

Meeting of the Community Corrections Partnership (CCP) and its Executive Committee (CCPEC)

AGENDA

Thursday, November 6, 2014
10:00 am-12 noon
San Francisco City Hall, Room 305
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Note: *Each member of the public may be allotted no more than 3 minutes to speak on each item.*

1. Call to Order and Introductions.
2. Public Comment on Any Item Listed Below as for “Discussion Only.”
3. Review and Adoption of Meeting Minutes of September 11, 2014 (discussion & possible action).
4. Overview of State Budget and Policy Developments (discussion only).
5. Discussion of Attorney General’s Proposed and Board of State and Community Corrections’ Adopted Definitions of Recidivism (discussion only).
6. Discussion of the Development of the Three Year Realignment Report and 2015 Realignment Plan (discussion and possible action).
7. Update on Community Recidivism Reduction Grant Application (discussion only)
8. Update on Launch of Risk Needs Responsivity Pilot by Leah Rothstein, Research Director, Adult Probation Department (discussion only).
9. Discussion of Unmet Needs Among Older Adults in the Criminal Justice System (discussion only).
10. Update on Implementation of Secure Reentry Program Facility Contract with California Department of Corrections and Rehabilitation (discussion only).
11. Regular Update on the Implementation of the *San Francisco Women’s Community Justice Reform Blueprint* (discussion only).
12. Roundtable Updates on the Implementation of Public Safety Realignment (AB109) and other comments, questions, and requests for future agenda items (discussion only).
13. Public comment on any item listed above, as well as items not listed on the Agenda.
14. Adjournment.

SUBMITTING WRITTEN PUBLIC COMMENT TO THE COMMUNITY CORRECTIONS PARTNERSHIP

Persons who are unable to attend the public meeting may submit to the Community Corrections Partnership, by the time the proceedings begin, written comments regarding the subject of the meeting. These comments will be made a part of the official public record, and brought to the attention of the Community Corrections Partnership. Written comments should be submitted to: Jennifer Scaife, Adult Probation Department, 880 Bryant Street, Room 200, San Francisco, CA 94102, or via email: jennifer.scaife@sfgov.org

MEETING MATERIALS

Copies of agendas, minutes, and explanatory documents are available through the Community Corrections Partnership's website at <http://sfgov.org/adultprobation> or by calling Jennifer Scaife at (415) 553-1593 during normal business hours. The material can be FAXed or mailed to you upon request.

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TRANSLATION

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Administrator
Sunshine Ordinance Task Force
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 94102-4683.
Telephone: (415) 554-7724
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Meeting of the Community Corrections Partnership (CCP)

DRAFT MINUTES

Thursday, September 11, 2014
10:00am
455 Golden Gate Ave, Auditorium
San Francisco, CA

Note: *Each member of the public may be allotted no more than 3 minutes to speak on each item.*

Chief Wendy Still (Chair), Cristine DeBerry (for District Attorney George Gascón), Steve Good, Paul Henderson (for Mayor Ed Lee), Ali Riker (for Sheriff Ross Mirkarimi), Simin Shamji (for Public Defender Jeff Adachi), Noelle Simmons, Garret Tom (for Chief Gregory Suhr), and Frank Williams.

1. Call to Order and Introductions.
Chief Still called the meeting to order at 10:27am once there was quorum. Chief Still welcomed CCP members and interested members of the public. Chief Still asked CCP members to introduce themselves.
2. Public Comment on Any Item Listed Below as for “Discussion Only.”
Chief Still reviewed the agenda and asked for public comment on any of the Agenda items listed for Discussion only. There was none.
3. Review and Adoption of Meeting Minutes of July 24, 2014.
Chief Still asked members to review the minutes from the July 24, 2014 meeting of the CCP. Chief Still asked for comments and called for a motion to adopt the minutes. Paul Henderson moved to adopt the minutes. Simin Shamji seconded. The motion passed unanimously at 10:30am.
4. Discussion and Possible Adoption of Letter of Support of Application to the Board of State and Community Corrections for a Grant in the Amount of \$250,000 to Fund Community Recidivism and Crime Reduction Services Identified by the Community Corrections Partnership.
Chief Still explained that San Francisco has an opportunity to apply for a grant of \$250,000 from the State, via the Board of Supervisors. Specifically, the Budget Act of 2014 (Chapter 25, Statutes of 2014) allocates \$8 million to the Board of State and Community Corrections for the Community Recidivism Reduction Grant described in Penal Code section 1233.10 (Attachment I). She further explained that counties are eligible to receive funds if the Board of Supervisors, in collaboration with the county’s Community Corrections Partnership, agrees to develop a competitive grant program intended to fund community recidivism and

crime reduction services. In developing the grant program, the Board of Supervisors, in collaboration with the CCP, must establish minimum requirements, funding criteria, grant award limits, and procedures for the county to award grants. Each county must notify the BSCC of their interest in participating in this grant program by September 30, 2014. Chief Still proposed to members that the CCP apply the results of the Risk Needs Responsivity (RNR) pilot project, which the San Francisco Probation Department is embarking on in partnership with George Mason University this fall, to the competitive grant program required by this funding opportunity. She referenced the draft letter for CCP members' review and adoption, which would be included in the application to the BSCC and asked for a motion to adopt the letter. Simin Shamji moved to adopt the letter and Frank Williams seconded. A vote was taken and the motion unanimously passed at 10:37am.

5. Presentation by Leah Rothstein, Research Director at the Adult Probation Department, on the Risk Needs Responsivity Pilot Project (discussion only).

Leah Rothstein explained that the Risk Needs Responsivity (RNR) Project was developed by Faye Taxman of George Mason University who is now partnering with the San Francisco Adult Probation Department in an effort to inform SFAPD's service procurement and delivery system and further align with client needs. This project is being sponsored by the Bureau of Justice Assistance. Essentially, the program tool will look at the needs of clients, through data collected by the COMPAS assessment tool currently being used by SFAPD. Data provided by service providers will be analyzed and the RNR tool will identify areas where programs can be improved and provide recommendations for adjustments to the current service delivery system. Because this tool will allow SFAPD to identify areas for ongoing quality improvement within contracted providers, SFAPD will be able to adjust funding priorities in line with RNR findings. The ultimate goal of this project will be to identify the gaps in services for clients and to fill them with appropriate deliverables.

Frank Williams asked Leah how reliable COMPAS is and how often it is updated for clients. She responded that there are several upcoming studies that will examine COMPAS validity and inter-rater reliability. She also assured him that COMPAS assessments are updated every 6 months for clients.

6. Discussion of Letter of Interest, Jointly Submitted by the Sheriff's Department and Adult Probation Department, to the California Department of Corrections and Rehabilitation to develop a Community Based Reentry Center.

Chief Still reminded CCP members that CDCR is under a court order to reduce its prisoner population as a result of the *Plata* and *Coleman* litigation against the State. In addition, one of the provisions of the court order authorizes CDCR to enter into contract with counties to transition inmates back to the community up to 365 days prior to their prison release date. As a result of this, there is currently a huge push to get inmates out of CDCR custody 365 days early. She explained that the possibilities for program design are wide open, including locked facilities, step down facilities, transitional housing, and day treatment centers.

Chief Still directed members to a letter of interest submitted jointly by the Sheriff and Adult Probation, proposing to bring both PRCS and parole inmates back to the Reentry Pod in

County Jail 2 up to 365 days ahead of their release. Furthermore, she explained that APD hopes to create a clean and sober transitional housing program for up to 60 individuals at a site on 6th Street. The goal of these efforts would be to transition individuals out of custody through the Reentry Pod, provide them with transitional supportive housing, and eventually transition them to employment opportunities, as well as rental subsidy programs. She also referenced conversations that she had with Mimi Silbert of Delancey Street Foundation about the possibility of partnering with her organization to offer slots to SFAPD clients.

Noelle Simmons inquired about the length of possible stay for clients at this proposed transitional housing facility and Chief Still said that it would be up to a year.

There were no other questions or comments at this point.

7. Formulating Strategic Priorities for Implementation of Comprehensive Criminal Justice Reform in San Francisco, and Developing Year Three Realignment Plan and Report. Chief Still began by thanking all members who contributed to the drafting of a criminal justice master plan framework. She then introduced Jennifer Scaife, Director of the Reentry Division, to walk members through the drafts and discuss the next steps on creating the Realignment Plan.

Jennifer began by thanking members for their contributions and acknowledged that the current plan is still very much a work in progress. She reminded the CCP members that the initial idea was to partner with Stanford or another institution that has experience in creating a master plan for a jurisdiction. She acknowledged the feedback received from DA's office, indicating that some of the ideas were to add a column "Goals" in order to attract outcomes and to add "Precharging" as a point along the process. This would allow the DA to exercise more flexibility and creativity. Jennifer reiterated the global recommendation to think about victims at every point. It has been suggested that a possible partner document or additional columns be added that would run parallel to address victims.

Jennifer then asked Cristine DeBerry from the DA's office for additional comments. Cristine acknowledged that much more work is needed and reminded members of the importance of calling out certain populations – victims, juveniles, and the community. She stressed the value of finding ways to engage the community in the public safety challenge and need to discover how to motivate them.

Simin Shamji followed by complimenting the draft as a great start. She stressed the importance and need to be explicit about identifying funding resources to each step. She suggested adding a column, "Resource Identification and Funding Sources".

Chief Still suggested that we look at other universities with expertise that could lend itself in helping us through this process. She stated that the MacArthur Foundation is getting ready to issue grants to programs whose goal is to reduce reliance on incarceration and create alternatives to incarceration.

Noelle Simmons suggested thinking about housing strategies outside of “capital expenses”, indicating that there are lower cost interventions that need to be considered.

Jennifer closed by saying that she hopes to continue to expand this conversation during the Realignment planning meetings every Friday. She announced that we received approval from BJA for funding for Phase 2 of the JRI and this funding will cover all three strategies.

8. Regular Update on the Implementation of the *San Francisco Women’s Community Justice Reform Blueprint*, with Presentation by Danielle Evans, Director of Women’s Services, Center on Juvenile and Criminal Justice.
Danielle Evans, Director of Women’s Services at CJCJ, gave an overview of Cameo House, the APD funded alternative sentencing program. She explained that Cameo House is trying to identify women who are most at risk and screen them for the program and offer intensive clinical services, as an alternative to incarceration. She explained that Cameo House is an evidence based treatment that provides a highly structured program, including a full time therapist, a child advocate, individual and group therapy, and gender responsive curricula. In addition, there is daily nutritional programming, recovery groups, and case management, with treatment plans aimed at linking women to services which address socioeconomic barriers. Danielle reiterated that the overall goal of the program, in partnership with HSA, is permanent placement in housing with life skills that will allow participants to be successful. Steve Good applauded this program and called for replication so that more parenting women may stay with their children in lieu of jail. Cristine DeBerry commented that additional programs like Cameo House are needed as alternatives to the jail rebuild. She reiterated the importance of rethinking the jail rebuild and challenged CCP members to deliver these alternatives to the Mayor and the Board.
9. Roundtable Updates on the Implementation of Public Safety Realignment (AB109) and other comments, questions, and requests for future agenda items.
Chief Still called for requests for future agenda items. Steve Good suggested a report on the Adult Education Consortium findings and Ali Riker requested an update on JRI. Cristine DeBerry would like to ask HSA and DPH to bring numbers on mental health and substance abuse services and utilization in hopes of identifying service needs and gaps. She indicated that this should shape the type of locked facility San Francisco will use to replace the current jail and noted that these demographics should drive additional facilities. Frank Williams would like to do a presentation focused on the specific needs of the older adult population (seniors). Chief Still followed by stating that we need data prior to the development of a master plan. Finally, Chief Still announced that after five years with San Francisco Adult Probation, she will be retiring at the end of 2014. Members noted her extraordinary contributions to the shape of community corrections in San Francisco and expressed regret about her departure.
10. Public comment on any item listed above, as well as items not listed on the Agenda.

Chief Still thanked members and the interested public who attended the meeting and invited any members of the public to come forward to public comment. There was no public comment.

11. Adjournment.

Chief Still thanked members and staff and announced that the next meeting would be held on Thursday, November 6th. Simin Shamji took this time to thank Chief Still for her work and her vision and reiterated that she will be missed. Simin Shamji motioned and Paul Henderson seconded. The meeting was adjourned at 11:52pm.

2014 State Legislation of Interest to CCP Members

Below is a small selection of bills that were signed by Governor Brown and will have a direct impact on Realignment and those affected by Realignment. Most of this legislation will go into effect on January 1, 2015.

Bill

Number	Author	Description
AB 1628	Steve Fox	Allows a grandparent to petition for visitation of a child whose parents are married but one parent is incarcerated or involuntarily institutionalized.
AB 1650	Reggie Jones-Sawyer	Ban the Box for state contractors' on-site construction jobs.
AB 1702	Brian Maienschein	Prior incarceration cannot be sole reason for disqualification when applying for a professional license, unless directly-related.
AB 2060	Victor Manuel Perez	Provides grant money to fund job training for people serving supervised release.
AB 2396	Rob Bonta	Prohibits a board within the Department of Consumer Affairs from denying a professional license to an applicant based solely on a conviction that has been dismissed by the court pursuant to Penal Code 1203.4, 1203.4a, or 1203.41. Must show proof of dismissal.
SB 833	Carol Liu	Allows people to stay at county jails for up to 16 hours after their release date, in order to be released during safe daytime hours, instead of the middle of the night.
SB 1384	Holly Mitchell	Ends the requirement that the Public Health department deny a training and examination application and deny, suspend, or revoke a CNA certificate if the applicant or certificate holder has been convicted of a violation or attempted violation of one or more specified crimes.

Assembly Bill No. 1628

CHAPTER 328

An act to amend Section 3104 of the Family Code, relating to visitation rights.

[Approved by Governor September 15, 2014. Filed with Secretary of State September 15, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1628, Fox. Visitation rights: grandparent rights.

Existing law provides that a grandparent may petition the court for visitation rights. The court may grant visitation if the court finds that the grandparent and grandchild have a preexisting relationship that has engendered a bond such that granting the grandparent visitation is in the best interest of the child and the court balances the interest of the child in having visitation with the grandparent against the parents' right to exercise their parental authority, subject to specified exceptions. Existing law prohibits a grandparent from filing a petition for visitation while the natural or adoptive parents are married, unless one or more of several circumstances are present, including that the child is not residing with either parent.

This bill would additionally permit a grandparent to file a petition for visitation while the natural or adoptive parents are married if one of the parents is incarcerated or involuntarily institutionalized.

The people of the State of California do enact as follows:

SECTION 1. Section 3104 of the Family Code is amended to read:

3104. (a) On petition to the court by a grandparent of a minor child, the court may grant reasonable visitation rights to the grandparent if the court does both of the following:

(1) Finds that there is a preexisting relationship between the grandparent and the grandchild that has engendered a bond such that visitation is in the best interest of the child.

(2) Balances the interest of the child in having visitation with the grandparent against the right of the parents to exercise their parental authority.

(b) A petition for visitation under this section shall not be filed while the natural or adoptive parents are married, unless one or more of the following circumstances exist:

(1) The parents are currently living separately and apart on a permanent or indefinite basis.

(2) One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse.

(3) One of the parents joins in the petition with the grandparents.

(4) The child is not residing with either parent.

(5) The child has been adopted by a stepparent.

(6) One of the parents is incarcerated or involuntarily institutionalized.

At any time that a change of circumstances occurs such that none of these circumstances exist, the parent or parents may move the court to terminate grandparental visitation and the court shall grant the termination.

(c) The petitioner shall give notice of the petition to each of the parents of the child, any stepparent, and any person who has physical custody of the child, by personal service pursuant to Section 415.10 of the Code of Civil Procedure.

(d) If a protective order as defined in Section 6218 has been directed to the grandparent during the pendency of the proceeding, the court shall consider whether the best interest of the child requires that any visitation by that grandparent should be denied.

(e) There is a rebuttable presumption that the visitation of a grandparent is not in the best interest of a minor child if the natural or adoptive parents agree that the grandparent should not be granted visitation rights.

(f) There is a rebuttable presumption affecting the burden of proof that the visitation of a grandparent is not in the best interest of a minor child if the parent who has been awarded sole legal and physical custody of the child in another proceeding, or the parent with whom the child resides if there is currently no operative custody order objects to visitation by the grandparent.

(g) Visitation rights may not be ordered under this section if that would conflict with a right of custody or visitation of a birth parent who is not a party to the proceeding.

(h) Visitation ordered pursuant to this section shall not create a basis for or against a change of residence of the child, but shall be one of the factors for the court to consider in ordering a change of residence.

(i) When a court orders grandparental visitation pursuant to this section, the court in its discretion may, based upon the relevant circumstances of the case:

(1) Allocate the percentage of grandparental visitation between the parents for purposes of the calculation of child support pursuant to the statewide uniform guideline (Article 2 (commencing with Section 4050) of Chapter 2 of Part 2 of Division 9).

(2) Notwithstanding Sections 3930 and 3951, order a parent or grandparent to pay to the other, an amount for the support of the child or grandchild. For purposes of this paragraph, "support" means costs related to visitation such as any of the following:

(A) Transportation.

(B) Provision of basic expenses for the child or grandchild, such as medical expenses, day care costs, and other necessities.

(j) As used in this section, “birth parent” means “birth parent” as defined in Section 8512.

Assembly Bill No. 1650

CHAPTER 880

An act to add Section 10186 to the Public Contract Code, relating to public contracts.

[Approved by Governor September 30, 2014. Filed with Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, Jones-Sawyer. Public contracts: bidders: employment practices.

The State Contract Act governs contracting between state agencies and private contractors, and sets forth requirements for the bidding, awarding, and overseeing, of contracts for projects. The act defines a project to include the construction or other improvement to a state structure, building, road, or other state improvement of any kind, that will exceed a total cost limit of \$250,000 for the 2010 calendar year, as adjusted every 2 years.

Existing regulatory law generally prohibits employers from asking an applicant for employment to disclose information concerning convictions that have been sealed, expunged, or statutorily eradicated, and certain marijuana-related convictions if the convictions are more than 2 years old. Existing law, commencing July 1, 2014, prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

This bill would enact the Fair Chance Employment Act, which would require any person submitting a bid for a state contract involving onsite construction-related services to certify that the person will not ask an applicant for onsite construction-related employment to disclose information concerning his or her conviction history on or at the time of an initial employment application. The bill would not apply to a position for which a person or state agency is otherwise required by state or federal law to conduct a conviction or criminal history background check or to any contract position with a criminal justice agency, as specified. This bill would not apply to a person to the extent that he or she obtains workers from a hiring hall pursuant to a bona fide collective bargaining agreement.

The people of the State of California do enact as follows:

SECTION 1. Section 10186 is added to the Public Contract Code, to read:

10186. (a) This section shall be known, and may be cited, as the "Fair Chance Employment Act."

(b) Any person submitting a bid to the state on a contract involving onsite construction-related services shall certify that the person will not ask an applicant for onsite construction-related employment to disclose orally or in writing information concerning the conviction history of the applicant on or at the time of an initial employment application.

(c) This section shall not apply to a position for which the person or the state is otherwise required by state or federal law to conduct a conviction history background check or to any contract position with a criminal justice agency, as that term is defined in Section 13101 of the Penal Code.

(d) This section shall not apply to a person to the extent that he or she obtains workers from a hiring hall pursuant to a bona fide collective bargaining agreement.

O

Assembly Bill No. 1702

CHAPTER 410

An act to add Section 480.5 to the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 18, 2014. Filed with Secretary of State September 18, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1702, Maienschein. Professions and vocations: incarceration.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other entities. Existing law establishes various eligibility criteria needed to qualify for a license and authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

This bill would provide that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

The people of the State of California do enact as follows:

SECTION 1. Section 480.5 is added to the Business and Professions Code, to read:

480.5. (a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

O

Assembly Bill No. 2060

CHAPTER 383

An act to add and repeal Chapter 4 (commencing with Section 1234) of Title 8 of Part 2 of the Penal Code, relating to recidivism.

[Approved by Governor September 17, 2014. Filed with
Secretary of State September 17, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2060, V. Manuel Pérez. Supervised Population Workforce Training Grant Program.

Existing law defines probation to mean the suspension of the imposition or execution of a sentence of an individual convicted of a crime and the order of his or her conditional and revocable release in the community under the supervision of a probation officer. Existing law authorizes probation for some, but not all, felony convictions.

Existing law requires all eligible people released from prison on and after October 1, 2011, or, whose sentences have been deemed served, as provided, after serving a prison term for a felony, upon release from prison, and for a period not exceeding 3 years immediately following release, to be subject to postrelease community supervision provided by a county agency designated by each county's board of supervisors that is consistent with evidence-based practices, including, but not limited to, supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under postrelease supervision. Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.

This bill, until January 1, 2021, would establish the Supervised Population Workforce Training Grant Program to be administered, as provided, by the California Workforce Investment Board and funded, upon appropriation by the Legislature. The bill would provide grant program eligibility criteria for counties and provide that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which would include individuals on probation, mandatory supervision, and postrelease community supervision. By January 1, 2018, the board would be required to submit a report to the Legislature containing specified information, including an evaluation of the effectiveness of the grant program.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the 2014 Budget Act appropriated one million dollars (\$1,000,000) to the Employment Development Department for the purpose of a recidivism reduction workforce training and development grant program, payable from the Recidivism Reduction Fund.

(b) It is the intent of the Legislature that the California Workforce Investment Board be responsible for setting the policy of the grant program, and that this act allow the Employment Development Department to provide funds from its budget appropriation to the California Workforce Investment Board through an interagency agreement.

SEC. 2. Chapter 4 (commencing with Section 1234) is added to Title 8 of Part 2 of the Penal Code, to read:

CHAPTER 4. SUPERVISED POPULATION WORKFORCE TRAINING GRANT PROGRAM

1234. For purposes of this chapter, the following terms have the following meanings:

(a) "California Workforce Investment Board" or "State WIB" means the California Workforce Investment Board established pursuant to Article 1 (commencing with Section 14010) of Chapter 3 of Division 7 of the Unemployment Insurance Code.

(b) "Grant program" means the Supervised Population Workforce Training Grant Program.

(c) "Supervised population" means those persons who are on probation, mandatory supervision, or postrelease community supervision and are supervised by, or are under the jurisdiction of, a county.

1234.1. (a) This chapter establishes the Supervised Population Workforce Training Grant Program to be administered by the California Workforce Investment Board.

(b) The grant program shall be developed and implemented in accordance with the criteria set forth in Section 1234.3. In developing the program, the State WIB shall consult with public and private stakeholders, including local workforce investment boards, local governments, and nonprofit community-based organizations that serve the supervised population.

(c) The grant program shall be funded, upon appropriation by the Legislature. Implementation of this program is contingent upon the director of the State WIB notifying the Department of Finance that sufficient moneys have been appropriated for this specific grant program.

(d) The outcomes from the grant program shall be reported pursuant to Section 1234.4.

1234.2. The State WIB shall administer the grant program as follows:

(a) Develop criteria for the selection of grant recipients through a public application process, including, but not limited to, the rating and ranking of applications that meet the threshold criteria set forth in this section.

(b) Design the grant program application process to ensure all of the following occurs:

(1) Outreach and technical assistance is made available to eligible applicants, especially to small population and rural counties.

(2) Grants are awarded on a competitive basis.

(3) Small and rural counties are competitive in applying for funds.

(4) Applicants are encouraged to develop evidence-based, best practices for serving the workforce training and education needs of the supervised population.

(5) The education and training needs of both of the following are addressed:

(A) Individuals with some postsecondary education who can enter into programs and benefit from services that result in certifications, and placement on a middle skill career ladder.

(B) Individuals who require basic education as well as training in order to obtain entry level jobs where there are opportunities for career advancement.

1234.3. (a) The grant program shall be competitively awarded through at least two rounds of funding, with the first phase of funding being awarded on or before May 1, 2015.

(b) Each county is eligible to apply, and a single application may include multiple counties applying jointly. Each application shall include a partnership agreement between the county or counties and one or more local workforce investment boards that outline the actions each party agrees to undertake as part of the project proposed in the application.

(c) At a minimum, each project proposed in the application shall include a provision for an education and training assessment for each individual of the supervised population who participates in the project. The assessment may be undertaken by the applicant or by another entity. A prior assessment of an individual may be used if, in the determination of the State WIB, its results are accurate.

(d) Eligible uses of grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population. Supportive services and job readiness activities shall serve as bridge activities that lead to enrollment in long-term training programs.

(e) Preference shall be awarded to applications for the following:

(1) An application that proposes matching funds, including, but not limited to, moneys committed by local workforce investment boards, local governments, and private foundation funds.

(2) An application submitted by a county that currently administers or participates in a workforce training program for the supervised population.

(3) An application that proposes participation by one or more nonprofit community-based organizations that serve the supervised population.

(f) An application shall meet the following requirements:

(1) Set a specific purpose for the use of the grant funds, as well as provide the baseline criteria and metrics by which the overall success of the grant project can be evaluated.

(2) Define the specific subset of the supervised population, among the eligible supervised population that the grant money will serve.

(3) Define the industry sector or sectors in which the targeted supervised population will be trained, including the current and projected workforce within the region for those jobs, the range of wage rates, and the training and education requirements within those industry sectors.

(4) Define the general methodology and training methods proposed to be used and explain the manner in which the progress of the targeted supervised population will be monitored during the grant period.

(g) As a condition of receiving funds, a grant recipient shall agree to provide information to the State WIB in sufficient detail to allow the State WIB to meet the reporting requirements in Section 1234.4.

1234.4. (a) On at least an annual basis, and upon completion of the grant period, grant recipients shall report to the State WIB regarding their use of the funds and workforce training program outcomes.

(b) By January 1, 2018, the State WIB shall submit a report to the Legislature using the reports from the grant recipients. The report shall contain all the following information:

(1) The overall success of the grant program, based on the goals and metrics set in the awarded grants.

(2) An evaluation of the effectiveness of the grant program based on the goals and metrics set in the awarded grants.

(3) A recommendation on the long-term viability of local workforce investment board and county collaborations on workforce training programs for the supervised population.

(4) A recommendation on the long-term viability of county workforce training programs for the supervised population.

(5) In considering the overall success and effectiveness of the grant program, the report shall include a discussion of all of the following:

(A) Whether the programs aligned with the workforce needs of high-demand sectors of the state and regional economies.

(B) Whether there was an active job market for the skills being developed where the member of the supervised population was likely to be released.

(C) Whether the program increased the number of members of the supervised population that obtained a marketable and industry or apprenticeship board-recognized certification, credential, or degree.

(D) Whether the program increased the numbers of the supervised population that successfully complete a job readiness basic skill bridge program and enroll in a long-term training program.

(E) Whether there were formal or informal networks in the field that support finding employment upon release from custody.

(F) Whether the program led to employment in occupations with a livable wage.

(c) (1) The requirement for submitting a report imposed under subdivision (b) is inoperative on January 1, 2021, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

1234.5. This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

Assembly Bill No. 2396

CHAPTER 737

An act to amend Section 480 of the Business and Professions Code, relating to expungement.

[Approved by Governor September 28, 2014. Filed with
Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, Bonta. Convictions: expungement: licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on various grounds, including, but not limited to, conviction of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law prohibits a board from denying a license on the ground that the applicant has committed a crime if the applicant shows that he or she obtained a certificate of rehabilitation in the case of a felony, or that he or she has met all applicable requirements of the criteria of rehabilitation developed by the board, as specified, in the case of a misdemeanor.

Existing law permits a defendant to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty in any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or has been convicted of a misdemeanor and not granted probation and has fully complied with and performed the sentence of the court, or has been sentenced to a county jail for a felony, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted this or other specified relief and requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

This bill would prohibit a board within the Department of Consumer Affairs from denying a license based solely on a conviction that has been dismissed pursuant to the above provisions. The bill would require an applicant who has a conviction that has been dismissed pursuant to the above provisions to provide proof of the dismissal.

The people of the State of California do enact as follows:

SECTION 1. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

Senate Bill No. 833

CHAPTER 90

An act to amend Section 4024 of the Penal Code, relating to jails.

[Approved by Governor July 7, 2014. Filed with Secretary
of State July 7, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 833, Liu. Jails: discharge of prisoners.

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill would additionally authorize the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours, as specified. The prisoner would be allowed to revoke his or her consent and be discharged as soon as possible and practicable. The bill would also specify that this authorization does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoner's express written consent. The bill would specify that offering this voluntary program is an act of discretion under a specified provision of law that provides immunity from civil liability to a public employee for injuries resulting from the employee's exercise of discretion.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

- (a) City and county jails throughout California regularly release jailed persons during nighttime hours.
- (b) Oftentimes persons released during late night hours are unable to access basic reentry services.
- (c) Persons who suffer from mental illness or substance addiction are sometimes unable to access immediate treatment services following a late night release from jail.
- (d) Many California counties have reentry centers that provide a range of services and referrals for persons recently released from jail, however,

most centers are typically open during business hours only, leaving persons released at night without these immediate benefits.

(e) While some jurisdictions have attempted to address this issue, there is no standardized policy in place to govern release times.

(f) County detention facilities in Florida, Michigan, Nevada, and New Jersey follow local procedures to release individuals around 6 a.m. on the day they are ordered released, with an exception made when bail is posted.

(g) Las Vegas Metro Detention Center in Nevada releases men and women during the day and night, however, women released at night are brought to a designated part of the city due to safety concerns.

SEC. 2. Section 4024 of the Penal Code is amended to read:

4024. (a) The sheriff may discharge any prisoner from the county jail at such time on the last day such prisoner may be confined as the sheriff shall consider to be in the best interests of the prisoner.

(b) (1) Upon completion of a sentence served by a prisoner or the release of a prisoner ordered by the court to be effected the same day, including prisoners who are released on their own recognizance, have their charges dismissed by the court, are acquitted by a jury, are cited and released on a misdemeanor charge, have posted bail, or have the charges against them dropped by the prosecutor, the sheriff may offer a voluntary program to the prisoner that would allow that prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours. The prisoner may revoke his or her consent and be discharged as soon as possible and practicable.

(2) This subdivision does not prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoner's express written consent.

(3) Offering this voluntary program is an act of discretion within the meaning of Section 820.2 of the Government Code.

(4) If a prisoner has posted bail and elects to participate in this program, he or she shall notify the bail agent as soon as possible and practicable of his or her decision to participate.

(5) A sheriff offering this program shall, whenever possible, allow the prisoner volunteering to participate in the program to make a telephone call to either arrange for transportation, or to notify the bail agent pursuant to paragraph (4), or both.

Senate Bill No. 1384

CHAPTER 847

An act to amend Sections 1337.9 and 1338.5 of the Health and Safety Code, relating to health facilities.

[Approved by Governor September 29, 2014. Filed with
Secretary of State September 29, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1384, Mitchell. Certified nurse assistants.

Existing law provides for the certification of nurse assistants by the State Department of Public Health. Existing law authorizes the department to deny an application for, initiate an action to suspend or revoke a certificate for, or deny a training and examination application for a nurse assistant under specified circumstances. Existing law requires, with some exceptions, the department to deny a training and examination application and deny, suspend, or revoke a certificate if the applicant or certificate holder has been convicted of a violation of or attempted violation of one or more specified crimes.

This bill would delete the requirement that the department deny a training and examination application and deny, suspend, or revoke a certificate if the applicant or certificate holder has been convicted of a violation or attempted violation of one or more of the specified crimes. The bill would make findings and declarations related to these provisions, and would make other related and conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 1337.9 of the Health and Safety Code is amended to read:

1337.9. (a) The Legislature finds and declares all of the following:

(1) Recidivism is reduced when criminal offenders are given the opportunity to secure employment and engage in a trade, occupation, or profession.

(2) It is in the interest of public safety to assist in the rehabilitation of criminal offenders by removing impediments and restrictions upon the offenders' ability to obtain employment or engage in a trade, occupation, or profession based solely upon the existence of a criminal record.

(3) It is the intent of the Legislature that the state department, in determining eligibility under this section, have discretion to consider a conviction, but that the conviction not operate as an automatic bar to certification.

(b) The state department may deny an application for, initiate an action to suspend or revoke a certificate for, or deny a training and examination application for, a nurse assistant for any of the following:

(1) Unprofessional conduct, including, but not limited to, incompetence, gross negligence, unless due to circumstances beyond the nurse assistant's control, physical, mental, or verbal abuse of patients, or misappropriation of property of patients or others.

(2) Conviction of a crime substantially related to the qualifications, functions, and duties of a certified nurse assistant if the state department determines that the applicant or certificate holder has not adequately demonstrated that he or she has been rehabilitated and will present a threat to the health, safety, or welfare of patients.

(3) Conviction for, or use of, any controlled substance as defined in Division 10 (commencing with Section 11000), or any dangerous drug, as defined in Section 4022 of the Business and Professions Code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to the certified nurse assistant, any other person, or the public, to the extent that this use would impair the ability to conduct, with safety to the public, the practice authorized by a certificate.

(4) Procuring a certified nurse assistant certificate by fraud or misrepresentation or mistake.

(5) Making or giving any false statement or information in conjunction with the application for issuance of a nurse assistant certificate or training and examination application.

(6) Impersonating any applicant, or acting as proxy for an applicant, in any examination required under this article for the issuance of a certificate.

(7) Impersonating another certified nurse assistant, a licensed vocational nurse, or a registered nurse, or permitting or allowing another person to use a certificate for the purpose of providing nursing services.

(8) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of, this article.

(c) In determining whether or not to deny the application for licensure or renewal pursuant to paragraph (2) of subdivision (b), the department shall take into consideration the following factors as evidence of good character and rehabilitation:

(1) The nature and seriousness of the conduct or crime under consideration and its relationship to their employment duties and responsibilities.

(2) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.

(3) The period of time that has elapsed since the commission of the conduct or offense referred to in paragraph (1) or (2) and the number of offenses.

(4) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanction lawfully imposed against the person.

(5) Any rehabilitation evidence, including character references, submitted by the person.

(6) Employment history and current employer recommendations.

(7) Circumstances surrounding the commission of the offense that would demonstrate the unlikelihood of repetition.

(8) An order from a superior court pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(9) The granting by the Governor of a full and unconditional pardon.

(10) A certificate of rehabilitation from a superior court.

(d) When the state department determines that a certificate shall be suspended, the state department shall specify the period of actual suspension. The state department may stay the suspension and place the certificate holder on probation with specified conditions for a period not to exceed two years. If the state department determines that probation is the appropriate action, the certificate holder shall be notified that in lieu of the state department proceeding with a formal action to suspend the certification and in lieu of an appeal pursuant to subdivision (g), the certificate holder may request to enter into a diversion program agreement. A diversion program agreement shall specify terms and conditions related to matters, including, but not limited to, work performance, rehabilitation, training, counseling, progress reports, and treatment programs. If a certificate holder successfully completes a diversion program, no action shall be taken upon the allegations that were the basis for the diversion agreement. Upon failure of the certificate holder to comply with the terms and conditions of an agreement, the state department may proceed with a formal action to suspend or revoke the certification.

(e) A plea or verdict of guilty, or a conviction following a plea of nolo contendere shall be deemed a conviction within the meaning of this article. The state department may deny an application or deny, suspend, or revoke a certification based on a conviction as provided in this article when the judgment of conviction is entered or when an order granting probation is made suspending the imposition of sentence.

(f) Upon determination to deny an application or deny, revoke, or suspend a certificate, the state department shall notify the applicant or certificate holder in writing by certified mail of all of the following:

(1) The reasons for the determination.

(2) The applicant's or certificate holder's right to appeal the determination.

(g) (1) Upon written notification that the state department has determined that an application shall be denied or a certificate shall be denied, suspended, or revoked, the applicant or certificate holder may request an administrative hearing by submitting a written request to the state department within 20 business days of receipt of the written notification. Upon receipt of a written request, the state department shall hold an administrative hearing pursuant to the procedures specified in Section 100171, except where those procedures are inconsistent with this section.

(2) A hearing under this section shall be conducted within 60 days of the receipt of the written request of the applicant or certificate holder submitted pursuant to paragraph (1) by a hearing officer or administrative law judge designated by the director at a location, other than the work facility, convenient to the applicant or certificate holder unless the applicant or certificate holder agrees to an extension. The hearing shall be tape recorded and a written decision shall be sent by certified mail to the applicant or certificate holder within 30 calendar days of the hearing. Except as specified in subdivision (h), the effective date of an action to revoke or suspend a certificate shall be specified in the written decision, or if no administrative hearing is timely requested, the effective date shall be 21 business days from written notification of the department's determination to revoke or suspend.

(h) The state department may revoke or suspend a certificate prior to any hearing when immediate action is necessary in the judgment of the director to protect the public welfare. Notice of this action, including a statement of the necessity of immediate action to protect the public welfare, shall be sent in accordance with subdivision (d). If the certificate holder requests an administrative hearing pursuant to subdivision (g), the state department shall hold the administrative hearing as soon as possible but not later than 30 calendar days from receipt of the request for a hearing. A written hearing decision upholding or setting aside the action shall be sent by certified mail to the certificate holder within 30 calendar days of the hearing.

(i) Upon the expiration of the term of suspension, he or she shall be reinstated by the state department and shall be entitled to resume practice unless it is established to the satisfaction of the state department that the person has practiced as a certified nurse assistant in this state during the term of suspension. In this event, the state department shall revoke the person's certificate.

(j) Upon a determination to deny an application or deny, revoke, or suspend a certificate, the state department shall notify the employer of the applicant and certificate holder in writing of that determination, and whether the determination is final, or whether a hearing is pending relating to this determination. If a licensee or facility is required to deny employment or terminate employment of the employee based upon notice from the state that the employee is determined to be unsuitable for employment under this section, the licensee or facility shall not incur criminal, civil, unemployment insurance, workers' compensation, or administrative liability as a result of that denial or termination.

SEC. 2. Section 1338.5 of the Health and Safety Code is amended to read:

1338.5. (a) (1) (A) A criminal record clearance shall be conducted for all nurse assistants by the submission of fingerprint images and related information to the state department for processing at the Department of Justice. The licensing and certification program shall issue an All Facilities Letter (AFL) to facility licensees when both of the following criteria are met:

(i) The program receives, within three business days, 95 percent of its total responses indicating no evidence of recorded criminal information from the Department of Justice.

(ii) The program processes 95 percent of its total responses requiring disqualification in accordance with subparagraph (C) of paragraph (2) of subdivision (a) of Section 1337.9, as that section read on January 1, 2014, no later than 45 days after the date that the report is received from the Department of Justice.

(B) After the AFL is issued, licensees shall not allow nurse assistant trainees or newly hired nurse assistants to have direct contact with clients or residents of the facility prior to completion of the criminal record clearance. A criminal record clearance shall be complete when the department has obtained the person's criminal offender record information search response information from the Department of Justice and has determined that the person is not disqualified from engaging in the activity for which clearance is required. Notwithstanding any other provision of law, the department may, without taking regulatory action pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, implement, interpret, or make specific this paragraph by means of an AFL or similar instruction. The fee to cover the processing costs of the Department of Justice, not including the costs associated with capturing or transmitting the fingerprint images and related information, shall not exceed thirty-two dollars (\$32) per submission.

(C) An applicant or certificate holder who may be disqualified on the basis of a criminal conviction shall provide the department with a certified copy of the judgment of each conviction. In addition, the individual may, during a period of two years after the department receives the criminal record report, provide the department with evidence of good character and rehabilitation in accordance with subdivision (c) of Section 1337.9. Upon receipt of a new application for certification of the individual, the department may receive and consider the evidence during the two-year period without requiring additional fingerprint imaging to clear the individual.

(D) The department's Licensing and Certification Program shall explore and implement methods for maximizing its efficiency in processing criminal record clearances within the requirements of law, including a streamlined clearance process for persons who have been disqualified on the basis of criminal convictions.

(2) (A) Upon enrollment in a training program for nurse assistant certification, and prior to direct contact with residents, a candidate for training shall submit a training and examination application and the fingerprint cards to the state department to receive a criminal record review through the Department of Justice. Submission of the fingerprints to the Federal Bureau of Investigation shall be at the discretion of the state department.

(B) An applicant and any other person specified in this subdivision, as part of the background clearance process, shall provide information as to whether or not the person has any prior criminal convictions, has had any

arrests within the past 12-month period, or has any active arrests, and shall certify that, to the best of his or her knowledge, the information provided is true. This requirement is not intended to duplicate existing requirements for individuals who are required to submit fingerprint images as part of a criminal background clearance process. Every applicant shall provide information on any prior administrative action taken against him or her by any federal, state, or local government agency and shall certify that, to the best of his or her knowledge, the information provided is true. An applicant or other person required to provide information pursuant to this section that knowingly or willfully makes false statements, representations, or omissions may be subject to administrative action, including, but not limited to, denial of his or her application or exemption or revocation of any exemption previously granted.

(3) Each health facility that operates and is used as a clinical skills site for certification training, and each health facility, prior to hiring a nurse assistant applicant certified in another state or country, shall arrange for and pay the cost of the fingerprint live scan service and the Department of Justice processing costs for each applicant. Health facilities may not pass these costs through to nurse assistant applicants unless allowed by federal law enacted subsequent to the effective date of this paragraph.

(b) The use of fingerprint live scan technology implemented by the Department of Justice by the year 1999 shall be used by the Department of Justice to generate timely and accurate positive fingerprint identification prior to nurse assistant certification and prior to direct contact with residents by the nurse assistant applicant. The department shall explore options to work with private and governmental agencies to ensure that licensees have adequate access to electronic transmission sites, including requiring the department to maintain a contract for electronic transmission services in each of the district offices where facilities have indicated problems with timely access to electronic transmission sites or consistent delays of more than three business days in obtaining appointments for electronic transmission services through a private entity, government agency, or law enforcement agency.

(c) The state department shall develop procedures to ensure that any licensee, direct care staff, or certificate holder for whom a criminal record has been obtained pursuant to this section or Section 1265.5 or 1736 shall not be required to obtain multiple criminal record clearances.

(d) If the department is experiencing a delay in processing the renewal of the certified nursing assistant's certification at the time of the expiration of the certified nursing assistant's certification, the department may extend the expiration of the certified nursing assistant's certification for six months.

(e) If, at any time, the department determines that it does not meet the standards specified in clauses (i) and (ii) of subparagraph (A) of paragraph (1) of subdivision (a), for a period of 90 consecutive days, the requirements in paragraph (1) of subdivision (a) shall be inoperative until the department can demonstrate it has met those standards for a period of 90 consecutive days.

(f) During any time in which the requirements of paragraph (1) of subdivision (a) are inoperative, facilities may allow newly hired nurse assistants to have direct contact with clients or residents of the facility after those persons have submitted live scan fingerprint images to the Department of Justice, and the department shall issue an AFL advising facilities of this change in the statutory requirements.

(g) Notwithstanding any other law, the department is authorized to provide an individual with a copy of his or her state or federal level criminal offender record information search response as provided to that department by the Department of Justice if the department has denied a criminal background clearance based on this information and the individual makes a written request to the department for a copy specifying an address to which it is to be sent. The state or federal level criminal offender record information search response shall not be modified or altered from its form or content as provided by the Department of Justice and shall be provided to the address specified by the individual in their written request. The department shall retain a copy of the individual's written request and the response and date provided.



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
KAMALA D. HARRIS
ATTORNEY GENERAL

October 16, 2014

Dear Public Safety Partners,

California has experienced fundamental changes to its criminal justice system over the past three years. These changes, initiated by Public Safety Realignment in 2012, have forced California's leaders and citizens to confront difficult questions about how our state approaches prosecution and incarceration in pursuit of public safety.

As the chief law enforcement officer of the State of California, I have no greater priority than the public safety of our communities. But to truly ensure public safety, we cannot afford to follow outdated criminal justice policies for the sake of tradition. Rather, real public safety requires us to think and act with innovation and data-driven analysis to maximize our return on investment for the billions of dollars we spend on criminal justice each year.

As a result of Public Safety Realignment, local law enforcement agencies are putting greater resources into programs to reduce recidivism. The California Department of Justice is developing initiatives and data sets to make our criminal justice system more efficient, effective, and outcome driven. To this end, in November 2013, I launched the Department's Division of Recidivism Reduction and Re-Entry – "DR3" for short – to develop best practices throughout California.

Today, I am pleased to release the results of the first step of one such DR3 initiative: **the Attorney General's proposed statewide definition of recidivism in California.**

Universally defining recidivism is a fundamentally important issue if we are to be smart on crime. In California, Public Safety Realignment has shifted responsibility for incarceration and supervision of many offenders to our local counties. However, California lacks any uniform or standard way to measure the rate of individuals who re-commit crimes.

Although for many years the California Department of Corrections and Rehabilitation has set the gold standard in calculating recidivism rates for state prison offenders, Public Safety Realignment creates a need for a standard recidivism definition that *also* includes county-level offenders.

This need, paired with the Department of Justice's role in collecting and analyzing crime data, made developing a standard definition a core priority for DR3. We began earlier this year with a comprehensive survey of over 540 law enforcement, corrections, and policy stakeholders to assess how stakeholders define and track recidivism across jurisdictions and agencies. We received an impressive response rate from this survey, which reinforced the importance of a statewide definition. The survey indicated the following:

- **Who tracks recidivism?**
 - 60% of respondents reported no definition of recidivism.
 - 34% reported they tracked no data relating to recidivism.
- **Who is Law Enforcement tracking to measure recidivism?**

69% of respondents who use a definition of recidivism track offenders who qualify as Realignment offenders – that is, offenders who commit non-violent, non-serious, and non-sexual crimes.
- Other prevalent population groups include individuals placed on felony probation, released felons (regardless of whether they were released from county jail or prison), and probation and parole violators.
- **What event metrics do Law Enforcement agencies measure?**
 - 71% of respondents track re-arrests.
 - 62% of respondents track re-convictions.
 - 77% of those who track re-convictions supplement their records with re-arrest data.
 - 48% track re-incarceration generally.

One of the key takeaways from the survey is the critical need for better data to help counties assess the effectiveness of their criminal justice policies and programs.

Based on these results, we drafted a proposed statewide definition in consultation with stakeholders, academics, and policy leaders across the state and country. As a result of our research, my office proposes the following statewide definition of recidivism:

An arrest resulting in a charge within three years of an individual's release from incarceration or placement on supervision for a previous criminal conviction.

An "arrest resulting in a charge" is defined as is a felony or misdemeanor arrest and booking by a law enforcement agency that results in the filing of a criminal charge in an accusatory pleading by a prosecutor or a grand jury, as applicable.

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Although we believe that this measure provides, on balance, the most accurate view of a core variable affecting public safety, there are also supplemental measures that should be counted in understanding recidivism – among these are (1) conviction rates; (2) the return rate of offenders to incarceration; and (3) the rate of non-technical violations of supervision, which are those violations that would otherwise constitute criminal offenses were the individual not under supervision (i.e., probation or parole).

Along with this proposed definition, I am also publicly unveiling a standardized tool for counties to track recidivism in their jurisdictions. The **California Recidivism Index** charts three major indicators of seriousness – **offense type, frequency, and timing**. The Index is a focused and centralized method for policymakers and local authorities to design and target programs to areas of need, as well as assess the effectiveness of such programs.

Our proposed statewide definition and the new California Recidivism Index follows significant consultation with a number of critical stakeholders, including district attorneys, sheriffs, police and probation chiefs, the courts, academics, the defense bar, and the U.S. Department of Justice’s Bureau of Justice Statistics. But my proposed statewide definition is not the only contribution to this critical policy dialogue. Criminal justice stakeholders across the spectrum have sought to articulate a definition of recidivism. And the Board of State and Community Corrections (“BSCC”) has been tasked by the Legislature, through Assembly Bill 1050 (2013), with the duty to develop such a definition. The BSCC’s recidivism definition committee has done incredible work, and I expect that they will release a formalized definition in the coming weeks or months. My office is eager to continue collaborating with the BSCC on this important topic.

I view my proposed statewide definition as a continuation, not the end, to the conversation about how we define recidivism in California. I look forward to a robust dialogue and working with policymakers and stakeholders on a single, uniform definition for our state.

Sincerely,


KAMALA D. HARRIS
Attorney General

**Proposed Definition of Recidivism AB
1050 Executive Steering Committee
September 2014**

Adult Recidivism Definition

Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.¹

Supplemental Measures

This definition does not preclude other measures of offender outcomes. Such measures may include new arrest, return to custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).

Recidivism Rates

While the definition adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.

¹ “Committed” refers to the date of offense, not the date of conviction.



CPOC Unified Recidivism Measure

(Adopted May 2012)

Currently the 58 counties in California have agreed upon a universal definition of recidivism for both adult and juvenile probationers. The definition below allows counties to describe one level of success for probationers while they are under supervision.

Recidivism Definition: *A subsequent criminal adjudication/conviction while on probation supervision.*

Agreement with this definition does not prevent a county from tracking detailed offender information on other recidivism measures such as subsequent arrests and probation violations. From this universal definition adopted by CPOC in July 2011, the measurement definition below is proposed as a starting point to track recidivism for adults and juvenile populations.

Adult Measurement Definition: *Of those terminated or closed from all adult grants of probation in a given time period, provide a count of how many had new law convictions during their time under supervision.*

Juvenile Measurement Definition: *Of those terminated or closed from a juvenile grant of probation in a given time period, provide a count of how many had new true findings / law convictions during their time under supervision.*

In creating a measurement method, it is important to start with a population that is comparable across counties and that will minimize the impact of county differences in case processing and probation practices. Termination (case closure) provides a straightforward definition that allows for the creation of a consistent population of those “exiting” probation.

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Realignment Implementation Plan 2014/15 and Three-Year Realignment Report Draft Schedule/Process

October 24, 2014	Leah Rothstein, Research Director, APD, starts to compile two-year data for chart updates
November 5	Draft schedule and last year's outline sent to Realignment Working Group for input and revision, including decisions on which charts to include in final report
November 6	Community Corrections Partnership Meeting Outline/overview of the Plan/Report presented to the CCP for information and discussion
November 14	Meeting of Realignment Working Group to discuss progress and choose charts for the new report
November 24	Partners return completed drafts of narrative discussion of Year 3 and plans for Year 4
November 26	Leah Rothstein completes charts and Reentry Division staff compile report
December 19	Completed report sent to partners for revisions/edits
January 9, 2015	Revised/edited report received from partners
January 13	Final report sent to graphic designer
January 31	Final Three Year Report released

Realignment Implementation Plan 2014/15 and Year Three Realignment Report Draft Outline – November 2014

Plan/Report Outline (for Department sections, bullet points are taken from Realignment Two-Year Report—Responses to AB109 Implementation.)	Charts and Tables (to be determined collaboratively)
1. Introduction – overview of plan/report format	
2. Local Planning and Oversight <ol style="list-style-type: none"> a. CCP/CCPEC b. Reentry Council c. Sentencing Commission 	
3. Impacted Populations <ol style="list-style-type: none"> a. Impacted populations over time b. Demographics and needs <ol style="list-style-type: none"> 1. Risk Levels 2. Criminal History 3. Criminogenic needs 	
4. Realignment Strategies <ol style="list-style-type: none"> a. Guiding Principles b. Emerging Best Practices c. Ongoing Challenges 	
5. Collaborative Initiatives—Looking Ahead <ol style="list-style-type: none"> a. Medi-Cal Enrollment in SF County Jail and CASC b. Secure Reentry Program Facility contract between CDCR and Sheriff's Department c. Community Reentry Program opportunity with CDCR and Delancey Street d. e. f. 	
6. APD Initiatives Note: These were reported on in Year 2. Departments will update and add new materials. <ol style="list-style-type: none"> a. Department-wide reforms – EBP, staff training, risk-based supervision b. COMPAS c. Victim/Survivor Services d. 5 Keys e. T4C 	

<ul style="list-style-type: none"> f. Policy and Procedures update g. SOARING2 h. New divisions and specialized caseloads i. Pre-release officers j. Reentry Division k. CASC 	
<p>7. DA Office Initiatives Note: These were reported on in Year 2. Departments will update and add new materials.</p> <ul style="list-style-type: none"> a. Alternative Sentencing Planner b. Early Resolution Program c. Victim Services d. Sentencing Commission e. Staff Capacity and Trainings f. Chief Information Officer/data collection 	
<p>8. Public Defender Initiatives Note: These were reported on in Year 2. Departments will update and add new materials.</p> <ul style="list-style-type: none"> a. Realignment Team b. Criminal Justice Specialist c. Clean Slate d. Advocate use of alternative sentences e. Expand eligibility for collaborative courts f. Pre-trial reform 	
<p>9. Sheriff Department Initiatives Note: These were reported on in Year 2. Departments will update and add new materials.</p> <ul style="list-style-type: none"> a. In Custody Programs b. COMPAS Assessment c. Communication with Parole d. Victim Notification e. Addressing service gaps 	
<p>10. Department of Public Health Initiatives Note: These were reported on in Year 2. Departments will update and add new materials.</p> <ul style="list-style-type: none"> a. AB 109 Case Management Unit 	
<p>11. Superior Court Initiatives Note: These were reported on in Year 2. Departments will update and add new</p>	

<p>materials.</p> <ul style="list-style-type: none"> a. Education b. Training c. Information Technology d. New processes/procedures re PC 1170 and 3455 e. Parole Revocation Hearings 	
<p>12. HSA Initiatives Note: These were reported on in Year 2. Departments will update and add new materials.</p> <ul style="list-style-type: none"> a. Stabilization Housing and Rental Subsidy b. Rental Subsidy program c. Incarcerated Parents Program d. Child Welfare data matching e. CalWIN f. CAAP Intake to AB 19 clients at release g. Suspension of benefits when detained 	
<p>13. Outcomes from the first three years</p> <ul style="list-style-type: none"> a. Compliance and Sanctions b. Recidivism 	
<p>Appendix: Background and Overview of AB 109</p> <p>1. Legislative Background</p> <ul style="list-style-type: none"> a. SB 678 b. AB 109 Overview <ul style="list-style-type: none"> 1) PRCS 2) 1170h 3) Parole Violators 	



January
2013

Solutions For Justice Professionals

With goals to safely manage the offender population, justice professionals are tasked with responding to the risk and needs of individuals.

The RNR Simulation Tool is designed to help corrections and treatment agencies meet demands to be responsive to the needs and risks of individuals in the justice system. Increasing responsivity is needed to reduce the risk of future offending.

Decision-support tools were funded by the Center for Advancing Correctional Excellence (ACE!) at George Mason University, the Bureau of Justice Assistance (2009-DG-BX-K026), the Substance Abuse and Mental Health Services Administration (202171), and The Public Welfare Foundation.

The Risk-Need-Responsivity Simulation Tool

For people involved in the criminal justice system, evidence-based practice (EBP) and treatments emphasize that assessment and programming should target criminal justice, criminogenic need, and other behavioral issues. The notion is that individual outcomes can be improved by assessing for a number of related and often overlapping dimensions such as offending (e.g. criminal history risk), needs (e.g. antisocial peers, antisocial cognitions, antisocial values/thinking) and behavioral health factors (e.g. substance use, mental health, trauma). This evidence-based practice is referred to as the Risk-Need-Responsivity (RNR) Model (Andrews and Bonta, 2010; Caudy et al., 2013).

Another component of the EBP model is the nature of the programs and interventions offered to individuals. Effective programs must be able to address the criminal justice, behavioral health, and criminogenic needs of individuals to achieve positive results.

The RNR framework focuses on improving outcomes by encouraging the justice system to respond to its clients in a manner that is likely to yield better outcomes. While effective *programs* can reduce recidivism for *individual* offenders, effective *systems* can reduce recidivism for *populations* of offenders (Bhati & Roman, 2010; Caudy et al., 2013). This requires individual assessments to pay particular attention to a broader range of factors that directly relate to individuals' risk for

reoffending and prioritize these needs for targeted treatment. It also requires practitioners to implement programs that target certain profiles of offenders with specific needs. The RNR framework reinforces the need for jurisdictions to have a range of effective, well-implemented programs that target the varying needs of the justice-involved population. It is important to address gaps in services to develop responsive programs and ultimately, a responsive system.

This web-based decision-support system—the RNR Simulation Tool—was developed to help jurisdictions and providers implement the RNR framework. The system assists justice and behavioral health agencies (government, private, or non-profit) who wish to translate EBPs into practice. This approach integrates the science around effective screening, assessment, programs, and treatment matching (responsivity) to improve individual and system outcomes. To that end, the RNR Simulation Tool has three portals: 1) Assess a Program; 2) Assess an Individual; and 3) Assess Jurisdiction's Capacity.

This document provides users with general information about each portal and the intended uses. Please email rnrtool@gmu.edu for more specific information or to answer any questions about the tool. The RNR Simulation Tool is available online at: <http://www.gmuace.org/tools/>



Three Easy-to-Use Web Portals

THE RNR PROGRAM TOOL

This 30-minute program assessment tool examines the content, quality, dosage, and other factors of services/treatments/controls offered for justice-involved individuals. Jurisdiction administrators or program managers simply input information about a specific program offered and the tool provides detailed feedback indicating what risk-need profiles the program is best suited to meet. The portal also rates the program's overall quality according to the RNR principles and core correctional practice. When applicable, the tool provides recommendations for how program administrators can refine the program to better achieve responsivity and improve outcomes. The three main goals of the program tool are: 1) to classify programs to facilitate treatment matching, 2) to explore how programs currently target the risk level and criminogenic needs of their clients, and 3) to assess programs on their use of evidence-based practices. The tool is intended to help criminal justice agencies better understand the resources available to them and to foster responsivity at a system level.

ASSESS AN INDIVIDUAL

The Assess an Individual portal emphasizes using data from criminal justice and behavioral health screenings and assessments to determine the most effective type of program and controls to reduce individual recidivism. This portal can be used with a jurisdiction's instruments, by itself, or in combination with other tools. Designed for line staff, users are asked to answer 17 questions about individual offenders' risk, needs, and lifestyle factors. The system then provides a recommendation regarding the type of program that would best fit the individual and lead to the greatest recidivism reductions. If certain information is not available, the RNR Simulation Tool will rely upon its underlying database of offender risk-need profiles to estimate likely attributes based on the prevalence of each attribute in the national population. Users can integrate jurisdiction-specific data regarding the prevalence of individual attributes to produce customized feedback. This portal also estimates a percent reduction in recidivism that one might expect if the offender is matched to the level of programming that is consistent with their unique needs (i.e., a program of best fit).

ASSESS JURISDICTION'S CAPACITY

The Assess Jurisdiction's Capacity portal uses inputted information to assess a jurisdiction's capacity to be responsive to the risk-need profiles of individuals in its jurisdiction. Based on data from 18 questions about the prevalence of risk and needs of individuals in the jurisdiction, the portal provides an initial recommendation of the amount and type of programming needed to adequately respond to the jurisdiction's population. When users enter information regarding the available programs in a jurisdiction, the portal also identifies system-level gaps in the jurisdiction's capacity to provide responsivity and recommends levels of programming the jurisdiction may need to augment in order to better respond to the needs of their population.

EYE ON IT

The latest on evidence-based programming.

While there is no magic program that will work for every offender every time (Lipsey & Cullen, 2007), recent meta-analytic research indicates that certain correctional treatments tend to be more effective than others. Programs showing some of the largest reductions in offending include Cognitive-Behavioral Therapy (CBT), Medically-Assisted Treatment (MAT), Drug Courts, and Therapeutic Communities (TCs) (see Caudy et al., 2013).

The RNR Simulation Tool relies on these types of evidence to provide feedback to users. The RNR Program Tool portal allows users to enter information for each program or service they offer, whether it exists as a separate program or within a justice setting. The tool also includes the latest in implementation knowledge to assist programs with determining the degree to which their program adheres to the RNR model.

The RNR Program Tool



Assess your current programs based on treatment offered, content, quality, and other factors.

Classifying Programs to Guide Responsivity and Outcomes

The **RNR Program Tool** portal uses program-specific information to categorize programs into six different program groups. Each group has a different target area that reflects the program's focus to address offending behaviors.

Q: What are some essential features of effective correctional programs?

A. There are many different factors that can impact the effectiveness of a program including risk, needs, responsivity, implementation, and dosage. Programs with good adherence to each of these key features tend to have better outcomes. The key is what criminogenic behaviors the program ad-

GROUP A

• Dependence on Hard Drugs

GROUP B

• Criminal Thinking/Cognitive Restructuring

GROUP C

• Self Improvement & Management

GROUP D

• Interpersonal Skills

GROUP E

• Life Skills

GROUP F

• Punishment Only

RNR Program Group Primary Target Areas

*Hard Drugs are those substances that exhibit a direct link with offending behavior. These substances include amphetamines, opiates, and crack/cocaine.

resses and the different cognitive and behavioral tools used to assist individuals in changing these behaviors. The RNR Program Tool provides users with feedback and scores on the essential features of programs to allow users to understand a program's strengths and areas where it

can be improved. The tool also provides examples of high-quality programs to guide improvements. Program managers can use overall program ratings or scores on essential features to work with justice agencies to maximize exposure to effective programs.

High-Quality Programs:

- Use cognitive behavioral therapy (CBT) and social learning interventions that focus on assisting with restructuring prosocial thinking;
- Offer programs that adhere to a core model, use an evidence-based treatment curriculum, and have staff that are skilled in service delivery;
- Manage dosage and intensity of interventions based on criminal justice risk factors, criminogenic needs, and behavioral health needs;
- Identify a primary target for cognitive interventions (e.g. substance dependence, criminal thinking);
- Collaborate with justice agencies to ensure that controls are integrated into treatment programming;
- Create an environment where individuals can improve by emphasizing motivation to change and building commitment to treatment; and
- Provide feedback to individual participants in programs to ensure long-term success.

Adapted from Smith, Gendreau, & Swartz (2002).

Example of the RNR Program Tool Feedback Report for a Reentry Program

Below is a sample feedback report from the RNR Program Tool portal for a jail-based program that primarily targets criminal thinking. The feedback includes a summary of program components and scores in each of the six scoring areas as well as suggestions for improvement where applicable.

RISK: 100%

- Program targets moderate- to high-risk offenders.
- Program uses a validated risk-needs instrument.

NEED: 100%

- Program targets criminal thinking including antisocial thinking, criminal peers, and self-control.
- Program uses target-specific assessment criteria or instrument to determine eligibility.

RESPONSIVITY: 100%

- Research indicates the primary modality used in the program is effective (CBT, specifically the *Thinking for a Change* curriculum).
- The program uses both rewards and sanctions.
- The program is available for specific offender populations (e.g. offenders who are 18-30 years old).

IMPLEMENTATION: 64%

- Program requires attendance at a minimum of 75% of sessions for successful completion.
- Program is administered by either clinical staff or a mix of clinical and corrections staff.
- All program staff have at least a bachelor's degree and prior experience delivering the *Thinking for a Change* curriculum.
- Program staff regularly communicate with supervision staff about participants' progress.
- Program has been externally evaluated.
- Program uses *Thinking for a Change* manual to guide implementation.
- Program uses trained supervisors to coach staff on questions that arise during the course of instruction.
- Program has an internal team that monitors quality assurance.

To Improve Score:

- Change program completion criteria to require change in thinking errors.
- Integrate staff who have advanced degrees (e.g., MASW, LCSW, PhD).
- Program director can arrange for external evaluation of the program.

DOSAGE: 40%

- Program provides approximately 180 hours of treatment to participants.
- Treatment is spread across 13 to 17 weeks.
- Services are provided on a daily basis, for approximately 10 to 14 hours per week.

To Improve Score:

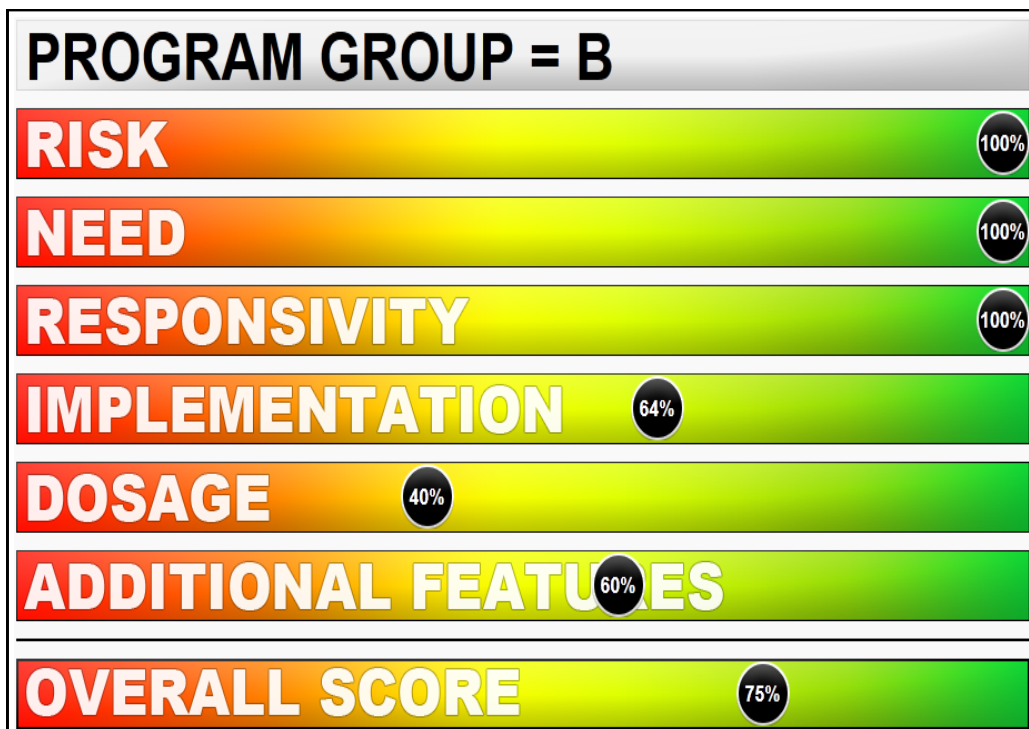
- Increase dosage to provide 200+ hours of direct treatment to participants.
- Extend program length to deliver services for 26+ weeks.
- Increase program hours to 15+ hours per week or 3+ hours per day.
- Offer program in phases and include aftercare.

ADDITIONAL FEATURES: 60%

- Program includes a number of complementary programming including: contingency management, educational services, psychosocial education, alcohol or drug education, moral reasoning, relapse prevention, and motivational interviewing.
- Program is located in a criminal justice facility (local jail).
- Program includes random monthly drug testing.

To Improve Score:

- Increase participation in other programs to complement the *Thinking for a Change* curriculum.



Assess An Individual



Assess offenders or estimate the reduction in recidivism by matching individuals to treatment programs.

Finding the Right Programs for Justice-Involved Individuals

USING RISK AND NEED INFORMATION TO IMPROVE RESPONSIVITY AND REDUCE OFFENDING.

The **Assess an Individual** portal of the RNR Simulation Tool assists users in selecting appropriate controls and treatment for individuals based on individual risk and need factors.

Q: What type of programming would this individual benefit from?

A. The first step in matching offenders to appropriate programming groups is to identify their risk of recidivism and criminogenic needs. Risk information includes criminal history, age at first arrest, prior terms of probation or incarceration, and violations. Needs information refers to factors that influence an individual's current situation, such as substance abuse or dependence, mental health, employment, associates, and criminal thinking. Often, this information can be obtained from a jurisdiction's validated risk and need assessment instrument. Certain information (e.g. substance use severity and mental health) may require additional assessment. To determine what programming would most benefit an individual, agencies should prioritize individuals' needs to ensure that criminogenic needs (those related to offending behaviors) receive immediate treatment.

Review case information with offenders to build an understanding of risk and to reinforce strengths.

Q: What if the type of program recommended is not available?

A. The Assess an Individual portal provides three recommendations of programming for each individual. The "best fit" programming recommendation will result in the highest recidivism reduction. The tool also provides second- and third-best fitting program recommendations. For each program recommendation made, the model also provides estimated reduced recidivism rates based on completion of a program. Users should keep in mind that the highest recidivism reductions will result from the best fitting programs.

Q: Does the tool consider individual strengths?

A. The RNR Simulation Tool assesses individual strengths to recognize the positive factors in individuals' lives. Strengths include education, housing stability, employment, financial stability, and prosocial supports. These positive factors act as important stabilizers to help a person successfully complete supervision and treatment, and take positive steps in their lives. Reviewing the risk and need profile with an individual builds their knowledge and understanding of their own needs and helps strengthen commitment to address these factors.

THE CASE OF THE MODERATE-RISK OFFENDER

Moderate-risk offenders may pose a special challenge for justice professionals. While they tend to have shorter criminal histories than higher-risk offenders, they may also have a number of criminogenic needs and destabilizing factors which contribute to the risk of reoffending.

For example, a young adult with few prior arrests, but who is dependent on heroin, may be classified as moderate-risk despite a clear dependence disorder. It is important to assess criminogenic needs in addition to risk to determine factors linked to offending behaviors.

In responding to moderate-risk offenders, interventions should emphasize their criminogenic needs. Often such individuals do not need the same level of supervision controls placed on them. However, they may still benefit from evidence-based programming to help reduce their needs and build stabilizers in their lives.

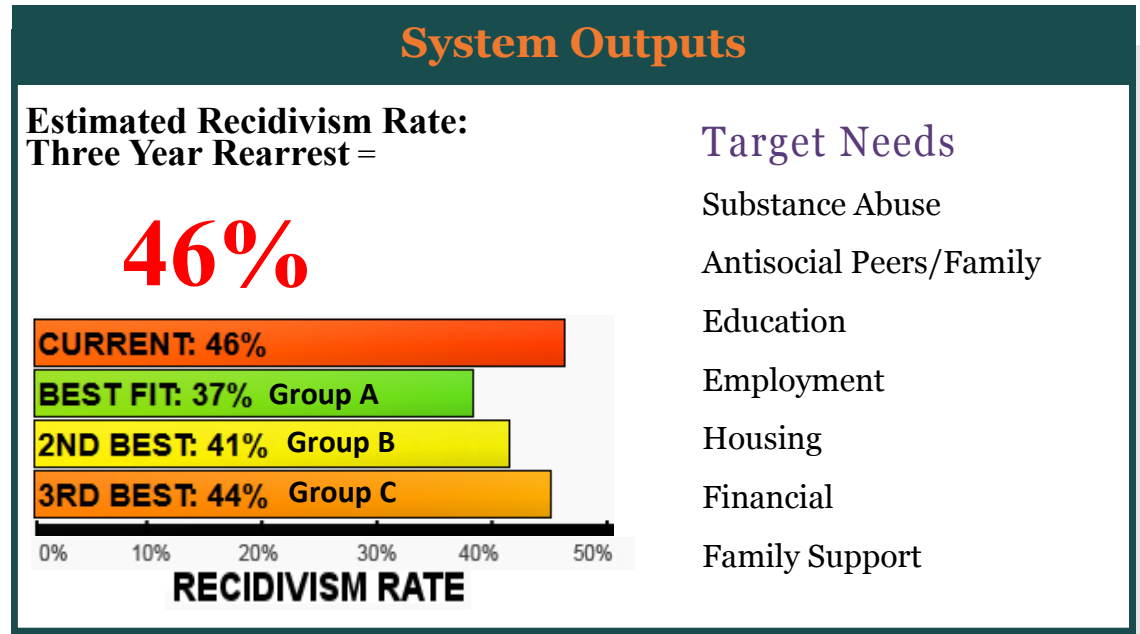
Example of the RNR Program Tool Individual Assessment

A DRUG-ADDICTED OFFENDER:

Jessica is a 39-year-old female offender on probation for possession of cocaine. She is a moderate-risk offender with a DSM-IV classification of dependence on cocaine. She does not display any patterns of criminal thinking, nor does she have any mental illness. She has someone she can depend on for emotional support. She does not have a high school diploma, and is not employed. She regularly depends on public shelters and has many financial difficulties. She also has a number of friends that are criminally active. Her environment does not promote a drug- and crime-free lifestyle.

Best Fit Program: Group A

Prioritize Treatment to Address Substance Dependence



The RNR Assess an Individual portal estimates that an individual like Jessica has a 46% chance of being rearrested within three years. Although she is only moderate-risk, given her substance dependence the tool recommends that a program in Group A would be the “best fit” for her and result in the greatest reduction in recidivism. As indicated, the system estimates Jessica’s likelihood of being arrested within three years can be reduced to 37% if she successfully completes a Group A program. In the event that such a program is not available, the system also provides second- and third-best fitting program recommendations. Since Jessica is a female offender, a Group A program that targets females may provide increased responsiveness.

Jessica is a moderate-risk offender with a primary need of substance dependence. It is important to target this primary need for treatment to elicit the largest recidivism reduction.

PROGRAM GROUP A - SUBSTANCE DEPENDENCE

Group A programs predominately target drug dependence on hard drugs (e.g., crack/cocaine, opioids, and amphetamines), but also include interpersonal and social skills interventions. These programs target offenders with substance dependence, and offer a range of dosage levels across a continuum of care. Staff who implement these programs should have advanced degrees and use an evidence-based treatment manual. Program settings may include residential drug treatment, therapeutic communities, specialty courts, or intensive outpatient treatment.

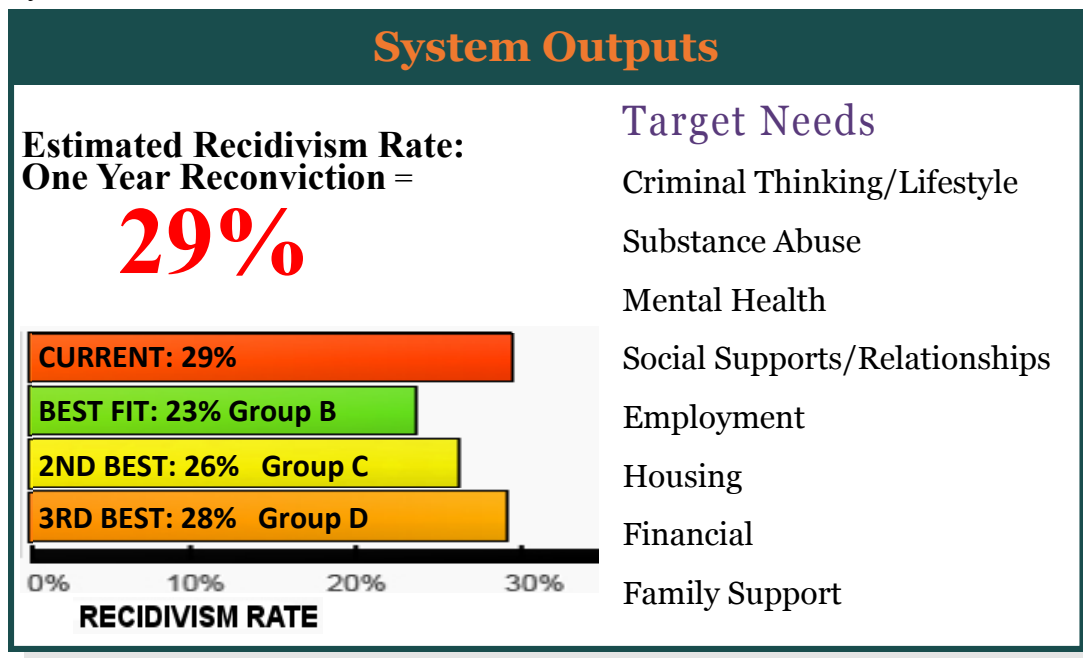
AN OFFENDER WITH CRIMINAL THINKING:

Connor is a 30-year-old male who was just released from jail. He served a sentence for breaking and entering (general offender). He has a long criminal history (both juvenile and adult) and is a high-risk offender with criminal thinking patterns. He meets DSM-IV criteria for dependence on marijuana and has a mental health condition. He says that he has no one he can count on for emotional or social support. He graduated from high school, but he does not currently have a job. He often sleeps at his friends' houses and occasionally will stay at a shelter. He uses his money to buy marijuana and often has trouble meeting his financial

obligations. His friends are not criminally involved, but his environment is not supportive of a drug- and crime-free lifestyle.

Best Fit Program: Group B

Prioritize Treatment to Address Criminal Thinking and Co-Occurring Substance Dependence



The RNR Assess an Individual portal estimates that an individual like Connor has a 29% chance of being reconvicted within one year. Given his criminal thinking/lifestyle and other risk and need factors the tool recommends that a program in Group B would be the “best fit” for him and result in the greatest recidivism reduction. As indicated, the system estimates that Connor’s likelihood of recidivism can be reduced to 23% if he successfully completes a Group B program. In the event a Group B program is not available, second- and third-best fitting program recommendations are also provided.

Connor is a high-risk offender with a primary need of criminal thinking. He also has co-occurring substance dependence and mental illness. Treatment should be prioritized to target criminal thinking while also working to stabilize his substance use and mental illness.

PROGRAM GROUP B - CRIMINAL THINKING

Group B programs primarily target criminal thinking/lifestyle by using cognitive restructuring techniques, but also include interpersonal and social skills interventions. These programs cognitive-behavioral or behavioral based methods and offer a range of dosage levels across a continuum of care. Staff who implement the program should have advanced degrees in related fields and use an evidence-based treatment manual. Programs in Group B may include cognitive-based criminal thinking curriculums, therapeutic communities, behavioral interventions, and intensive supervision paired with treatment to change criminal thinking patterns.

Building a Responsive System

CLOSING THE GAP BETWEEN RISK-NEED PROFILES AND AVAILABLE SERVICES

The **Assess Jurisdiction's Capacity** portal uses population-level data to assess a jurisdiction's capacity to provide responsiveness. Based on inputted data about the prevalence of aggregate risk and needs in a jurisdiction, the tool will recommend the type and quantity of services that would best match the needs of that jurisdiction. For maximum responsiveness, we recommend jurisdictions use this portal in

conjunction with the RNR Program Tool portal.

Q: How can my jurisdiction keep track of what programs we have available?

A. The RNR Simulation Tool offers a unique opportunity for program administrators to enter and save information about the programs they have available in their jurisdiction. Other site users can then view the available programs, includ-

ing the programs' intended targets (e.g., substance abuse, criminal thinking), to guide responsiveness and effectively match offenders to available programs.

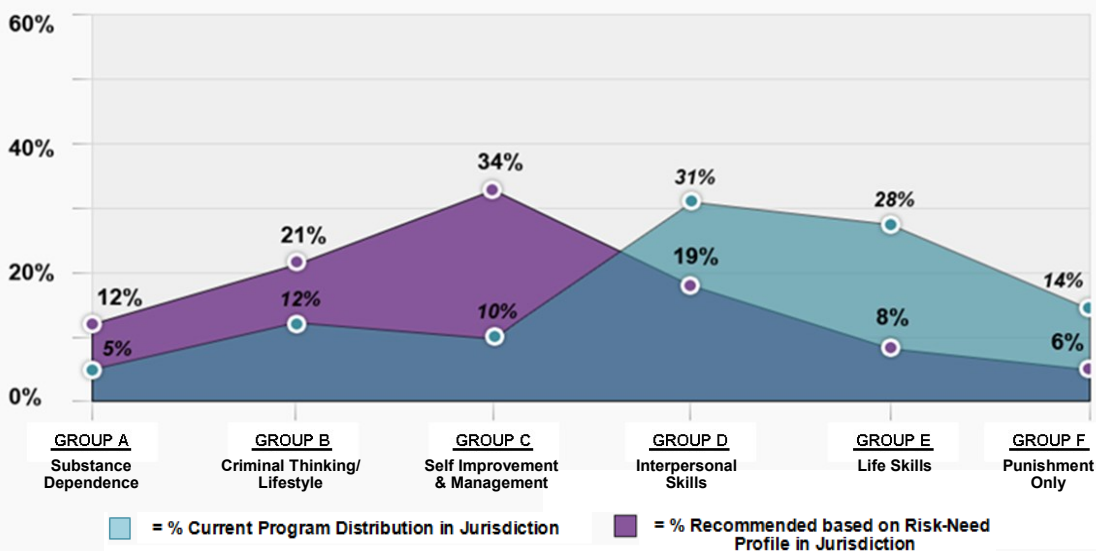
Q: How can the RNR Simulation Tool help my jurisdiction prepare for changes associated with the Affordable Care Act (ACA)?

A. The RNR Simulation Tool will assist justice professionals in preparing for and responding to the ex-

pected influx in offender populations who will require access to behavioral health treatment services under the Affordable Care Act. The tool enables jurisdictions to classify their programs based on offender needs and helps determine if adequate programming exists to accommodate the offender population. Where sufficient programming is lacking, the portal provides recommendations to fill the treatment gap.

Assess Jurisdiction's Capacity

Use client population data & current programming to identify programs that meet your population's needs.



Example of Treatment Gap Output for a Jurisdiction

The **Assess Jurisdiction's Capacity Portal** provides a graphical representation of the match between a jurisdiction's actual program capacity and the programming capacity recommended by the RNR Simulation Tool.

Example: Reducing Recidivism through System-Wide Responsivity

Jurisdiction A serves over 35,000 justice-involved individuals with community-based substance abuse and mental health treatments. Fifty-five percent of the population is high risk, 26% is moderate risk, and 19% is low risk.

The individuals in this jurisdiction also have varying substance use disorders. Thirteen percent of the population meets DSM-IV criteria for substance de-

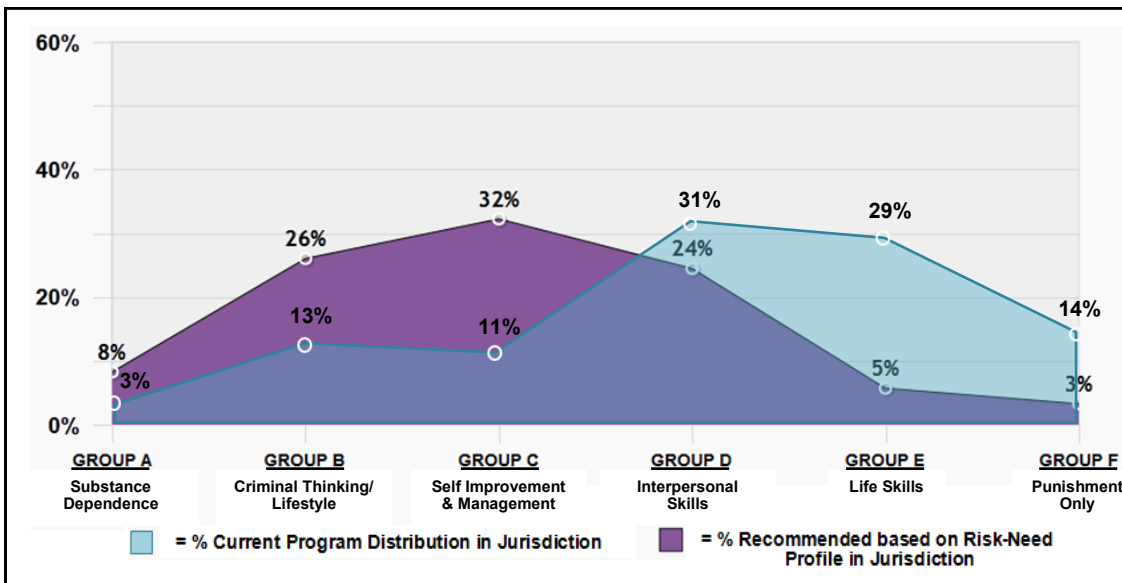
pendence on a criminogenic drug, 32% is dependent on marijuana or alcohol, 38% abuses a non-criminogenic drug, and 17% of the population does not meet DSM-IV criteria for substance use disorder. The population is also characterized by a number of other dynamic needs, with 68% of the population in need of employment assistance, 54% in need of educational services, 2% in need of housing assistance,

and 41% in need of a combination of two or more services.

The RNR Simulation Tool performed a gap analysis to determine if treatment needs are being met by the programs in this jurisdiction. This gap analysis revealed that despite the availability of programming, a gap exists for services which target the most severe substance dependencies. At the same time,

there is an excess of programming that targets interpersonal skill development (Group D).

Administrators can use this information to build the capacity of their system to provide appropriately targeted treatment to meet the needs of their offender population. This should help reduce offender needs, reduce individuals' risk of recidivism, and increase public safety.



Jurisdiction A Gap Analysis

Jurisdiction A's gap analysis indicates that they are currently lacking adequate programming in Groups A, B, and C, and have an excess of programming in Groups D, E, and F. The RNR Simulation Tool not only identifies this gap in service provision, but also provides recommendations of programs to help fill the gap and increase the jurisdiction's capacity for responsivity.

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The RNR Simulation Tool is part of a larger suite of web-based translational tools for practitioners. The CJ-TRAK Knowledge Translation Tool Suite is also home to SOARING 2, an eLearning software package to train community corrections officers in evidence-based practices, and EMTAP, a synopsis of research findings in corrections and related fields. For more information on these or other ACE! projects, please contact ace@gmu.edu.

CJ-TRAK

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Evidence Mapping
Assess an Individual
The RNR Program Tool
Assess Jurisdiction's Capacity
SOARING 2

Welcome to the CJ-TRAK Knowledge Translation Tool Suite

Assess An Individual



Assess offenders or estimate the reduction in recidivism by matching individuals to treatment programs.

LAUNCH

The RNR Program Tool



Assess your current programs based on treatment offered, content, quality, and other factors.

LAUNCH

Assess Jurisdiction's Capacity



Use client population data & current programming to identify programs that meet your population's needs.

LAUNCH

SOARING2



A suite of tools to help learn about the EBP concepts.

LAUNCH

Evidence Mapping



View synthesized data from meta analyses and systematic reviews on what works in corrections and health.

LAUNCH

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CJ-TRAK was developed by the Center for Advancing Correctional Excellence (ACE!) (www.gmuace.org) at George Mason University. The RNR Simulation Tool involved the contributions from the Center for Advancing Correctional Excellence (ACE!), the University of Massachusetts, Lowell; Maxarth, LLC; and Slonky, LLC under grant BJA 2010 DG-BX-K026, with additional funding from SAMHSA (SAM6975), the Public Welfare Foundation, and ACE!.

The Center on Juvenile and Criminal Justice
in partnership with
San Francisco Adult Probation
invite you to the

Cameo House Opening Reception

November 14, 2014 from 11 am to 2 pm
Remarks at noon

424 Guerrero St.
San Francisco, CA 94110

We welcome you to stop by to learn more about Cameo House—
an alternative sentencing program for pregnant and parenting
women—and to meet the families we are currently serving.

