

Community Corrections Partnership (CCP)

Meeting Minutes

November 17, 2021

I. CALL TO ORDER:

- a. Chief Probation Officer Wayne Barley called the regularly scheduled meeting of the Community Corrections Partnership (CCP) to order at 9:00 a.m. on November 17, 2021. Due to the social distancing recommendations set forth by the Governor due to the COVID-19 emergency, this meeting was conducted via an in-person meeting with a phone-in conference call option.
- b. Introduction of membership. Quorum present.

List of CCP Executive Committee Members Present

Wayne Barley – Chief Probation Officer, Butte County Probation Department
Kory Honea – Sheriff, Butte County Sheriff’s Office
Mike Ramsey – District Attorney, Butte County District Attorney’s Office
Matt Madden – Chief of Police, Chico Police Department
Ron Reed – Attorney, Butte County Public Defender
Christina Hernandez, on behalf of Judge Clare Keithley - Butte County Superior Court
Scott Kennelly – Director, Butte County Department of Behavioral Health
Andy Pickett – Chief Administrative Officer, Butte County Administration
Shelby Boston – Director, Department of Employment & Social Services
Debbie Morris, on behalf of Mary von Rotz Sakuma –Superintendent, Butte County Office of Education

List of CCP Executive Committee Members Not Present

Erna Friedeberg – Director, Northern Valley Catholic Social Services

Additional CCP Members Present

Eric Lyon – Sergeant, Butte County Sheriff’s Office
Robert Hadley – Lieutenant, Butte County Sheriff’s Office
Dwayne Martin – Assistant Chief Probation Officer, Butte County Probation Department
Jennifer Hard – Program Manager, Butte County Probation Department
Jessica Wood – Supervisor, Behavioral Health Clinician, Director, Butte County Behavioral Health
Jack Coady – Case Manager, Butte County Behavioral Health

- c. Adopt resolution for Assembly Bill 361.
 - i. Chief Wayne Barley introduced a Resolution to authorize a hybrid in-person meeting with a teleconference option for the legislative body of the Community Corrections Partnership for the period of November 17, 2021, to December 16, 2021, pursuant to the Ralph M. Brown Act and in compliance with Assembly Bill 361. This allows the CCP to continue to provide the phone-in option. Mike Ramsey motioned to adopt the Resolution, and Scott Kennelly seconded the motion. All committee members were in favor, and the Resolution was adopted.
- d. Review of previous committee minutes from September 15, 2021. Kory Honea motioned to approve the minutes and Mike Ramsey seconded the motion. All approved and the minutes were accepted.

II. SUB-GROUP COMMITTEE REPORTS/UPDATES

a. Department updates/progress/concerns

1. BUTTE COUNTY SHERIFF'S OFFICE

- i. Lieutenant Robert Hadley provided a brief update on the populations of the ACS, DUI, and Day Reporting Center programs.
- ii. Sheriff Kory Honea indicated the Jail project is still moving along slowly. The evidence/morgue building is making good progress and will be very nice when it is complete.

2. BUTTE COUNTY PROBATION DEPARTMENT

- i. Assistant Chief Probation Officer Dwayne Martin explained the Board of State and Community Corrections requires an annual report from the CCP, which is tied to \$150,000.00 in funding. Program Manager Amy Asher reached out to the membership and drafted this year's report. The report was sent to the committee ahead of the meeting via electronic mail. There were no further recommendations for edits presented at this meeting. Dwayne Martin indicated the report will be submitted to BSCC on December 15, 2021. Wayne Barley noted there is no requirement for the committee to approve the plan, as it was essentially approved as part of the budget process.
- ii. Program Manager Jennifer Hard reported on the department's PRCS and Mandatory Supervision statistics. Handouts were provided to the members via email or printed copy prior to the meeting.
- iii. Mike Ramsey inquired as to the increase in the already high number of warrants issued, as previously discussed and attributed to the pandemic. He asked if more research was conducted into the high number. Dwayne Martin indicated he researched back to 2018 and found there was not a dramatic increase in the number of warrants issued compared to past years. The overall supervised population decreased, which caused a corresponding increase in the percentage of the population out to warrant. He noted a decent percentage of the current warrants were issued in prior years, and those individuals have not been picked up. He discussed the situation with the supervisor of that unit and confirmed officers go out to the last known residence and try to do due diligence prior to issuing a warrant. Once options are exhausted, a warrant is issued so the individual is in the system and law enforcement can locate them. He noted a lot of people do get picked up. COVID likely had some impacts due to fewer warrant sweeps, but field work has normalized again.
 1. Wayne Barley noted he met with the judges this week and they discussed creative ways to pick up individuals who are out to warrant without heavily impacting the Jail. He advised the judges he will meet with Kory Honea to discuss the matter further, and the judges seemed open to that.
 2. Mike Ramsey pointed out the percentage of the population out to warrant was in the baseline range of 25% in the past and has now increased up to 38-40%. Wayne Barley confirmed it is high and the goal is to get back to lower numbers. Dwayne Martin explained that the supervised population was likely higher when the percentage was lower. When the population is lower, the percentage of the population that is out to warrant has a corresponding increase.

3. BUTTE COUNTY BEHAVIORAL HEALTH DEPARTMENT

- i. Director Scott Kennelly reported on his department's statistics for AB109 and Mental Health Diversion. Handouts were provided to the members via email or printed copy prior to the meeting.
- ii. Scott Kennelly noted there is a high no show rate and a low successful program completion rate for AB109, and these numbers are unfavorable compared to other Behavioral Health programs. In addition, there are a high number of Mental Health Diversion cases pending. He is concerned by those numbers and would like to address them.
- iii. Jessica Wood indicated program staff are doing what they can to reach out to clients who are high need/high risk, but many clients are resistant to help with services such as housing due to their ongoing drug use. There is a lack of housing/placement options for clients wherein they can still use a little while they are getting treatment.
 1. A discussion ensued regarding the AB109 population.
 - a. Andy Pickett asked if the upcoming shelter in Chico will have any impact on the no show population. Jessica Wood explained the AB109 population tends to be higher functioning and more street savvy than the other Behavioral Health populations, so they tend to be able to get their needs met through other ways than going to congregate shelters.
 - b. Kory Honea asked for clarification of the term "use a little." Jessica Wood explained that would mean ingesting beer or marijuana, but she clarified it does not mean using methamphetamine or heroin. She noted the rationale is that service providers need buy-in, and when someone is depressed and living on the streets, it is hard for them to fathom quitting cold turkey. Staff refer clients to medication assisted treatment (MAT) when applicable. Kory Honea asked if the clean and sober housing environments are locked down. Jessica Wood explained that the programs allow some free time with restrictions, but testing occurs if a client is gone for too long, and positive tests (including for alcohol and marijuana) result in program termination.
 - c. Shelby Boston noted the "housing first" model requires accepting clients into housing regardless of sobriety status in order to obtain state and federal funding. Scott Kennelly pointed out that designated "clean and sober" living environments have to maintain drug and alcohol free facilities. There is a lack of housing options that don't have those requirements. Shelby Boston noted DESS faces the same issues in their housing unit while adhering to federal and state requirements of "housing first" in order to maintain funding.
 - d. Kory Honea asked if alcohol and marijuana are the primary barrier, or if methamphetamine and heroin are the bigger problem. Jessica Wood confirmed methamphetamine and opioids are the problem. Kory Honea noted the methamphetamine coming across the border has an increased adverse effect on a person's wellbeing. He asked if the problem is that we don't provide housing wherein people can still use methamphetamine and heroin, or if it is that we have dis-incentivized the hard work associated with achieving sobriety or dealing with addiction by removing any penalty. Jessica Wood agreed that is a problem. Wayne Barley added that Drug Court referrals are almost non-existent. Kory Honea noted if kicking a habit like methamphetamine was easy, everyone would just do it. Since it

is not easy, there needs to be a combination of incentives and disincentives. Jessica Wood pointed out the clientele are dealing with so much depression and trauma that they can't get past it.

- e. Scott Kennelly and Jessica Wood noted there are no court orders with the AB109 program that mandate MAT for those with opioid or alcohol issues. MAT is not yet available for methamphetamine. If there was a court order stating MAT was mandatory, programming could have more success. Dwayne Martin pointed out that the PRCS population does not come out of prison with those orders, so a court order would possibly need to be established if there is a violation. Scott Kennelly noted the violations could be based on the high no show rate, and MAT could be stipulated as a condition when those individuals are located.
 - f. Mike Ramsey opined that some people would opt for a jail term in lieu of agreeing to drug treatment, knowing the Jail is full and will just release them. The disincentive is gone. Drug Court is now looking at serious and violent felons who still have some incentive to comply with rehabilitation, which is extraordinarily dangerous given the population. Wayne Barley agreed, but noted the community is safer when people get better. If a program is being underutilized, it may be a viable option to look at those more difficult populations.
 - g. Kory Honea asked Scott Kennelly and Jessica Wood if people are getting better, outside of a few success stories, as the experience at the Sheriff's Office is that it is getting much more difficult. Jessica Wood indicated a small portion of the population is getting better. Scott Kennelly noted the general movement is in the opposite direction, because there are fewer opportunities to structure and compel treatment. Wayne Barley pointed out that it is the people who are engaging in treatment that are having successes. Scott Kennelly added that people are using street drugs that are more powerful and the road to psychosis and aggression is so quick. It is hard to compete with that or to convince people to stop using drugs that make them feel good when there are fewer consequences. There is no MAT available for methamphetamine, so they can treat the psychosis, which is the end result, but the damage is already done.
- iv. Mike Ramsey asked about the Mental Health Diversion statistics, wherein it is stated that a reason for discharge is "did not or no longer meets medical necessity." Scott Kennelly explained that there must be a mental health issue that contributes to the need for services.
 - v. Mike Ramsey asked if there are statistics regarding how many private, non-Behavioral Health clients are in the Mental Health Diversion Court. Jessica Wood indicated she can gather those statistics for the next meeting. She confirmed there have been growing community referrals for clients who have private insurance.
 - vi. Mike Ramsey noted he has been in discussions with the Probation Department regarding improving the Mental Health Court with the addition of an assigned Probation Officer. Wayne Barley indicated he is more readily able to commit to providing drug testing services for the program at this time.
 - vii. Scott Kennelly indicated Cathleen Ouimet has left the county, and Dawn Rollins came out of retirement to fill in while a replacement is sought.

4. **DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES**

- i. Director Shelby Boston reported on her department's statistics regarding AB109. A handout was provided to the members via email or printed copy prior to the meeting. DRC traffic flow remains very slow.
 - 1. Kory Honea asked why there has been a reduction in traffic at the DRC. Shelby Boston indicated it is partially attributable to COVID. Her staff indicated males are no longer coming into the DRC, but she does not know the details on that.
 - a. Eric Lyon explained that the office hours for DESS coincide with the days and times classes are held for females at the DRC. The males have been invited to set up appointments with DESS on those days. To mitigate the risk of COVID exposure for the various sober living environments, they have made the decision to segregate the dates and times clients access the DRC. One group of males comes in on Monday, another on Tuesday, and females on Wednesday to keep everyone separated. DRC services are available to participants, but shorter sentences mean they don't have the audience who need those services at this time. Robert Hadley added that there was a quarantine at one of the male sober living environments in October, which also reduced traffic.
 - ii. Shelby Boston explained that DESS and Behavioral Health share an office space in Paradise at the old Youth for Change campus on Skyway. In January, DESS will move into its own building on the same campus. There will be a number of DESS resources available at that site for help with eligibility and employment services, etc. There will also be space for partner agencies to use to meet with clients, etc. If staff need the space, they should connect with DESS to be scheduled on the calendar.
 - iii. Shelby Boston indicated she has split services under two Assistant Directors, one of whom is new. Adult Services (APS/IHSS/Public Guardian) is under Tiffany Rowe, and Children's Services (Child Welfare/Adoptions) is now under Penny Mittag. Jennifer Allen has left the department.

5. **BUTTE COUNTY PUBLIC DEFENDERS CONSORTIUM**

- i. Ron Reed noted there were no updates.

6. **CHICO POLICE DEPARTMENT**

- i. Chief Matt Madden noted there were no updates.

7. **BUTTE COUNTY SUPERIOR COURT**

- i. Christina Hernandez noted there were no updates.

8. **BUTTE COUNTY DISTRICT ATTORNEY'S OFFICE**

- i. District Attorney Mike Ramsey noted public defender Philip Heithecker will be sworn in as a Superior Court Judge in December 2021. He was the long-time head of the Public Defender Consortium. Nikki Diamond will be the interim head of the Consortium. Two attorneys were recently offered positions in the Consortium.
- ii. In 2022, jury trials may become twice as long, which will back up trials even more. Due to changes in legislation, aggravating factors in the sentencing triad must be determined by

juries rather than the judge making a finding. The middle term will be the default term. There will be a bifurcated penalty phase in each trial.

1. Ron Reed noted the legislature is not to blame for the change, as there were Constitutional problems. Constitutionally a jury gets to decide certain things. The Supreme Court agreed that those issues that affect a term in prison factually need to be decided by a jury. Mike Ramsey noted the legislature had a fix, but they allowed it to expire.
- iii. Wayne Barley added that SB 1228 will also change probation violations as of January 1, 2022. At this time, when someone is arrested on a violation of probation, it is assumed there will be a no bail hold. Now a judge will need to find a compelling reason to keep someone in custody on a probation violation pending their series of hearings. He will be meeting with Mike Ramsey to develop a process, particularly if someone is arrested overnight.
 1. Kory Honea asked if there will be a PC for detention. Wayne Barley indicated they will likely need to use a form similar to the one developed for zero bail.

9. **BUTTE COUNTY OFFICE OF EDUCATION**

- i. Debbie Morris reported on the statistics for the Butte Community Based Coalition (BCBC). Services are being provided both in person (as needed) and virtually.
 - ii. Debbie Morris asked Shelby Boston for advice regarding the “housing first” model when a person is exited due to a positive drug test and parole offers residential treatment. She asked if that is okay. Shelby Boston explained that providing an alternative solution, especially treatment, should be fine. The “housing first” laws apply to organizations or entities that put rules in place that are incongruent with what the legislation stipulates. The model was based upon research from ten years ago into the veteran population, in which it was determined that when veterans had housing, regardless of sobriety status, and the bottom level of Maslow’s hierarchy was met, they had better long term results in their recovery. In the majority of cases, they reached sobriety. The state and federal governments have since required a “housing first” model, regardless of sobriety status, in order to obtain funding for housing programs. Debbie Morris noted that many of the parolees do not accept treatment, but the thought is it is still offered and they have the opportunity even if they decline it.
- b. Sub-groups/committees requested to provide brief updates
1. None.
- c. Announcements of any Legislative and/or funding updates/budget/training opportunities
1. Scott Kennelly indicated there are several one-time funding opportunities available to Behavioral Health. An infrastructure bill signed by the Governor will allow counties to apply for funding for building renovations or construction of new buildings to add to the continuum of care. That would allow the addition of crisis residential services. Another bill supports increasing board and cares, and they are also looking at inpatient facilities and mental health rehabilitation centers. Pending funding, there are parties interested in pursuing a youth psychiatric health facility in Butte County that would serve as a regional facility. The funding requires a 25% match, which can include property or buildings as actual value.
 2. Scott Kennelly explained there is an entity Behavioral Health works with throughout California called Crestwood that is in dialogue with a developer in Paradise to open a 60-80 bed mental health

rehabilitation center at a former retirement facility next to old Feather River Hospital campus in Paradise. They are reaching out to Butte County and directors in surrounding counties regarding opening up an incompetent to stand trial alternative placement facility, a medical psychiatric facility, and a skilled nursing facility. It is an ambitious project and the rates are very high. Crestwood indicated because Butte County has low housing stock, they have to pay relocation bonuses and incentivize staff to move. Behavioral Health has to weigh the benefits of having clients closer to the local resources and their homes, but with more expensive rates, against having them at farther away placements at lower rates.

- i. Kory Honea expressed concerns that people could misconstrue this and get the impression that other communities are going to be sending people to Butte County for treatment for mental health problems. Scott Kennelly confirmed it would be a regional model and that Butte County cannot sustain that kind of program on its own. There would be some importing of clients from other areas; however, it would be a locked facility.
- ii. Scott Kennelly noted there was a meeting held with the developer and the Town of Paradise that was not well thought out and did not go well. Crestwood was unaware the developer was participating in the meeting and the organization did not have input into the presentation.
 1. Shelby Boston noted the developer was not present at the meeting and sent another employee instead. The meeting has been the talk of the town and was very poorly received by residents. Much of that is based upon misinformation or a concern for how the facility would impact already tapped services, such as ambulance services and law enforcement. Kory Honea noted that hearkens back to the “not in my neighborhood” argument, but the problem is that the individuals who are in need of these services are already in neighborhoods not receiving any treatment and causing problems. Shelby Boston agreed and opined the handling of the town meeting was a missed opportunity that could have changed the trajectory of the public’s perspective had Crestwood been involved.
 2. Kory Honea suggested that CCP members have a voice in the process to advocate for the need for these services. Shelby Boston indicated Supervisor Teeter has already reached out to both her and Scott Kennelly seeking input on the remaining outreach process to dispel some of the public fears.
- iii. Scott Kennelly noted in order for this project to happen, there must be enough of a critical mass of Behavioral Health directors to say they are interested in utilizing the facility and have the clientele to reach a threshold for the funding.
 1. Kory Honea expressed his understanding that there is a fundamental lack of beds available to serve this population. Scott Kennelly confirmed that is the case. Kory Honea noted while this option is more expensive, the current situation is unsustainable.
 2. Scott Kennelly indicated Butte is not the only county looking into infrastructure. If another county has better access to staffing and can bring costs down, it becomes worthwhile to transport clients there. The north state is tends to be poorer, so it is difficult to ask directors to pay more for placements when they do not have the budget to do so.
 3. Shelby Boston suggested remodeling an empty wing of the hospital to create staff housing given the lack of workforce and housing options available.

d. FY 21-22 CCP Budget Committee discussion

1. Andy Pickett recommended the committee appoint a subcommittee of the Sheriff, Behavioral Health Director, and Chief Probation Officer to consider a mid-year budget adjustment and make recommendations as applicable. He explained that the existing budget was based upon preliminary estimates developed by the state the prior year. Those estimates were conservative due to the pandemic and its potential impacts on the economy. The actual figures are now available, and they are significantly higher than estimated. The ad hoc committee would be tasked with determining why the actual figures are higher and analyzing where the funding is coming from and how long it will continue. Based on that analysis, the ad hoc committee would make recommendations for a possible mid-year budget adjustment, as well as for the following year's budget.
 - i. Kory Honea requested clarification that this would be a status quo recommendation or an increase to the budget, not a reduction. Andy Pickett confirmed that was the case.
2. Kory Honea motioned to reconvene the budget ad hoc committee. Mike Ramsey seconded the motion. All were in favor, and the motion was approved.
3. Wayne Barley requested clarification regarding how to handle departmental funding requests. Andy Pickett indicated Casey Hatcher will be in touch with the ad hoc committee to develop that process. Wayne Barley indicated any requests that have been made thus far will be forwarded to Casey Hatcher.

III. PUBLIC COMMENT

- a. None.

IV. ADJOURNMENT OF THE CCP MEETING – 9:54 a.m.

V. CALL TO ORDER OF THE TRANSITIONAL AGE YOUTH (TAY) STEERING COMMITTEE – 9:54 a.m.

- a. Jennifer Hard reported the department's TAY program statistics.

VI. ADJOURNMENT OF THE TAY STEERING COMMITTEE – 9:55 a.m.

Minutes submitted by S. Miller of Butte County Probation