

6. Preliminary Baseline Performance Indicators

The key to monitoring and reporting on outcomes is the reliability of data. The 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 (although work continues to try and analyze historical data to establish some baseline measures). 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 will have to rely (at least in part) on existing data and the use of manual data interpretation methods to monitor the strategies implemented.

Future data capacity development efforts will focus on modification of existing processes and systems that support those processes to allow for capturing of tabular data in formats that can be readily extracted and analyzed in conjunction with related data sets to establish a more reliable systematic understanding of program outcomes on a per-offender and aggregate basis.

Data to establish very basic measurement baselines will be the focus during Fiscal Year 2011/2012. The baseline data will be used to establish future outcomes. It should be noted, however, that even second-year outcomes are not likely to be as robust as one may prefer. This is largely due to the implementation timelines and start-up periods for various strategies or programs. All of the strategies included herein will be implemented beginning October 1, 2011. It is unlikely that all of the data gathering and analysis tools will be in place by that time, and the first three months can be considered a start-up period, for which data may not be complete. It is anticipated that the third quarter (January – March 2012) will be the first full quarter with reliable data. Analysis and reporting of this data will be conducted in the fourth quarter (April – June 2012) and used as much as possible to establish program measurements for Fiscal Year 2012/2013.

7. Monitoring and Control

Data necessary to develop the baseline and measure anticipated outcomes will be gathered by the organization responsible for a particular program. This data will be compiled into a report and submitted to the Chief Probation Officer. The data will be aggregated and used to develop reports which will be used to monitor implementation success. The CCP Chair will present this data along with implementation and planning updates to the CCP and CCP workgroup on a quarterly basis. The same type of data and status reporting will be made to the Board of Supervisors on a semi-annual basis.

8. 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 has identified seventeen percent of the first year funding as a set-aside to help alleviate the effect of any unknown or unexpected events. The contingency set-aside for first-year implementation is \$89,386.75. The planning effort to address risks and contingencies is identified in Section 9 below, Long-Term Planning.

9. Long-Term Planning

The CCP and the CCP workgroup are comprised of community organizations and city and county departments that will be affected by AB109. These two groups have participated in the planning efforts and will support the implementation activities. The same groups will continue to participate in long-term planning and support continued implementation.

Nevada County seeks to bridge the gap between research and practice by employing a community-wide planning and review efforts to address the long-term strategies and challenges associated with the implementation of AB109 and to review the success and opportunities for improvement as we move forward. While focusing on implementation of the initial mitigation strategies, Nevada County will address the following in its long-term planning efforts:

- **Continuous Quality Improvement (CQI)**

CQI entails identifying the outcomes expected as a result of implementing each strategy. Data is continually gathered and analyzed to determine how closely each strategy met the outcomes. The data will assist program staff in making adjustments to the program areas in order to achieve the desired outcomes and it will allow baselines to be developed to inform the development and modification of future outcome targets as the programs progress and mature.

The CCP workgroup has identified several areas of concern that must be monitored in order to assess the effectiveness of implementing the strategies identified in this plan. The data gathered from these items will become the basis for continued program monitoring and improvement.

- **Communications**

Communication efforts are multifaceted to inform a broad range of interests group regarding the effects of this realignment on their communities, jobs, families, public safety and government.

Communication efforts fall into three areas:

- *Stakeholder Engagement*

Stakeholder engagement involves a process of identifying all of the stakeholders or potential stakeholders that may be affected by this implementation (Stakeholder Analysis). Each stakeholder role and primary area of concern is identified and the most effective methods of communication for each stakeholder and the associated area of concern are identified. This analysis effort will be performed by the CCP workgroup and presented to the CCP Executive Committee for review and approval. When the analysis is completed, a Communication Plan will be developed detailing the types of messages to be delivered the format and content of the messages and the delivery method and frequency.

- *Community Education*

Community Education focuses on issues of concern to the community. As part of the Stakeholder Analysis, the CCP workgroup will determine the most critical community concerns. The messages needed to address these concerns will be included in the Communication Plan and will include the best method for message delivery. It is anticipated that Community Education will be robust and will utilize a variety of methods, and could include things such as town-hall meetings, public statements by county public safety officials, or press releases.

- *Media Relations*

Due to the sensitive nature of this implementation, Nevada County will need to pay special attention to managing media coverage in a cohesive and supportive way. It may be necessary to appoint a small number of CCP Executive Committee members to represent Nevada County in these efforts.

- **Community Resource Planning**

Community resource planning has only just begun in Nevada County. The CCP and the CCP workgroup provide the structure for this planning and various subcommittees may also be developed . To date, the CCP and the CCP workgroup have met regularly to address issues related to AB109 and have worked collaboratively in developing this plan. These two groups will continue to work on long-term planning, address issues arising from implementation of new programs and changes, and develop community-wide solutions.

There are many areas that require further evaluation and discussion with partner agencies and stakeholders in order to ensure efficient use of resources and continuity of care for the offender population, so offenders can be provided an opportunity to change their behavior while ensuring sufficient resources remain available to ensure accountability that reinforces behavior change and provides for suitable punishment for crime. While solutions may not be broad-based or illuminated within the first year, there are many areas that require further evaluation. It is anticipated that the process of evaluation and discussion in each area will result in at least some improvements, simply by illuminating areas of deficiency. The following areas are items for discussion and evaluation within this first 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 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 (See Appendix B).
- **Information Technology**
 A robust information technology environment is critical to support the data collection and analysis processes that will allow for appropriate monitoring and measuring program effectiveness, at the individual program level as well as at the system-wide level. Analysis will have to be completed to determine the most efficient ways to collect data that will readily enable analysis from a system standpoint. Evaluation will have to include integration of multiple systems and/or data sharing environments as well as discussion of the most efficient means of meeting the technology needs. It is anticipated this will include a blend of locally-supported modifications and/or applications with vendor-based technology solutions that will be developed and improved over time, as needs are identified and evaluation mechanisms are more broadly understood and embraced.

10. Supporting Information

The AB109 Implementation Plan is based upon evidence-based program research. A listing of the research used in the development of this plan is included in Appendix A.

11. Plan Contributors

The following individuals participated in planning sessions and offered significant contributions to the development of this plan.

Name	Organization
Hank Weston	Board of Supervisors
Holly Hermansen	Nevada County Office of Education
John Foster	Chief of Police City of Grass Valley
Doug Carver	Nevada County Chief Probation Officer
Keith Royal	Nevada County Sheriff
Cliff Newell	District Attorney
Thomas Anderson	Superior Court Judge
Jeffrey Brown	Director of Health and Human Services
Darrell Quinn	Nevada County Alcohol, Drug, and Mental Health
Donald Lown	Public Defender
Joe Christoffel	Chief Financial Officer
Michael Ertola	Probation Program Manager
Niko Johnson	Director Domestic Violence Sexual Assault Coalition
Warren Daniels	Director Community Recovery Resources

12. Document Distribution

Name	Document/Section	Date
CCP Workgroup	Proposed Alternatives	July 25, 2011
CCP Workgroup	Proposed Alternatives and Implementation Plan	August 22, 2011
CCP	Draft Plan - Initial Mitigation Strategies	September 2, 2011
CCP	For Approval: Final Plan – Initial Mitigation Strategies	November 9, 2011
Board of Supervisors	For Approval: Final Plan – Initial Mitigation Strategies	December 6, 2011

13. Approvals

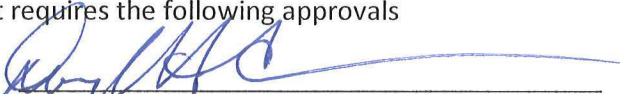
Prepared By



Doug Carver,
Chief Probation Officer

This document requires the following approvals

Approved By



Doug Carver
Community Corrections Partnership, Chair

Approval Date: January 24, 2012

Approved By



Hank Weston
Board of Supervisors, Vice Chair

Strategies Considered Viable for Implementation During FY 2011/12

Community Corrections Case Management

Expansion of Electronic Monitoring

Increasing Available Jail Beds

Cognitive Behavioral Therapy (CBT)

Expansion of GPS Technology

Flash Incarceration

General Education Development (GED)

Mandatory Drug Testing

Mandatory Substance Abuse Treatment

Community Corrections Case Management

Community Corrections Case Management (CCCM) consists of needs-assessment-driven case management and supervision of offenders in the community. This strategy utilizes an overall structure that applies the risk, need, and responsivity principles; emphasizes relational elements between Probation Officer and offender; employs techniques designed to engage and motivate offenders to change; and incorporates behavioral interventions coupled with the use of graduated sanctions and incentives supporting engagement, motivation, and behavior change. CCCM proposes applying a cohesive case management model to all high-risk offenders in all felony community corrections populations (non/non/non's, felony probationers, and the post-release community supervision population). Specific strategies will 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

Evidence Basis

Associated Change in Recidivism: -2% to -10%

Effective community supervision is maximized when grounded in evidence-based case management and the Need Principle (Bonta, et al. 2008). This means the intensity of intervention should match the risk level of the offender and address criminogenic needs. In efforts to identify current probation shortcomings, Bonta (2008) conducted a study examining 6,400 adults and 2,000 youth sentenced to probation and subsequently separated offenders by treatment and control groups to identify how risk-needs assessments are utilized. Additionally, 62 probation officers agreed to participate in the project. Recidivism was then measured as a new conviction during a follow-up period beginning at the date of the intake assessment. Findings revealed a lack of follow through between assessment and cases management (Bonta, et al. 2008). Another study showed that probation officers trained in Risk-Needs-Responsivity programming evidenced more offender skill building and their clients had significantly lower recidivism rates. Based on a 2-year follow-up period, those offenders participating in the Needs Principle model of probation experienced a 15% decrease in re-offense rates (Bonta, et al. 2010).

Several researchers agree that community supervision is associated with greater reduction in recidivism than is incarceration; however, an extensive study reveals probation officers have, historically, rarely adhered to principles of Risk, Need and Responsivity due to systemic over-reliance on the supervision and compliance elements of corrections (Bonta, et al. 2008). While traditional probation practices do generate positive offender outcomes, decreases in recidivism are relatively small—between -2% and -8 % (Lipsey, 2007). Alternatively, Lipsey's research reveals that coordinated case management in the community is associated with as high as a 20% reduction in recidivism in juvenile offenders. While this type of probation practice is not yet typical in California, a series of meta-analyses have proven the most effective mechanisms for decreasing criminal behavior are interventions at the human service level within the community, and they often result in a ten percent reduction in recidivism rates. (Bonta, et al. 2008; Lipsey, 2007; Petersilia, 2005; Latessa, 2003; Aos, 2001; MacKenzie, 2000; Andrews, et al. 1990).

Expansion of Electronic Monitoring

Electronic monitoring (EM) requires participants to wear devices that monitor their proximity to a designated residence in order to ensure 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 will increase Nevada County's ability to closely monitor offenders who would otherwise be in-custody, providing both an alternative to custody and an alternative sanction.

Evidence Basis for Electronic Monitoring

Associated Change in Recidivism: 0 to -4%

Research indicates that variations of supervision intensity, like expanding EM, associated with intermediate criminal sanctions results in recidivism changes between 0% and -4% (Lipsey, 2007). Greater decreases in recidivism occur when EM is coupled with expanded programming. For example, electronic monitoring becomes one part of a program requiring increased officer contacts, drug treatments, and other services. Like most alternatives, risk assessment is also an essential element facilitating the determination of offender eligibility for participation in the EM program.

Overall, research supports EM as an effective evidence-base practice due to its association with recidivism rate reduction among moderate to high-risk inmate divertees (Bonta, et al. 2000). Additionally, EM is a proven cost-effective option in lieu of incarceration (Lipsey, 2007).

Increasing Available Jail Beds

Shifting responsibilities for the three offender populations from CDCR supervision to local jurisdiction will have an impact on average daily populations (ADP) in county jails. 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. 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.

Evidence Basis for Incapacitation

Associated Change in Recidivism: -4% to +14%

Interpreting the research related to offender incapacitation reveals the effects on recidivism span -4% to +14% (Lipsey, 2007). This outcome gap is largely contingent upon the length of confinement periods and intervention programs offered during a specified jail term as well as how the incapacitation is applied **(outcomes improve with shorter vs. longer stays, for example)**. On the one hand, data shows that imprisonment increases recidivism by weakening social bonds (e.g. decreased job stability) and those sentenced to jail have higher rates of recidivism relative to their probation sentenced counterparts (Petersilia, 2005).

Other evidence demonstrates imprisonment of high-risk offenders is effective in reducing crimes within the community. MacKenzie (2000) asserts that crucial elements for ensuring successful incapacitation outcomes include the identification of the high-risk, high-rate offenders and assessing the diminishing rate of return on invested dollars with increased incarceration rates. Overall, this alternative is one option to immediately enhance

community safety and mitigate the initial impacts of realignment. If utilized in conjunction with a comprehensive, system-wide assessment protocol, effectiveness will likely increase.

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.

Evidence Basis

Associated Change in Recidivism: -8% to -32%

Extensive studies and meta-analyses show that, as a stand-alone alternative, CBT is proven to reduce recidivism by range of 8% and 32% (Lipsey, 2007). Large variance in proven outcomes is the result of the wide-range in implementation quality. Effective implementation includes timely delivery by trained personnel, appropriate dosage, and offender participation. Regardless of the outcome variance, results consistently show CBT as one of the most effective alternative strategies relative to other graduated sanctions and confinement options (Lipsey, 2007; Petersilia, 2005; Pearson, 2002; Andrews, 1990). Ultimately rehabilitative resources must target criminogenic needs and be directed according to risk (focused on the higher risk population).

Expansion of GPS Technology

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 of the day or night and review their location from any previous time frame through the use of mapping software. Passive GPS provides the officer with the same information with the difference being that the information of the offender's whereabouts is not real-time and utilizes a miniature tracking device that at specified times (typically, in the evening at home) the device is connected to a base station which transfers the log data to the monitors.

GPS monitoring can be used for detention, restriction and surveillance purposes and to ensure that an offender remains in a designated place, for example their home (detention). It can also be used to ensure that an offender does not contact victims, co-offenders or complainants (restriction). Additionally, it 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 their future employment options, while the offender remains under surveillance. It does not, however, restrict the offender so completely that s/he can not re-offend if s/he so chooses.

Evidence Basis

Associated Change in Recidivism: 0 to -4%

Evidence supporting the expansion of GPS technology correlates with the literature related to electronic monitoring and intermediate sanctions. Consequently, impacts on recidivism span between 0% and -4% when implemented as a graduated sanction (Lipsey, 2007). By 2006, over seventeen states enacted legislation

requiring GPS monitoring of high-risk offenders and a select group of non-violent offenders. This strategy is considered a valuable option to combat recidivism (Padgett, 2006). A recent Florida Department of Corrections study evaluated 75,000 offenders released into the community. Of the 75,000 released offenders, those placed on GPS monitoring were 94% less likely to commit new crimes than those individuals who were not placed on the monitoring option (Padgett, et al. 2006).

While more costly than electronic monitoring (due to the increased level of tracking), GPS monitoring also reduces the likelihood of technical violations, re-offenses, and absconding among offender populations, proving this strategy is an effective alternative to incarceration.

Flash Incarceration

Flash incarceration involves brief jail stays (up to 10 consecutive days and 14 aggregate days) to motivate treatment and probation compliance 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 the least amount of punishment necessary to achieve a desired behavioral change. This strategy can be imposed without the delays associated with the revocation hearing process. However, it is most effectively utilized as one of a few higher-end responses in a system of graduated sanctions.

Evidence Basis

Associated change in recidivism: 0% to -4%

Many studies demonstrate intermediate sanctions increase the net of control for supervising agencies while effectively reducing prison populations (MacKenzie, 2000). Furthermore, flash incarceration is likely to have an effect of 0% to -4% on an offender's re-offense rate. While this sanctioning method is relatively new and has not yet yielded a significant body of research, Hawaii's Opportunity Probation with Enforcement (HOPE) Project has employed flash incarceration with success. Flash incarceration does yield greater reductions in recidivism and increases cost-effectiveness *when used in lieu of longer confinement periods* (Lipsey, 2007).

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. Staff then monitor the administration of exams.

Evidence Basis

Associated Change in Recidivism: -6% to -20%

Education programs are a major rehabilitative component of the United States correctional system. Offenders, on average, are less educated with fewer skills creating justification for providing this population with opportunities to improve their academic backgrounds and equip them with necessary tools for success (Wilson, 2000). One study involving 16,617 inmates in the New York State Department of Correctional Service system revealed inmates earning a GED while incarcerated returned to custody at significantly lower rates compared to inmates who did not. Those individuals earning a degree while in confinement recidivated at a rate of 32% compared to those with no GED who recidivated at a rate of 37% (Nuttall, 2003).

Research also indicated general education development is a cost effective strategy when compared to incarceration or surveillance lacking rehabilitative programming. The Washington State Institute of Public Policy estimates the societal net benefits to be 104% greater than confinement with no correctional programming (Aos, 2001).

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 their confirmation lab testing.

Evidence Basis

Associated Change in Recidivism: 0 to -4%

Categorized as an intermediate sanction, mandatory drug testing is a common practice in correctional programming and is responsible for a change between 0% and -4% in offender outcomes (Lipsey, 2007). In other words, research indicates that while the effects of this sanctioning option will not increase individual re-offenses, drug testing is only likely to decrease re-offenses by 4%. While any negative change in recidivism is desirable, other evidence-based strategies enhance community safety more effectively. Overall, evidence regarding only drug testing is sparse as it is largely coupled substance abuse and drug court programming. Most criminal justice scholars do agree that drug testing without rehabilitative interventions is not an effective mechanism that produces criminal behavior changes (Bonta, 2010; Lipsey, 2007; Pertersilia, 2005; MacKenzie, 2000; Andrews, 1990).

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 (9%; Table 7.103B). An analysis of national data on state prison inmates indicates that nearly three fourths are in need of some substance abuse intervention. (Belenko & Peugh, 2005)

In implementing Mandatory Substance Abuse Treatment, it is critical that 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.

Evidence Basis

Associated Change in Recidivism: -4% to -20%

Not only has the link between criminal behavior and substance abuse treatments been well documented but targeting services towards substance issues address an individual's criminogenic needs—an evidence-based approach to improving offender outcomes (Lipsey, 2007). As one component of the Needs Principle, drug and alcohol treatments demonstrate a recidivism change interval between -4% and -20% (Lipsey, 2007). This means an individual's likelihood of re-offense is between 4% and 20% lower when compared to sanctioning alternatives. Variations in programming implementation explain the wide recidivism-change interval. An assessment of the Dallas, Texas Community Supervision and Corrections Department reviewed over 400 felony offenders sentenced to mandatory residential substance abuse treatment centers. After two-year follow-up periods, individuals completing treatment programs were 10 percent less likely to recidivate than their counterparts who either did not complete the program or were not enrolled in the substance abuse treatment program (Hiler, et al. 2006).

Substance abuse programs are not only, when effectively implemented, able to positively impact public safety but they are also a cost-effective strategy. A review of Delaware's work release therapeutic program that requires treatment aftercare of offenders reported this option saved \$19 per day per offender when compared to average daily confinement costs (McCollister, et al., 2003).

Strategies Needing Further Consideration

Community Monitoring of Low Risk Population

Increased Drug Court Capacity

Community Monitoring of Low Risk Population

Utilization of a telephone reporting/monitoring system to assist in supervising clients assessed as being 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

These components would need to 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. These offenders will be placed on the telephone reporting and monitoring program whereby they will be required to call the automated telephone reporting system one time per month and identify if they have moved, changed their phone number, changed or added a job and had any contact with law enforcement. The Interactive Voice Response System allows Officers to listen to Probationer messages and leave custom messages for any offender. A Probation Aide 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 to be out of compliance, deputies can respond to address the non-compliance issue(s), as requested by the probation department.

Evidence Basis

Anticipated Change in Recidivism: N/A

Research would indicate that this population should be programmed using Community Corrections Case Management strategies. Historically, in Nevada County, this population has been placed on a minimal supervision caseload, which means all cases are placed on mandatory mail-in reporting requirements. However, officers typically do not respond unless they hear of a new law violation. Implementing community monitoring of low-risk populations is likely to enhance public safety by improving information accuracy and reliability, ensuring reporting requirements are monitored and adhered to, and providing a framework allowing response to violation behaviors and/or absconds in a timely fashion.

Increased Drug Court Capacity

Drug courts help reduce recidivism and substance abuse among nonviolent offenders while increasing an offender's likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions and other rehabilitation services. Drug court integrates substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in a judicially supervised program.

Felony Drug Court is designed around the ten key components of effective drug courts as identified by the National Association of Drug Court Professionals.

- Integration of alcohol and other drug treatment services with the justice system case processing.
- Using a non-adversarial approach
- Identifying participants as early as possible
- Providing appropriate treatment
- Monitoring abstinence through drug testing
- Coordinating services
- Providing ongoing interaction with a judge
- Maintaining and monitoring program effectiveness
- Provide ongoing education to all partners
- Strengthening partnerships

Offenders with a history of underlying substance abuse without a criminal record of serious violence, weapons, manufacturing controlled substances, prior strike convictions, or of being a documented gang member are eligible. After assessment and upon entry to the program the participant is placed in a local residential treatment program for up to 90 days. While in treatment they are intensively monitored, required to submit to random urinalysis, attend 12 step meetings or an approved alternative and obtain employment. Graduated sanctions and incentives as a consequence for unacceptable behavior or a reward for outstanding progress are provided by the court. Participation length in Felony Drug Court is designed to be a minimum of one year.

Evidence Basis

Associated Change in Recidivism: -8%

The body of research supports Drug Courts as an effective strategy for enhancing public safety by reducing an individual's likelihood to re-offend by 8 % (Lipsey, 2007). An increasing number of evaluations pertaining to drug courts corroborate these findings. As with most interventions, offender participation and treatment intensity increase positive outcomes. Drug courts must recognize and manage varying offender needs, level of risk, and foreseeable barriers in order to change criminal behaviors (Latessa, et al., 2003).

While highly effective, drug courts may not be the most cost-effective alternative. Scholars have revealed fiscal impacts are equivalent to incarceration costs; however, these programs successfully free-up jail bed space and produce significant societal net benefits once victim benefits and recidivism reductions are considered during program selection and evaluation (Aos, et al., 2001).

**AB 109 FY 2011/12 BUDGET RECOMMENDATIONS
FOR CONSIDERATION BY THE CCP**

APPENDIX B

SHERIFF'S DEPARTMENT

<u>Program</u>	<u>Position</u>	<u>FTE</u>	<u>Annual Salary</u>	<u>% of Yr</u>	<u>Estimated Cost FY 2011/12</u>
Salary & Benefits:					
Jail	Correctional Officer	1	\$ 77,615	75%	\$ 58,211.25
Jail	Correctional Officer	1	\$ 77,615	75%	\$ 58,211.25
Jail	Correctional Officer	0.5	\$ 38,807	75%	\$ 29,105.62
Law Enforcement	Deputy Sheriff	0.75	\$ 49,714	75%	\$ 37,289.00
Subtotal Salaries & Benefits			\$ 243,751		\$ 182,817.12
Services and Supplies:					
GPS/EM	Equipment Rental				\$ 14,615
Jail	Custody Cost				\$ 82,125.00
Subtotal Services and Supplies					\$ 96,740
Total Proposed Sheriff AB 109 FY 11/12 Budget					\$ 279,557.25

PROBATION DEPARTMENT

Salary & Benefits:					
AB 109	DPO I/II	1	\$ 76,958	75%	\$ 57,719.00
AB 109	Legal Office Assistant	1	\$ 56,905.00	75%	\$ 42,679.00
Subtotal Salary & Benefits			\$ 133,863.00		\$ 100,398.00
Services & Supplies:					
GPS/EM	Equipment Rental				\$ 4,000
DRC	Rewards & Incentives				\$ 4,000
Drug Testing	Presumptive & Lab Testing				\$ 1,000
Treatment	Residential Treatment				\$ 10,560
Subtotal Services & Supplies					19,560
Total Proposed Probation AB 109 FY 11/12 Budget					\$ 119,958

Social Services

Salary & Benefits:					
AB 109	Behavioral Health Therapist	0.25	\$ 19,000	75%	\$ 14,250
Subtotal Salary & Benefits			\$ 19,000.00		\$ 14,250
Services & Supplies:					
General Assistance					\$ 5,000
Housing Services					\$ 5,000
Subtotal Services & Supplies					\$ 10,000
Total Proposed Social Services AB 109 FY 11/12 Budget					\$ 24,250

EDUCATION

GED/Post HS/Vocation					\$ 2,000
Subtotal Services & Supplies					\$ 2,000
Total Proposed Education AB 109 FY 11/12 Budget					\$ 2,000

CONTINGENCY PLAN

Salaries/Services/Supplies					\$ 89,386.75
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TOTAL AB 109 FY 2011/12 BUDGET RECOMMENDATIONS FOR CONSIDERATION BY THE CCP					\$ 515,152
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AB 109 11/12 ALLOCATION					\$ 515.152
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DIFFERENCE					\$ 0
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