

# Report on the California Community Corrections Performance Incentives Act of 2009

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FINDINGS FROM THE SB 678 PROGRAM  
(2017)



JUDICIAL COUNCIL  
OF CALIFORNIA

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OPERATIONS AND PROGRAMS DIVISION  
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## Executive Summary

The California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison—and to meet these objectives without compromising public safety. The Senate Bill 678 program allocates a portion of state savings from reduced prison costs to county probation departments that implement evidence-based supervision practices and achieve a reduction in the number of locally supervised felony offenders revoked to state prison. The SB 678 program has been successful in supporting probation departments' increased use of evidence-based practices and lowering the percentage of individuals returned to custody without evident negative impact to public safety.

By lowering the number of supervised offenders sent to state prison through the SB 678 performance-based funding mechanism, the SB 678 program has resulted in allocations to county probation departments ranging from \$88.6 million to \$138.3 million per fiscal year, for a total of \$703 million—including \$125.3 million in fiscal year (FY) 2016–2017 alone. In addition, in each of the years since the start of the SB 678 program, the state's overall revocation rate has been lower than the original baseline rate of 7.9 percent. And while the number of offenders revoked has decreased, California's crime rates have remained below the 2008 baseline levels, with no evidence to suggest that public safety has been negatively affected by the SB 678 program.

A fundamental component of SB 678 is the implementation of evidence-based practices (EBPs) by county probation departments. SB 678 defines evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.” Although no probation department in the state has fully implemented evidence-based practices in all facets of supervision, findings from an annual survey indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state. All components of EBP measured in the survey are substantially higher than they were at baseline. The most significant advancements in EBP implementation occurred in the earliest stages of the program and have stabilized over time. Given these positive outcomes, the state and the counties have an interest in sustaining and expanding on the effectiveness of the SB 678 program.

California has made significant changes in criminal justice policies since SB 678 was passed in 2009. Notably, the 2011 Public Safety Realignment Act reduced the number of probationers “eligible” for revocation to state prison and created two new supervision classifications, mandatory supervision (MS) and postrelease community supervision (PRCS). The funding methodology for SB 678 was modified as a result of these changes. Most recently, a trailer bill to the 2015–2016 State Budget revised the SB 678 funding formula and created a funding methodology that should serve as a long-term formula.

Since its inception in 2009, SB 678 has matured from a program that focused on implementing EBPs to one that focuses on their sustainability and expansion. Many of the recommendations made by the Judicial Council in previous years, including the establishment of funding stability, have been implemented. The Judicial Council continues to support the adoption of additional recommendations through continued or expanded research and will work with probation departments and the Chief Probation Officers of California to update the annual assessment and evaluation process. Finally, the Judicial Council recommends that the state build on the success of this carefully designed program by considering opportunities for replication of the SB 678 model to address other challenges facing the criminal justice system, including addressing the needs of offenders with mental illness.

# Introduction

The California Community Corrections Performance Incentives Act of 2009<sup>1</sup> (implementation of which is hereafter referred to as the “SB 678 program”) is designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of county-supervised adult felony offenders sent to state prison for committing new crimes or violating the terms of their supervision, and to meet these objectives without compromising public safety. The SB 678 program allocates a portion of reduced incarceration costs to county probation departments to support the use of evidence-based supervision practices and achieve a reduction in the number of supervised felony offenders who are revoked to state prison.

Through the SB 678 performance-based funding mechanism, county probation departments have received over \$703 million since program inception, including allocations totaling \$125.3 million in FY 2016-2017. Allocations to county probation departments have ranged from \$88.6 million to \$138.3 million per fiscal year.

The Judicial Council was charged by the Legislature to report annually on the implementation and outcomes of the SB 678 program.

This report:

- Presents a brief background on the SB 678 program and documents changes made to the program as a result of public safety realignment and the enactment of Proposition 47;
- Provides results from the first seven years of the program, including the impact of the SB 678 program on revocation rates, the amount of state savings from the reduction in revocations to prison, and funding allocations to the counties;
- Provides information on trends in public safety, county probation departments’ reported use of funds, and implementation of evidence-based practices; and,
- Describes progress in implementing past recommendations, and presents additional recommendations for the enhancement and improvement of the program.

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<sup>1</sup> Sen. Bill 678 (Stats. 2009, ch. 608), [www.courts.ca.gov/documents/sb678.pdf](http://www.courts.ca.gov/documents/sb678.pdf) (as of Apr. 13, 2017).

# I. SB 678 Background

## A. Origin and evolution of the SB 678 Program

Courts have the authority to order defendants to be placed on probation (a judicially imposed suspension of sentence and a form of community supervision) in lieu of a long-term jail or prison sentence.<sup>2</sup> The typical adult felony probation term is approximately three years. If an individual successfully completes probation without a violation or a new charge, the probationer will not be required to serve any further custody time in jail or prison. If the individual violates the conditions of supervision or commits a new offense, supervision may be “revoked” and the individual sent to state prison or county jail, resulting in incarceration costs to the state or county.

Each of California’s 58 counties administers its own adult felony probation system.<sup>3</sup> Historically, the probation departments’ inability to significantly reduce offender recidivism and revocations has been a major contributor to California’s incarceration costs.<sup>4</sup> In a 2009 report, the Legislative Analyst’s Office (LAO) estimated that 40 percent of new prison admissions from the courts were the result of probation revocations.<sup>5</sup> The report also acknowledged that, in the preceding years, many county probation departments had insufficient resources to implement evidence-based probation supervision practices that could help reduce probation failures.<sup>6</sup> The LAO recommended creation of a program to provide counties with a financial incentive to improve their community corrections practices and lower their probation failure rates.

In 2009, the Legislature enacted the California Community Corrections Performance Incentives Act (SB 678) with bipartisan support. This legislation created an incentive program designed to improve public safety, alleviate state prison overcrowding, and save state General Fund monies by supporting effective supervision practices and reducing the number of adult felony probationers sent to state prison for committing new crimes or violating the terms of probation.

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<sup>2</sup> Pen. Code, § 1228(c): “Probation is a judicially imposed suspension of sentence that attempts to supervise, treat, and rehabilitate offenders while they remain in the community under the supervision of the probation department. Probation is a linchpin of the criminal justice system, closely aligned with the courts, and plays a central role in promoting public safety in California’s communities.”

<sup>3</sup> Probation differs from parole, which is a form of supervision that takes place upon release from prison for specified offenders and is administered by the California Department of Corrections and Rehabilitation (CDCR).

<sup>4</sup> Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (May 2009), as of May 25, 2017, [www.lao.ca.gov/2009/crim/Probation/probation\\_052909.pdf](http://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf).

<sup>5</sup> *Ibid.*

<sup>6</sup> Evidence-based practices are defined as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.” (Pen. Code, § 1229(d).)



## **Implementation of the SB 678 program and the incentive-based funding formula**

Implementation of the SB 678 program began in FY 2009–2010 when the Legislature appropriated \$45 million in federal American Recovery and Reinvestment Act stimulus funds as seed money for county probation departments to begin expanding the use of evidence-based practices with adult felony probationers.<sup>7</sup> After the first year of the program, the SB 678 state funding mechanism was activated. As originally designed, probation departments received a portion of the state’s savings attributed to avoided incarceration costs resulting from a reduction in the probation failure rate (PFR) compared to a baseline PFR.<sup>8</sup> The PFR was initially defined in statute as the number of adult felony probationers revoked to state prison in a year as a percentage of the average probation population during the same year.

The amount of savings the state shared with probation departments each year was *originally* determined by each county’s improvement in its PFR, as compared to its 2006–2008 baseline rate.<sup>9</sup> A county that sent fewer individuals to prison than would be expected (applying their baseline rate to the current year’s felony probation population) received a share of the state savings from reduced incarceration costs. Depending on how a county’s PFR compared to the statewide average, a county received either 40 or 45 percent of the state savings.<sup>10</sup> Counties that were unsuccessful in reducing their PFR were also provided with a small amount of funding to bolster their efforts to implement evidence-based practices and reduce recidivism. The SB 678 program also included a provision for high-performance awards to counties with very low probation failure rates. These awards supported the ongoing use of evidence-based practices in counties with probation failure rates more than 50 percent below the statewide average.<sup>11</sup>

## **2011 Public Safety Realignment and the SB 678 program**

Two years after the SB 678 program went into effect, the California Legislature enacted the 2011 Public Safety Realignment Act, which shifted certain responsibilities and funds from the state to

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<sup>7</sup> The ARRA appropriation was based on a one-time expansion of the Edward Byrne Memorial Justice Assistance Grant Program.

<sup>8</sup>Pen. Code, § 1233.1(a).

<sup>9</sup> The baseline probation failure rate is a weighted average of the PFR in 2006, 2007, and 2008. After the conclusion of each calendar year, the Director of Finance (DOF)—in consultation with the CDCR, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council—calculates for that calendar year an estimate of the number of adult felony offenders supervised by probation that each county successfully prevented from being sent to prison (or to jail, following realignment) based on the reduction in the county’s return to prison rate. In making this estimate, DOF is required to adjust the calculations to account for changes in each county’s adult felony caseload in the most recently completed calendar year as compared to the county’s adult felony population during the baseline period. (*Id.*, §§ 1233.1(c), (d).)

<sup>10</sup> Counties with a PFR no more than 25 percent above the statewide PFR received 45 percent of the state savings. Counties with a PFR greater than 25 percent of the statewide PFR received 40 percent of state savings.

<sup>11</sup> From FY 2010–2011 to FY 2014–2015, these awards were funded with 5 percent of the overall savings to the state. A county could receive an award based on state incarceration cost savings *or* a high-performance grant payment but not both; the county could choose which award to receive in a year when it qualified for both.

the counties.<sup>12</sup> Realignment is widely viewed as the most far-reaching transformation of California’s criminal justice system in more than 30 years. Realignment affected the SB 678 program by significantly reducing the number of probationers “eligible” for incarceration in state prison when they fail on probation, and mandated that they be revoked to county jail instead. Public safety realignment also created new categories of offenders who are supervised by probation departments—postrelease community supervision<sup>13</sup> and mandatory supervision<sup>14</sup>—and similarly limited these offenders’ eligibility for incarceration in state prison when they fail under supervision.

Following the implementation of realignment legislation, approximately half of all revoked probationers served their time in county jail instead of state prison, which significantly reduced the amount of direct state savings attributable to the SB 678 program. With the changes brought about by realignment, it was no longer reasonable to measure performance by comparing counties’ PFRs to the original 2006–2008 baseline rate because a large portion of the population could no longer be revoked to state prison. To account for these changes and continue to use the original baseline, legislation was enacted in 2013 that temporarily changed the funding formula to include felony probation commitments to county jail, in addition to state prison commitments.<sup>15</sup>

The 2015–2016 State Budget proposed a more permanent solution to address changes brought about by realignment by updating the SB 678 funding formula to include all types of local felony supervision—felony probation, mandatory supervision, and postrelease community supervision. It also omitted county jail revocations from the formula, refocusing the grant on local supervision admissions to prison. To reflect this new focus, the term *probation failure rate* was changed to *return-to-prison rate* (RPR).<sup>16</sup> Return-to-prison rates from 2013 to 2016 are reported in Appendix A. The formula now measures each county’s performance against statewide returns

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<sup>12</sup> Realignment legislation from 2011 addressing public safety, also known as the 2011 Public Safety Realignment Act (Assem. Bill 109; Stats. 2011, ch. 15; and Assem. Bill 117; Stats. 2011, ch. 39). Details of the major provisions of the Public Safety Realignment Act are available at [www.courts.ca.gov/partners/894.htm](http://www.courts.ca.gov/partners/894.htm) (as of May 17, 2017).

<sup>13</sup> Offenders exiting state prison are now released to postrelease community supervision except for those who have been sent to prison for a serious or violent felony (any “strike”) for a crime punished as a third-strike offense, persons classified as “high risk” sex offenders, and persons who require treatment by the California Department of State Hospitals. After serving their sentences, PRCS offenders are placed under the authority of county probation departments rather than being supervised by state parole.

<sup>14</sup> For the new county jail–eligible felony offenses, under Penal Code section 1170(h)(5) courts are authorized to impose either a straight term of custody in the county jail or a “split” sentence, a portion of which is served in county jail and the remainder in the community on “mandatory supervision.”

<sup>15</sup> Sen. Bill 75 (Stats. 2013, ch. 31), [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB75&search\\_keywords](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB75&search_keywords) (as of Apr. 14, 2017).

<sup>16</sup> Although the term “return to prison” implies that the offender has previously been incarcerated in the state prison system, many individuals supervised by probation departments have never been in prison custody.

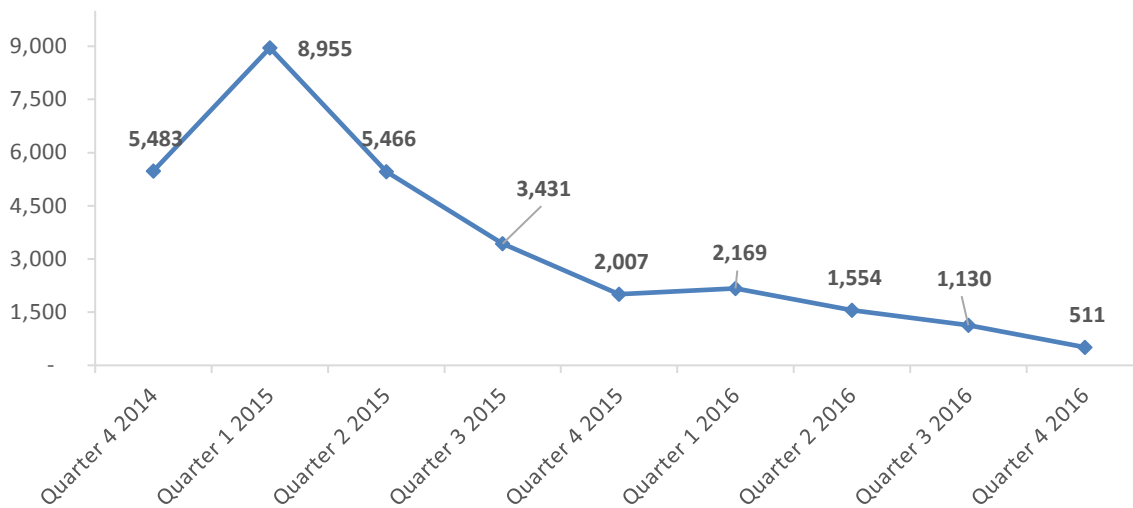
to prison. These changes are summarized in Section II.B, and a more detailed explanation of the current funding formula is included as Appendix B.

## B. Impact of Proposition 47 on the SB 678 Program

On November 4, 2014, California voters enacted Prop. 47, the Safe Neighborhoods and Schools Act, which made three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors. Second, it authorized defendants already serving sentences for those felony offenses to petition courts for resentencing under the new misdemeanor provisions. Third, it authorized defendants who had completed their sentences for felony convictions on those offenses to apply for reclassification of the convictions to misdemeanors. These changes resulted in an increase in terminations of felony probation due to resentencing and a decrease in new felony probation grants, leading to an overall decrease in the size of the felony supervised population.

Beginning with Quarter 4 2014, the quarter in which Prop. 47 was implemented, the Judicial Council began asking probation departments to report the number of individuals terminated from felony probation as a result of Prop. 47 resentencing.<sup>17</sup> Statewide, 30,706 terminations resulting from Prop. 47 have been reported since it was enacted in 2014 (figure 1).

**Figure 1. Terminations from Felony Supervision due to Prop 47 Resentencing**

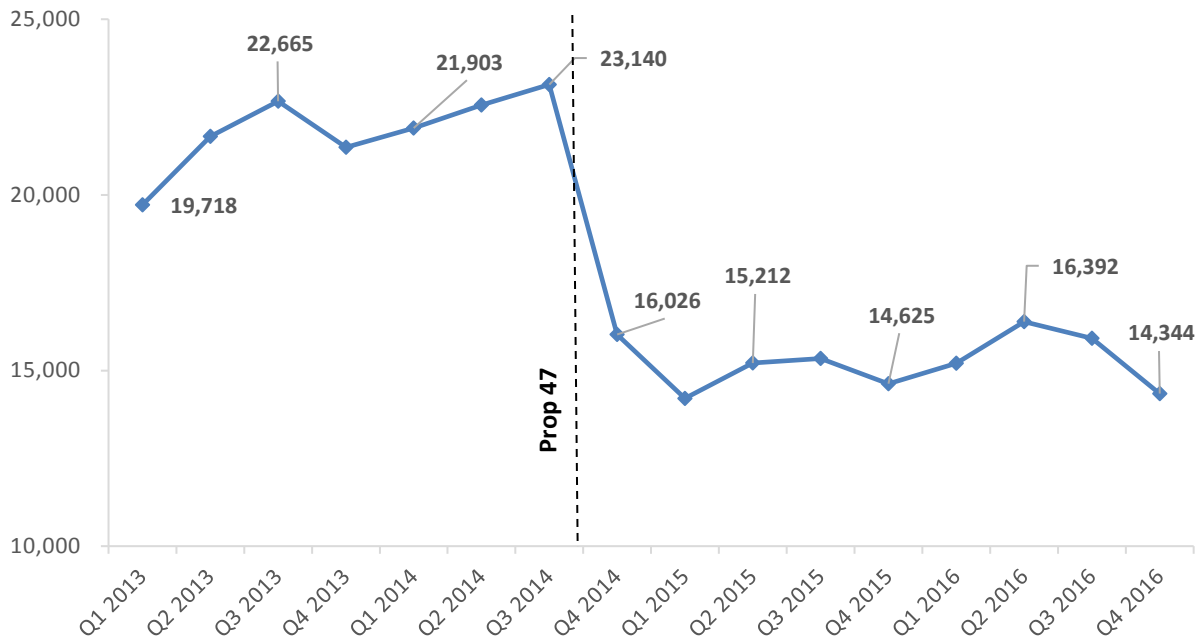


<sup>17</sup>The two additional quarterly data points are “Prop. 47 Terminations,” defined as a count of all supervised individuals who have been resentenced under Prop. 47 during the quarter and, as a result of the resentencing, have been completely terminated from all forms of felony supervision (jurisdictions are instructed to count individuals only if they are no longer under any form of felony supervision by the probation department); and “Prop. 47 Reductions,” defined as a count of all supervised individuals who have been resentenced under Prop. 47 during the quarter, but remain on misdemeanor supervision by the probation department.

Source: Terminations from felony supervision reported by probation departments to the Judicial Council.  
 Note: Terminations expressed as quarterly statewide totals.

In addition to increases in terminations as a result of Prop. 47, the number of new felony probation grants decreased by approximately 25 percent since the proposition was enacted in 2014 (figure 2). Whereas new probation grants averaged approximately 80,000 annually before Prop. 47 (2010–2014), they dropped to about 60,000 in 2015 and 2016.<sup>18</sup>

**Figure 2. New felony probation grants decline after Prop 47**



Source: New felony probation grants reported by probation departments to the Judicial Council.  
 Note: New felony probation grants expressed as statewide quarterly totals.

The terminations resulting from Prop. 47 resentencing and reduced numbers of new felony probationers have contributed to an overall reduction in the adult felony probation population, from 308,784 in quarter three of 2014 to 267,018 in quarter four of 2016 (a decrease of 14 percent).<sup>19</sup>

<sup>18</sup> New mandatory supervision and PRCS cases also decreased, but to a lesser degree (-17 percent for mandatory supervision and -8 percent for PRCS).

<sup>19</sup> The mandatory supervision population decreased by 5 percent (from 11,598 to 11,040), and the PRCS population actually increased slightly, from 35,349 to 35,739 during this time.

These decreases have not been experienced by every jurisdiction; nine counties have seen either no reduction or an increase in their supervised felony population since the passage of Prop. 47.<sup>20</sup> For those jurisdictions where decreases have occurred, probation departments have been able to reduce and maintain lower felony caseload ratios. Although specific caseload ratios are not part of the Annual Assessment, the departments report the number of officers who supervise medium- and high-risk individuals, and population data is available through the quarterly reports. Using the ratio of supervising officers to the felony population as a proxy measure of supervision ratios, this ratio decreased from an average of 121 felony offenders per probation officer in 2014 to 102 in 2015.

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<sup>20</sup> Comparison based on total population at the end of 2013 and at the end of 2016. These counties are small to medium-sized, with supervised populations ranging from 157 to 2,615.

## II. Program Results

The analysis of SB 678's effectiveness is guided by the Legislature's stated intent and summarized in three overarching questions:<sup>21</sup>

- How did the SB 678 program affect revocation rates, and what was the effect on public safety?
- Did the state save money as a result of reductions in locally supervised population sent to state prison, and was a portion of these savings directed to county probation departments to implement evidence-based practices?
- Did county probation departments implement evidence-based practices, and how did these practices affect the outcomes of locally supervised populations?

### A. SB 678 Program impact on revocation rates and public safety outcomes

#### **Revocation rates during the SB 678 program**

The SB 678 program's effectiveness was originally measured annually by comparing each probation department's probation failure rate (the percentage of felony probationers sent to prison) to a baseline period before the program was implemented (a weighted average of the PFR in 2006, 2007, and 2008).<sup>22</sup> As stated previously, the SB 678 program and funding formula have seen a number of changes, thereby altering the way in which effectiveness is measured. The following analysis focuses mainly on the adult felony probation population because data on this group have been tracked since the project inception; however, some data on the supervised populations created postrealignment are also displayed.

The statewide revocation rate has varied from year to year, including increases in 2013 and 2016. In the seven years since the start of the SB 678 program, the state's overall revocation rate has

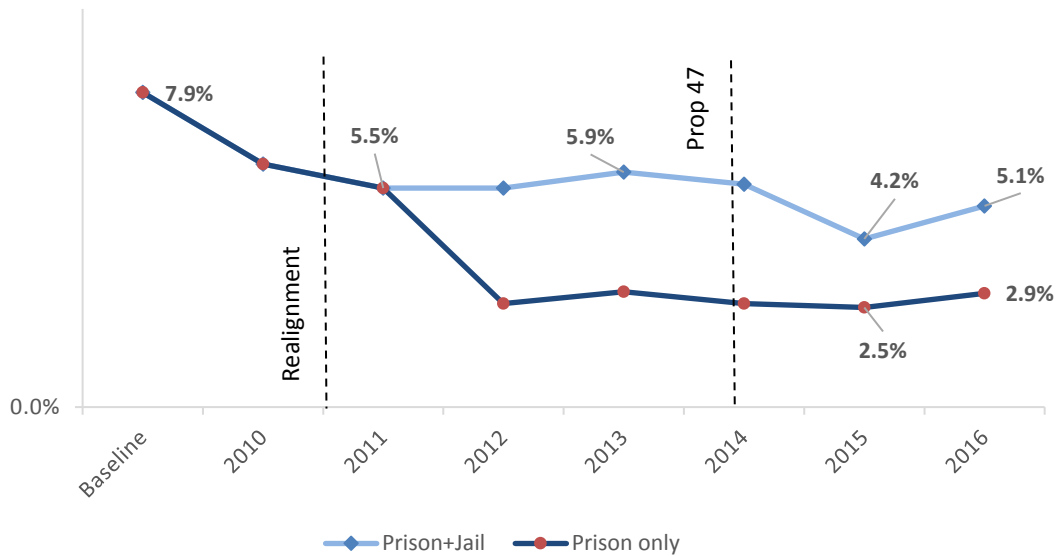
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<sup>21</sup> "Providing sustainable funding for improved, evidence-based probation supervision practices and capacities will improve public safety outcomes among adult felons who are on probation. Improving felony probation performance, measured by a reduction in felony probationers who are sent to prison because they were revoked on probation or convicted of another crime while on probation, will reduce the number of new admissions to state prison, saving taxpayer dollars and allowing a portion of those state savings to be redirected to probation for investing in community corrections programs." (Pen. Code, § 1228(d).)

<sup>22</sup> The return to prison rate was initially calculated as the total number of adult felony probationers sent to prison in the year as a percentage of the average statewide adult felony probation population for that year. (Pen. Code, § 1233.1(b)(1).) Section 1233.1(b) was revised by Senate Bill 105 (Stats. 2013, ch. 310) to include subsection (b)(2), adding commitments to county jail under § 1170(h). Section 1233.1(b) was further amended by SB 105 to place this formula in effect each year, beginning with calendar year 2013. Section 1233.1(c) was also revised by SB 105 to include felony probationers sent to state prison or county jail, and to place this revised county probation failure rate formula in effect each year, beginning with calendar year 2013.

been lower than the original baseline rate of 7.9 percent.<sup>23</sup> Figure 3 displays felony probation incarceration rates, including failures sent to prison *and* jail (postrealignment), as well as the drop in proportion of failures that were sent to jail that may have been a result of Prop. 47.

Figure 3. Incarceration Rates From Baseline to 2016



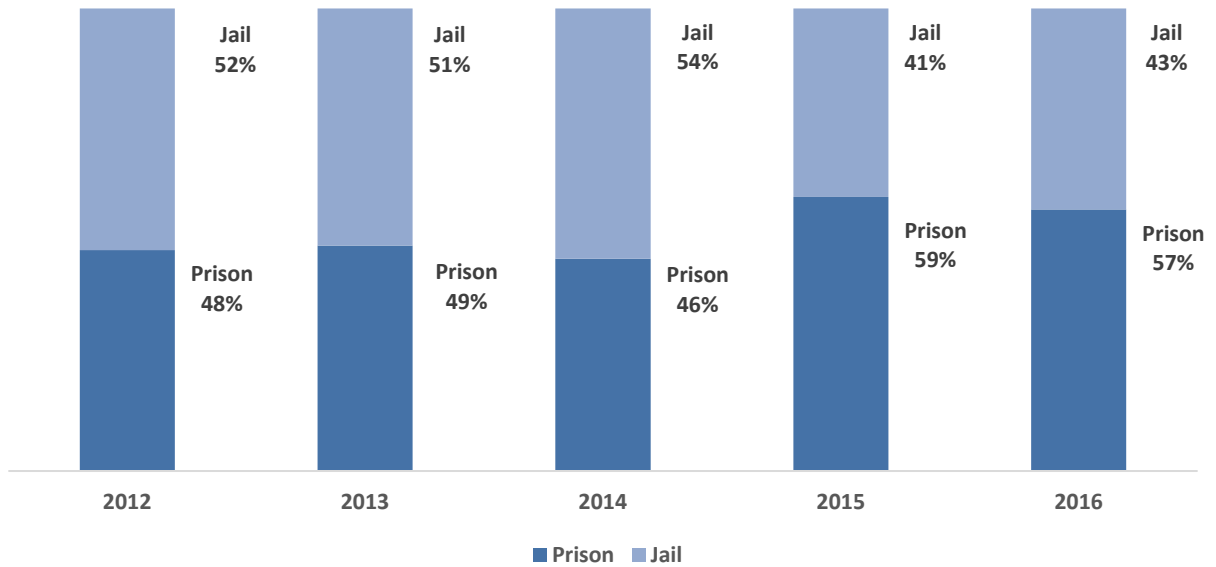
Source: Probation revocation data reported by probation departments to the Judicial Council.

Note: Incarceration rate includes only those supervised under adult felony probation.

Until 2015, slightly under half of probationers who were revoked were sent to county jail. That percentage changed in 2015 likely because of Prop. 47 (figure 4). Some of the increase in the proportion of felony offenders revoked to prison may be related to the impact of Prop. 47 on both the population size and the nature of the offenses of the felony probationers. Most lower-level drug possession and theft-related offenses are now charged as misdemeanors; thus, the felony offender population is largely made up of individuals with more serious charges.

<sup>23</sup> Probation departments are allowed to revise previously submitted data. As a result of several resubmissions, the 2012 RPR referenced in prior documents may be different from what is reported here.

**Figure 4. Percentage of Felony Probation Failures to Jail and Prison**



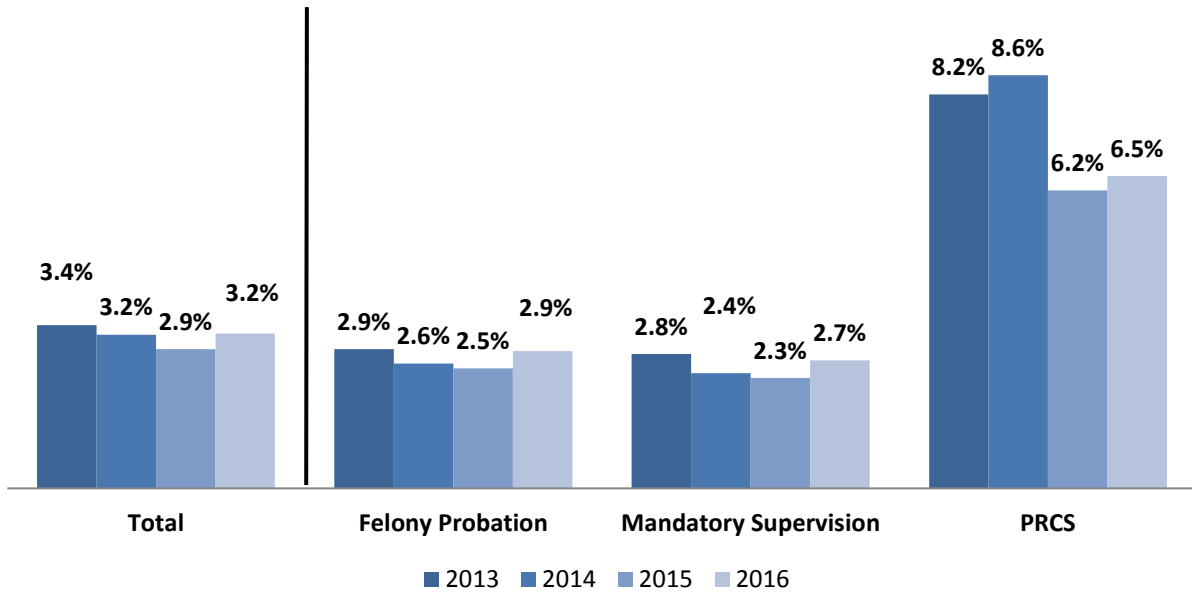
Source: Revocation data reported by probation departments to the Judicial Council.  
 Note: Chart includes only those supervised under adult felony probation.

Following realignment, Senate Bill 85 (Stats. 2015, ch. 26) revised the SB 678 program to include all supervised felony populations—felony probation, postrelease community supervision, and mandatory supervision—and to focus exclusively on revocations to state prison. These additional supervision categories were added to the quarterly data reported by probation departments. Return-to-prison rates for all supervision types are shown in figure 5.

Since reporting began in 2013, the combined return-to-prison rate (including all supervision types) has ranged from 2.9 to 3.4 percent (3.2 percent in 2016).



**Figure 5. Felony Supervision Prison Failure Rates**

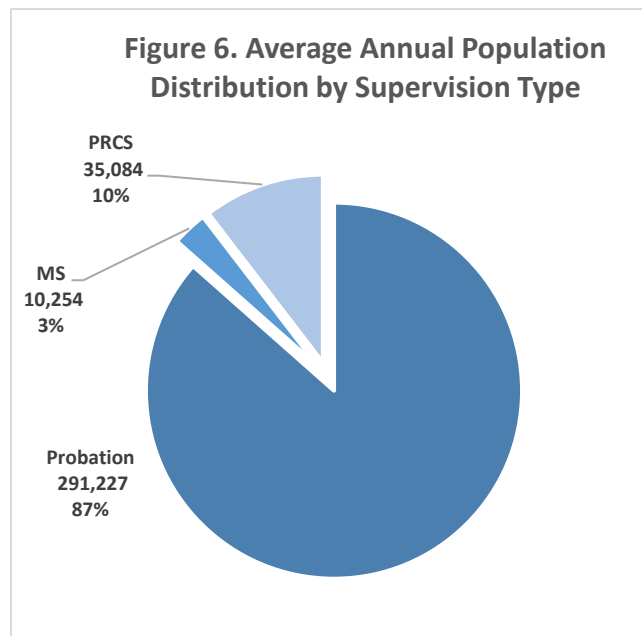


Source: Revocation data reported by probation departments to the Judicial Council.

Return-to-prison rates for felony probationers and those under mandatory supervision have been similar since 2013, averaging 2.7 and 2.6 percent, respectively.

The return-to-prison rate for PRCS dropped noticeably following the enactment of Prop. 47. Return-to-prison rates for PRCS ticked up in the following year, from 6.2 percent in 2015 to 6.5 percent in 2016. It is possible that the large drop in PRCS returns to prison between 2014 and 2015 can be attributed to the reduction in the number of prison-eligible felonies following Prop. 47, subsequent changes in justice partner policies and practices, improved supervision practices or a combination of these factors.

These outcomes should be viewed with some caution, however. Return-to-prison rates are sensitive to changes in population. For example, although the return-to-prison rate in 2014 was slightly lower in 2014 (3.2 percent) compared to 2016 (3.3 percent), the total number of individuals returned to state prison was actually higher in 2014. But, since the total population is lower in 2016, the rate is higher even though there has been improvement. The total

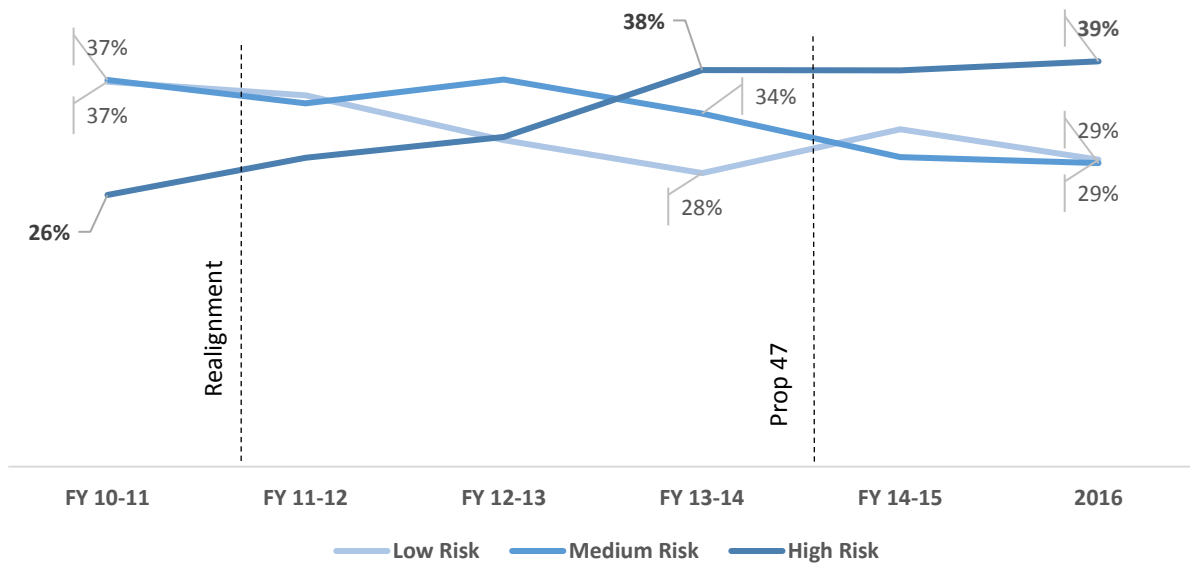


return-to-prison rate is driven primarily by felony probationers who make up the 85 to 88 percent of those under supervision, or approximately 291,227 individuals (figure 6).<sup>24</sup> Although return-to-prison rates for individuals on PRCS have been appreciably higher, averaging 7.4 percent, the PRCS population makes up only 10 to 11 percent of the supervised population, averaging just over 35,000 between 2013 and 2016. It is unclear, however, whether differences in return-to-prison rates between supervision types are related to the policies and practices of supervising agencies, other local criminal justice system practices, or offender behavior.

### Risk level of locally supervised populations

Return-to-prison rates have declined or remained relatively stable although statewide data indicate that the proportion of high-risk individuals on felony supervision increased (as a percentage of the total assessed supervised population), and the percentage of low-risk individuals declined (figure 7). During the past five years of the program, of all individuals on community supervision assessed, the reported percentage of low-risk individuals decreased

**Figure 7. Percentage of Supervised Caseload by Risk Level**



Source: Annual Assessment data reported by probation departments to the Judicial Council.

Notes: Percentages represent statewide averages. Caseload includes those supervised under felony probation, mandatory supervision, and postrelease community supervision.

<sup>24</sup> This chart uses the average of the annualized population figures reported to the Judicial Council for the years 2013–2016.

37 to 29 percent, while the percentage of high-risk individuals increased from 26 to 39 percent.<sup>25</sup> Despite the increased risk-levels of supervised populations, probation departments have generally maintained or improved their recidivism outcomes.

### **SB 678 program and public safety outcomes**

Although still at their lowest levels in decades, both violent and property crime rates increased in 2015. From 2014 to 2015, the violent crime rate increased by 8.4 percent and the property crime rate increased by 6.6 percent. The sweeping changes to the criminal justice system that resulted from realignment and Prop. 47 make isolating and measuring the SB 678 program's impact on public safety difficult. This analysis makes no causal claims about whether and how the SB 678 program and Prop. 47 have affected crime rates; however, the most recent increases in crime rates are not likely a result of SB 678. In the first years following the implementation of SB 678, crime rates in California generally continued the downward trend of the past decade, while the timing of the most recent increase in crime rates coincides with the passage of Prop. 47.

Figure 8 displays property and violent crime rates from 2007, before the enactment of SB 678, through 2015, the most recent year for which data are available.

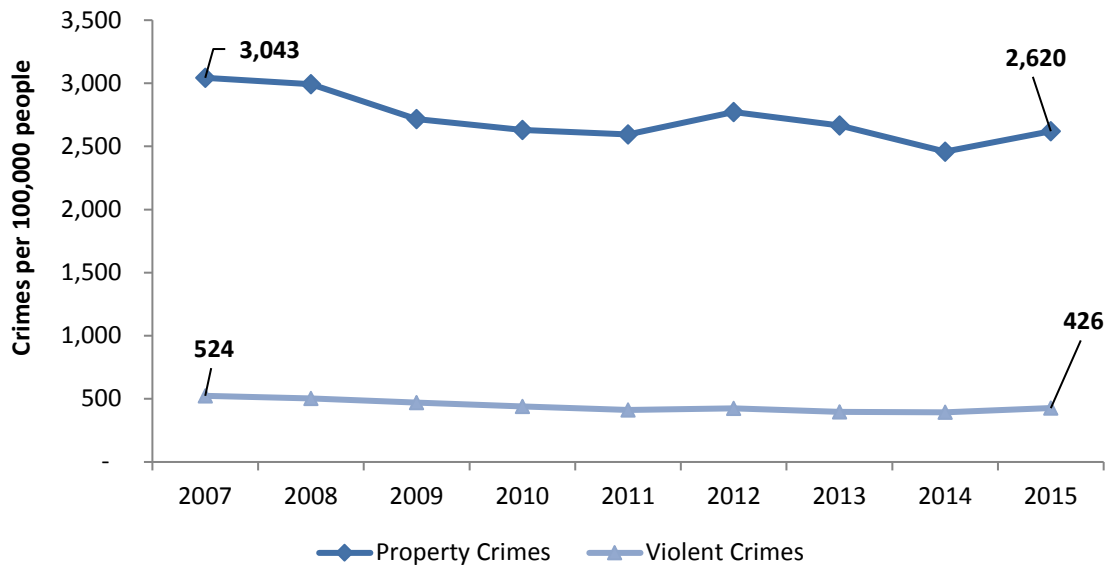
The Legislature designed the SB 678 program to save state funds and improve the effectiveness of community supervision practices without compromising public safety.<sup>26</sup> Although confidently identifying the specific impact of the SB 678 program on crime is impossible, these data suggest that public safety has not been compromised as a result of SB 678.

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<sup>25</sup> These figures are based on annual assessment data from counties that assessed more than 75 percent of their probation population in each fiscal year ( $n = 31$ ).

<sup>26</sup> Pen. Code, §§ 1228(c), 1229(c)(1).

**Figure 8. California Crime Rates 2007-2015**



Source: Property and violent crime data from the California Department of Justice, Office of the Attorney General, *Crime in California, 2015* report.

## B. Allocation of State Savings to County Probation Departments, and Reported Use of Funds for Evidence-Based Practices and Evaluation

### State savings and allocation to county probation departments

The SB 678 program has been effective in saving state General Fund monies. Criminal justice reforms such as the 2011 public safety realignment legislation and Prop. 47 have necessitated a number of adjustments to how state savings and incentive payments were calculated. The evolution of the funding formula to its current methodology has been outlined in detail in previous reports to the legislature.<sup>27</sup> The current SB 678 funding formula now has three funding components and is discussed in greater detail in Appendix B.

Since program inception, SB 678 has:

- Generated an estimated \$1 billion dollars in state savings; and
- Allocated \$703 million to county probation departments (through FY 2016–2017).<sup>28</sup>

<sup>27</sup> Previous reports are available at the Judicial Council Community Supervision page: [www.courts.ca.gov/programs-communitycorrections.htm](http://www.courts.ca.gov/programs-communitycorrections.htm) (as of May 23, 2017).

<sup>28</sup> Statewide and county-by-county allocations are reported in Appendix C.

## **Probation departments' reported use of funds for evidence-based practices and evaluation**

Although not charged with conducting a formal accounting of funds received through the SB 678 program, the Judicial Council incorporates a limited number of funding questions in the Annual Assessment.<sup>29</sup> County probation departments across California reported using SB 678 program funds to implement a variety of evidence-based practices (table 1).<sup>30</sup> The Judicial Council uses the probation departments' self-reported information to provide context for the ways in which resources are allocated.

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<sup>29</sup> The SB 678 Annual Assessment is an annual survey of each probation department to measure its current level of implementation of evidence-based practices (EBP), as well as the programs and practices used or funded during the previous fiscal year. The Annual Assessment is used to satisfy the outcome-based reporting requirements outlined in SB 678. (See Pen. Code, § 1231(b).) This survey also fulfills the requirement in Pen. Code, § 1231(c) that counties provide an annual written report to the Judicial Council. The Annual Assessment has been administered each year beginning in FY 2010–2011. In 2016, the report time frame was revised to the calendar year, rather than fiscal year.

<sup>30</sup> Caution is advised when interpreting these results because the reporting categories are not mutually exclusive, and the reported proportions are likely representative of the SB 678 funds *spent* on the implementation of EBPs separate and apart from the amount of SB 678 funds *received* in a given fiscal year for EBP implementation. For example, funds for support of officers may be used for training or for the improvement of data collection because case-carrying officers often perform these data collection functions.

<b>Spending Category</b>	<b>Average % Spent FY 2010–2011 (N=50)</b>	<b>Average % Spent FY 2011–2012 (N=48)</b>	<b>Average % Spent FY 2012–2013 (N=48)</b>	<b>Average % Spent FY 2013–2014 (N=50)</b>	<b>Average % Spent FY 2014–2015 (N=53)</b>	<b>Average % Spent 2016 (N=50)</b>
Hiring, support, and/or retention of case-carrying officers/supervisors	28%	48%	60%	60%	58%	63%
Evidence-based treatment programs	28	27	20	18	19	19
Improvement of data collection and use	4	3	7	2	6	8
Use of risk and needs assessment	12	5	5	4	6	3
Use/implementation of intermediate sanctions	NA	NA	3	7	3	3
EBP training for officers/supervisors	7	8	<3	3	3	3
Other evidence-based practices <sup>b</sup>	10	3	3	5	5	1
<sup>a</sup> The following counties provided incomplete or invalid responses to these questions and were excluded from these analyses: <b>FY 2010–2011</b> — Colusa, Kings, San Diego, San Luis Obispo, Santa Clara, Sierra, Tehama, Tulare <b>FY 2011–2012</b> — Alpine, Amador, Butte, El Dorado, Imperial, Kings, Napa, Plumas, Sierra, Tehama <b>FY 2012–2013</b> — Butte, Del Norte, Imperial, Madera, Modoc, San Benito, Santa Clara, Shasta, Sierra, Tulare <b>FY 2013–2014</b> — Alpine, Amador, Contra Costa, Del Norte, Lake, Modoc, Nevada, Yolo <b>FY 2014–2015</b> — Amador, Del Norte, Mariposa, Santa Clara, Tehama <b>2016</b> — Amador, Del Norte, Mariposa, Santa Clara, Tehama						
<sup>b</sup> Includes operational costs, administration and clerical support, materials, incentives, and associated start-up costs. A number of counties reported placing some funds in a reserve account for program maintenance, additional positions, and services related to their SB 678 program.						

Source: Annual Assessment data reported by probation departments to the Judicial Council.

Probation departments have consistently reported using the majority of their SB 678 funds on the hiring, retention, and training of probation officers to supervise medium- and high-risk probationers consistent with evidence based practices. Probation departments also report using a sizable proportion of their SB 678 funds on evidence-based treatment programs and services. The departments reported spending funds on five major categories of evidence-based treatment programs and services: (1) cognitive behavioral therapy, (2) outpatient substance abuse treatment programs, (3) day reporting centers, (4) vocational training/job readiness programs, and (5) other treatment programs/services. As noted in table 1, the use of the funds shifts over time in anticipated ways. For example, the need for EBP training in the earlier years diminishes over time as EBP is more fully implemented within probation departments.

### C. Implementation of Evidence-Based Practices

The SB 678 program was designed specifically to improve the effectiveness of probation departments’ supervision practices through increased use of evidence-based practices. The SB 678 program recognizes five areas of EBP as most critical for improvement for county probation departments. These areas include use of risk and needs assessment; effective supervision

practices; collaboration with justice partners; effective management and supervision; and effective treatment and intervention.

To measure probation departments' self-reported EBP implementation levels<sup>31</sup> and changes in EBP implementation over time,<sup>32</sup> the Judicial Council created the *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment).<sup>33</sup> Each probation department is required to provide assessment results annually to the Judicial Council. Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (see Appendix D). All components of EBP measured in the survey are substantially higher than they were at baseline; however, improvements generally appear to be leveling off. Given the relative constancy of the Annual Assessment results over the last few years, the Judicial Council will be evaluating whether a revised Annual Assessment is necessary to more fully capture continued EBP adoption by probation departments.

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<sup>31</sup> The Annual Assessment includes 41 scaled items designed to measure the level in which specific EBP focus areas have been implemented by probation departments. Scaled items are scored on a 4-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department's responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department's scores across the five EBP categories.

<sup>32</sup> Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment's scoring scheme. For counties to achieve the highest/gold standard rating across multiple items and multiple categories may be challenging. As a result, increases in the percentage change in EBP implementation in the future may be less than that reported in the current or previous years.

<sup>33</sup> Because the survey was developed before realignment, it initially focused solely on the felony probation supervision population. Beginning in 2014, probation departments were asked about their use of evidence-based practices in supervising all felony populations, including individuals on mandatory supervision and PRCS.

### III. Recommendations for the SB 678 Program

Penal Code section 1232(e) requires the Judicial Council to report on the effectiveness of the SB 678 program and provide recommendations for resource allocation and additional collaboration to improve the program. The Judicial Council has made six recommendations regarding SB 678 in these annual reports since it began reporting in 2013. A summary of the three recommendations implemented, the three yet to be addressed, and two new recommendations is provided below.

#### **Implemented recommendations**

The Legislature implemented the following recommendations when it adopted SB 85 as a trailer bill to the 2015–2016 State Budget:

- Expand the SB 678 program to include probation supervised populations created by realignment;
- Establish stable and predictable funding; and
- Provide sufficient incentives to maintain evidence-based supervision practices.

SB 85 created a new SB 678 funding formula that includes postrelease community supervision and mandatory supervision—the supervised felony offender groups that were created by the 2011 Public Safety Realignment Act. It also established a long-term funding methodology that should maintain stable and predictable funding for the SB 678 program. Finally, it preserved and stabilized performance incentive funding coupled with the implementation of EBP.

#### **Recommendations not implemented**

The Judicial Council continues to encourage the state to explore three recommendations that were presented in past reports and have yet to be implemented. Judicial Council staff is assessing opportunities to address the recommendations as described below.

***Study offender recidivism.*** Although reported crime rates have remained near historic lows since the passage of SB 678, both violent and property crime rates increased in 2015. Whether trends in crime rates for individuals on felony supervision match these broader crime trends is unclear. The Legislature should consider requiring a more robust study of crime committed by these offenders. To fully understand the effectiveness of the SB 678 program, recidivism and revocation rates should be studied using individual-level data. Judicial Council staff is working toward increasing collaboration and data sharing with justice system partners over the next several years to develop a more robust criminal justice research agenda that may address this recommendation.

***Study impact of Prop. 47 on probation department practices and the SB 678 program.*** As outlined earlier, recent changes in criminal justice policy affected the number and type of felony probationers. Little is known about the effect of these caseload changes on EBP implementation.



For example, many offenders who would have been sentenced to felony probation before implementation of Prop. 47 may now be sentenced to misdemeanor probation. Additional information is needed on local approaches to misdemeanor probation and the degree to which probation departments are employing evidence-based supervision practices on this population. In collaboration with local probation departments and the Chief Probation Officers of California, Judicial Council staff will review and revise as appropriate the Annual Assessment in the upcoming year and will evaluate the potential use of that tool to gather data on the impact of Prop. 47 or other criminal justice changes on probation practices.

***Encourage counties to implement local performance incentive funding.*** Given the effectiveness of the SB 678 program, the state should encourage counties to implement local performance incentive funding programs. Just as SB 678 directly affected the state prison population, a local performance incentive program could reduce the number of offenders who serve time in county jail. The state has an interest in promoting effective supervision at the local level because local incarceration costs are high relative to effective community supervision.

## **New recommendations**

The Judicial Council encourages the state to consider two new recommendations that may support or enhance some of the gains realized through the SB 678 program.

***Support the increased use of evidence-based programs, treatment, and services.*** Although all five components of EBPs measured in the Judicial Council’s Annual Assessment are substantially higher than they were at baseline, measures of EBP treatment implementation still lag behind other components of implementation. Many probation departments have developed their own EBP treatment programs or report having increased access to EBP treatment resources in their community; however, it is more difficult for probation departments to effectively supervise and broker treatment if the treatment options in their communities are limited or simply unavailable. Many probation departments report that improvements can still be made in this area and that the need for an increased capacity of EBP treatment programs is persistent. Although outside the immediate scope of SB 678 and community supervision, the state’s continued support for increased treatment services (through programs such as the state’s Drug Medi-Cal Organized Delivery System (DMC-ODS) waiver) could potentially benefit a significant number of individuals supervised by probation in counties that receive the waiver.<sup>34</sup>

***Adopt the SB 678 performance incentive funding model approach to new reform efforts.*** The achievements of the SB 678 justice reinvestment model could potentially be replicated to address other pressing issues in the criminal justice system. The state should support the adoption of performance incentive funding programs more broadly by incentivizing projects that address special high-need populations, such as offenders with mental health issues. When adopting

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<sup>34</sup> California Department of Health Care Services, [www.dhcs.ca.gov/provgovpart/Pages/Drug-Medi-Cal-Organized-Delivery-System.aspx](http://www.dhcs.ca.gov/provgovpart/Pages/Drug-Medi-Cal-Organized-Delivery-System.aspx) (as of May 25, 2017).

performance incentive funding programs, it is important to note the factors associated with SB 678 that helped make the program a success. These factors include stable funding, mandated reporting of clear measurable outcomes, legislatively mandated data collection and agency collaboration, and an identified source of cost saving/cost avoidance.

## Conclusion

The California Community Corrections Performance Incentives Act (SB 678) is an effective program that appears to be operating as the Legislature intended when it created this incentive program for county probation departments.

The SB 678 program was designed to:

- Alleviate state prison overcrowding;
- Save state General Fund monies by reducing the number of individuals supervised by probation who are sent to state prison for committing a new crime or violating the terms of supervision;
- Increase the use of evidence-based supervision practices; and
- Achieve these goals without compromising public safety.

SB 678 has been successful in each of these areas. Even as higher-risk individuals constitute an increasing proportion of felony supervision caseloads (increasing from 25 percent to 39 percent of supervised individuals), county probation departments have been able to maintain lower rates of prison returns. Probation departments around the state have implemented and continue to support important evidence-based practices.

Since its inception in 2009, SB 678 has matured from a program that focused on implementing evidence-based practices to one that focuses on their sustainability and expansion. The state can build on the success of and lessons learned from this carefully designed program by considering opportunities to replicate the SB 678 model to address other challenges facing the criminal justice system.

## Appendix A

The return-to-prison rate used in this table is calculated using the reported number of individuals who were sent to state prisons for either a supervision violation or a new offense, across all types of local felony supervision—felony probation, mandatory supervision, and PRCS. Failures to state prisons were not reported for MS and PRCS prior to 2013.

The term “return to prison” implies that the offender has previously been incarcerated in the state prison system; however, many individuals supervised by probation departments have never been in prison custody.

<b>Table A.1. Percentage Failure/Return-to-Prison Rates by County: 2013–2016<sup>A,B</sup></b>				
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Statewide Total</b>	<b>3.4%</b>	<b>3.2%</b>	<b>2.9%</b>	<b>3.3%</b>
Alameda	2.6	3.1	3.7	3.2
Alpine	4.0	6.2	0.0	0.0
Amador	3.5	2.6	1.6	7.1
Butte	6.1	6.6	5.5	6.4
Calaveras	2.5	4.6	4.7	0.3
Colusa	4.7	3.5	5.3	6.9
Contra Costa	1.4	1.5	1.4	1.7
Del Norte	5.9	4.7	2.4	5.9
El Dorado	2.7	2.6	2.9	3.4
Fresno	4.7	4.4	4.4	5.6
Glenn	2.0	2.5	1.7	3.6
Humboldt	3.9	4.3	6.1	5.1
Imperial	3.3	3.9	3.7	3.1
Inyo	1.3	3.0	1.2	2.5
Kern	5.0	3.6	3.2	3.3
Kings	5.3	4.7	3.2	5.5
Lake	3.0	4.1	7.3	4.3
Lassen	7.5	3.9	2.8	7.2
Los Angeles	3.6	2.7	1.8	1.9
Madera	1.6	2.2	2.0	2.6
Marin	2.6	2.9	1.2	1.5
Mariposa	2.9	0.8	5.4	4.4
Mendocino	4.8	4.9	7.1	5.1
Merced	1.1	1.4	0.7	0.8
Modoc	11.8	1.3	3.2	0.0
Mono	1.3	0.4	0.8	0.5
Monterey	4.2	4.6	4.6	5.0
Napa	1.6	1.4	1.4	2.4

<b>Table A.1. Percentage Failure/Return-to-Prison Rates by County: 2013–2016<sup>A,B</sup></b>				
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Statewide Total</b>	<b>3.4%</b>	<b>3.2%</b>	<b>2.9%</b>	<b>3.3%</b>
Nevada	1.6	1.4	1.0	2.0
Orange	1.4	1.9	2.1	2.1
Placer	2.4	2.7	2.5	1.8
Plumas	2.0	0.6	1.3	0.0
Riverside	3.5	3.2	3.0	3.7
Sacramento	6.0	5.9	6.3	4.3
San Benito	1.5	1.9	1.1	2.8
San Bernardino	3.7	1.7	2.1	5.3
San Diego	5.0	6.2	4.7	6.4
San Francisco	1.3	1.1	1.4	1.5
San Joaquin	2.4	2.1	1.8	2.3
San Luis Obispo	3.6	3.4	3.3	3.6
San Mateo	3.2	2.7	4.7	2.9
Santa Barbara	2.1	1.7	1.6	2.1
Santa Clara	2.1	2.6	2.8	3.1
Santa Cruz	1.2	0.7	1.3	1.2
Shasta	5.8	6.4	7.9	6.8
Sierra	7.0	3.8	4.0	0.0
Siskiyou	1.9	4.4	6.7	5.8
Solano	2.4	3.0	3.6	3.3
Sonoma	2.7	2.7	3.3	3.7
Stanislaus	4.6	3.8	3.6	4.4
Sutter	5.9	3.1	6.5	7.3
Tehama	3.6	8.9	4.1	1.9
Trinity	1.3	0.9	2.9	2.5
Tulare	2.7	3.1	2.9	2.8
Tuolumne	2.3	2.3	2.4	4.0
Ventura	4.8	6.0	6.0	8.2
Yolo	1.6	2.1	1.9	2.7
Yuba	6.1	6.5	9.5	10.2

<sup>A</sup> Counties with smaller felony offender populations will be more reactive to small changes in the actual number of revocations. For example, in a county with 1,000 felony offenders, an increase of five revocations would increase the FTP slightly, from 5 percent to 5.5 percent, whereas in a county with only 100 felony offenders, an increase of five revocations would *double* the return-to-prison rate, from 5 percent to 10 percent.

<sup>B</sup> This appendix previously reported the felony offender failure rate using combined failures to state prison and county jail for individuals on probation only. These reports are available at [www.courts.ca.gov/programs-communitycorrections.htm](http://www.courts.ca.gov/programs-communitycorrections.htm).

# Appendix B

## **SB 678: Revised SB Funding Methodology, FY 2015–2016**

### **Background**

SB 678, the California Community Corrections Performance Incentives Act of 2009, establishes a system of performance-based funding that shares state General Fund savings with county probation departments that reduce the number of adult felony offenders who are revoked to state prison in a year as a percentage of the average offender population during the same period. At the center of SB 678 is the use of incentive-based funding to promote the use of evidence-based practices and to improve public safety.

Since passage of the act, the State of California has adopted significant changes in criminal justice policies that directly impacted SB 678—most notably the 2011 Public Safety Realignment Act, which reduced the number of probationers eligible for revocation to state prison and created two new groups of offenders subject to local supervision. To maintain effective incentives and account for the significant changes in criminal justice policy, SB 85, adopted as a trailer bill to the 2015–2016 State Budget, revises the SB 678 funding formula and creates a funding methodology that should serve as a long-term formula. Before the adoption of SB 85, the state adopted temporary measures.

### **Revised funding methodology**

Below is a summary of the newly revised SB 678 funding formula, which includes three funding components:

***Funding Component #1: Comparison of county to statewide return to prison rates.*** The first funding component measures each county’s performance against statewide failure rates. Each county’s return-to-prison rate (RPR)—which equals the number of individuals on felony probation, mandatory supervision, or PRCS sent to prison as a percentage of the total supervised population—is compared to statewide RPRs since the original SB 678 baseline period (2006–2008).

If a county’s RPR is less than or equal to the original statewide baseline of 7.9 percent, the county will receive a percentage of its highest SB 678 payment from the period between program inception and FY 2014–2015. Depending on how a county’s RPR compares to statewide RPRs, a county can receive between 40 and 100 percent of its highest payment. The statewide RPRs and percentages of savings are defined in table C.1.

- If a county’s RPR is below 1.5%, the county will receive 100% of its highest prior payment.
- If a county’s RPR is equal or greater to 1.5% but no higher than 3.2%, the county will receive 70% of its highest prior payment.
- If a county’s RPR is above 3.2% but no higher than 5.5%, the county will receive 60% of its highest prior payment.
- If a county’s RPR is above 5.5% but no higher than 6.1%, the county will receive 50% of its highest prior payment.
- If a county’s RPR is above 6.1% but no higher than 7.9%, the county will receive 40% of its highest prior payment.

**Table B.1. Tier Categories Based on Return-to-Prison Rates**

Tier Category Based on Total County RPR	Percentage of Highest Prior SB 678 Payment
RPR <1.5%	100%
RPR ≥1.5% and ≤3.2%	70%
RPR >3.2% and ≤5.5%	60%
RPR >5.5% and ≤6.1%	50%
RPR >6.1% and ≤7.9%	40%

***Funding Component #2: Comparison of each county’s return-to-prison rate and its failure rate in the previous year.*** The second funding component is based on how each county performs in comparison to its performance the previous year. Each year, a county’s RPR from the previous year is applied to its current year’s felony supervised populations to calculate the expected number of prison revocations (see the explanation in the paragraph that follows). If a county sends fewer individuals on felony supervision to prison than the expected number, the county will receive 35 percent of the state’s costs to incarcerate an individual in a contract bed multiplied by the number of avoided prison stays.<sup>35</sup> The number of avoided prison revocations is calculated separately for each felony supervised population (i.e., felony probation, mandatory supervision, PRCS).

For example, if a county had a 3.2 percent RPR for its felony probation population in 2013 and 10,000 people on felony probation in 2014, its expected number of felony probation prison revocations in 2014 would be 320. If only 300 felony probationers were actually sent to prison in

<sup>35</sup> A “contract bed” is defined as “[t]he cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison.” (Pen. Code, § 1233.1(a).)

2014, the county avoided sending 20 individuals to prison and would receive 35 percent of the state's cost to imprison these 20 individuals in a contract bed.

To continue to receive funds under this funding component, probation departments must continually reduce their return-to-prison rates year after year.

***Funding Component #3: \$200,000 minimum payment.*** The third funding component guarantees a minimum payment of \$200,000 to each county to support ongoing implementation of evidence-based practices. If a county's total payment (from funding components 1 and 2) is less than \$200,000, the Department of Finance will increase the final award amount so that it totals \$200,000.



## Appendix C

<b>Table C.1. SB 678 Allocation Payments (in dollars)</b>						
	<b>FY 2011– 2012</b>	<b>FY 2012– 2013</b>	<b>FY 2013– 2014</b>	<b>FY 2014– 2015</b>	<b>FY 2015– 2016</b>	<b>FY 2016– 2017</b>
<b>Statewide</b>	<b>\$88,577,649</b>	<b>\$138,289,868</b>	<b>\$101,042,863</b>	<b>\$124,771,913</b>	<b>\$125,096,592</b>	<b>\$125,312,835</b>
Alameda	900,678	3,204,984	1,791,585	1,790,312	2,243,488	1,922,990
Alpine	100,000	164,764	77,339	200,000	200,000	391,028
Amador	89,650	164,764	77,339	200,000	200,000	200,325
Butte	155,214	925,288	200,000	200,000	370,116	746,201
Calaveras	369,572	368,848	291,065	407,392	244,435	264,543
Colusa	100,000	221,660	200,000	200,000	200,000	200,000
Contra Costa	4,340,048	6,533,388	5,449,662	3,868,228	4,647,293	6,674,147
Del Norte	169,047	276,144	200,000	200,000	211,197	253,626
El Dorado	316,814	400,148	200,000	200,000	352,966	300,213
Fresno	4,585,994	4,740,472	2,840,658	4,679,736	3,370,959	3,628,503
Glenn	119,954	264,016	200,000	261,896	202,647	214,973
Humboldt	199,735	718,568	259,125	200,000	474,030	359,283
Imperial	89,650	164,764	200,000	200,000	200,000	300,974
Inyo	100,000	200,000	200,000	231,912	200,000	282,183
Kern	89,650	2,111,096	1,531,693	2,119,224	2,715,301	1,845,404
Kings	1,539,887	1,664,236	1,643,303	608,548	1,206,112	1,300,163
Lake	358,426	653,644	238,229	200,000	408,995	301,675
Lassen	213,064	200,000	77,339	200,000	229,826	200,000
Los Angeles	28,569,312	52,224,772	35,093,572	43,838,601	43,306,893	45,133,491
Madera	1,475,176	1,542,916	1,097,358	1,191,068	1,080,042	1,170,529
Marin	888,150	1,336,996	1,115,222	596,404	946,388	1,447,592
Mariposa	89,650	200,000	200,000	200,000	221,920	200,000
Mendocino	396,789	597,316	200,000	200,000	437,401	238,926
Merced	193,375	765,940	1,675,043	1,300,128	1,675,043	1,866,071
Modoc	100,000	200,000	77,339	200,000	273,053	200,000
Mono	137,246	200,000	200,000	227,576	249,006	227,576
Monterey	89,650	227,712	200,000	200,000	200,000	200,000
Napa	543,647	200,000	200,000	498,032	567,979	573,809
Nevada	390,205	587,404	489,968	277,500	597,278	607,512
Orange	6,480,752	6,548,668	4,600,729	5,593,080	4,584,067	4,956,069
Placer	273,195	751,252	767,337	639,456	537,136	667,839
Plumas	423,933	442,680	269,031	329,368	463,088	442,681
Riverside	8,956,728	10,642,940	5,775,282	3,113,620	7,157,600	8,525,846
Sacramento	7,704,131	11,529,404	14,957,581	19,827,592	10,158,000	7,951,145
San Benito	89,650	164,764	200,000	200,000	200,000	250,271

<b>Table C.1. SB 678 Allocation Payments (in dollars)</b>						
	<b>FY 2011– 2012</b>	<b>FY 2012– 2013</b>	<b>FY 2013– 2014</b>	<b>FY 2014– 2015</b>	<b>FY 2015– 2016</b>	<b>FY 2016– 2017</b>
<b>Statewide</b>	<b>\$88,577,649</b>	<b>\$138,289,868</b>	<b>\$101,042,863</b>	<b>\$124,771,913</b>	<b>\$125,096,592</b>	<b>\$125,312,835</b>
San Bernardino	3,020,014	2,468,872	3,487,558	10,587,596	12,327,550	7,411,317
San Diego	2,439,109	2,455,992	77,339	200,000	1,152,636	4,077,606
San Francisco	831,075	1,397,920	632,779	2,757,568	2,795,325	2,757,568
San Joaquin	1,250,661	3,050,768	2,146,757	3,046,544	2,381,676	2,336,619
San Luis Obispo	89,650	2,124,608	77,339	200,000	1,312,985	1,314,981
San Mateo	1,068,650	1,410,140	541,986	200,000	1,228,228	856,138
Santa Barbara	888,302	967,120	1,208,682	1,826,316	1,453,253	1,368,908
Santa Clara	647,289	558,368	954,483	1,716,820	1,201,774	1,252,045
Santa Cruz	1,159,608	1,745,644	1,456,083	1,269,796	1,896,183	1,745,642
Shasta	264,224	1,262,128	1,178,260	861,384	504,851	200,000
Sierra	89,650	164,764	77,339	200,000	200,000	200,000
Siskiyou	100,000	331,852	250,933	301,200	213,337	200,000
Solano	334,716	385,720	200,000	821,600	590,030	492,960
Sonoma	367,573	875,300	808,007	1,054,396	758,887	672,854
Stanislaus	175,290	1,126,024	803,111	200,000	1,174,045	957,128
Sutter	446,680	870,568	872,008	828,500	863,787	348,803
Tehama	136,104	233,624	77,339	200,000	200,000	532,284
Trinity	267,853	301,064	200,000	200,000	305,975	210,746
Tulare	1,329,636	2,336,476	885,545	1,375,288	1,635,534	1,866,778
Tuolumne	415,225	342,740	303,770	295,976	301,270	320,820
Ventura	1,166,277	883,756	600,965	200,000	733,122	593,192
Yolo	1,351,091	1,656,872	1,206,781	1,829,256	1,333,885	1,350,858
Yuba	\$100,000	200,000	200,000	200,000	200,000	200,000

Source: State Controller's Office of Accounting and Reporting:

[http://sco.ca.gov/ard\\_payments\\_communitycorrectionsperformanceincentive.html](http://sco.ca.gov/ard_payments_communitycorrectionsperformanceincentive.html) (as of Apr. 11, 2017)

## Appendix D

### **SB 678 Monitoring, Reporting, and EBP Implementation**

SB 678 requires county probation departments to report on their implementation of evidence-based practices and outcomes to enable the Legislature to monitor whether the program is having its intended effect.<sup>36</sup> The Judicial Council collects quarterly statewide outcome data reported by the counties.<sup>37</sup> Since the start of the SB 678 program, the Judicial Council has provided technical assistance in data quality assurance to probation departments through site visits, multicounty conference calls, and contacts with individual counties.<sup>38</sup>

The Judicial Council's data collection methods obtain the most critical data, balancing county resource constraints with the Legislature's interest in program evaluation based on accurate and detailed information, as mandated by statute. Data reported by county probation departments focus on quantitative outcomes, including the number of felony offenders placed on local supervision, revoked to prison or jail, and convicted of a new felony offense during the reporting period (see Appendix E). The Judicial Council reports program data to the Department of Finance (DOF), which uses the data to determine the appropriate annual level of performance-based funding for each county probation department.<sup>39</sup>

In addition to collecting quarterly outcome-focused data, the Judicial Council developed an annual survey, *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment), to gather information on probation departments' implementation of evidence-based practices (EBPs) and assist them in fulfilling the legislative mandate for evaluating the effectiveness of the SB 678 program.<sup>40</sup> The Annual Assessment focuses on five critical evidence-based practices: (1) use of validated risk and needs assessments; (2) effective supervision practices, including training on EBPs; (3) effective treatment and targeted intervention; (4) effective management practices; and (5) collaboration among justice system partners.<sup>41</sup> The

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<sup>36</sup> Pen. Code, § 1231(a): "Community corrections programs funded pursuant to this chapter shall identify and track specific outcome-based measures consistent with the goals of this act." *Id.*, § 1231(c): "Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the Judicial Council, evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b)."

<sup>37</sup> *Id.*, § 1231(b).

<sup>38</sup> The Judicial Council's Criminal Justice Services office has developed uniform data definitions, created and administered surveys, checked data submissions, matched revocation records submitted by probation departments with CDCR records, and investigated record inconsistencies.

<sup>39</sup> Pen. Code, §§ 1231(d), 1233.1.

<sup>40</sup> *Id.*, §§ 1231(c), 1232.

<sup>41</sup> The importance of each of these areas has been supported in a number of reports; see, for example, Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in*

survey is designed to measure probation departments' reported EBP implementation changes over time and to identify program spending priorities.

The SB 678 program was designed to improve the effectiveness of probation departments' supervision practices through increased use of evidence-based practices, defined in statute as "supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision."<sup>42</sup> The term denotes a wide range of systematic supervision practices that research has demonstrated to be effective in promoting and supporting positive individual behavioral change in people with criminal convictions. The SB 678 program provides support to probation departments in their efforts to implement necessary programmatic and systemic changes, and to improve practices that directly target adult felony offender behavior.<sup>43</sup>

The SB 678 program recognizes five areas of EBP as most critical for improvement for county probation departments. Each department is required to provide a yearly report ("Annual Assessment"<sup>44</sup>) to the Judicial Council evaluating the effectiveness of its programs focusing on these five areas.<sup>45</sup> This survey is designed to measure probation departments' self-reported EBP implementation levels<sup>46</sup> and changes in EBP implementation over time.<sup>47</sup>

Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (figure D.1). All components of EBP measured in the survey are substantially higher than they were at baseline;

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*Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, Oct. 2009), [www.crj.org/cji/entry/publication\\_integratedmodel](http://www.crj.org/cji/entry/publication_integratedmodel) (as of May 25, 2017).

<sup>42</sup> Pen. Code, § 1229(d).

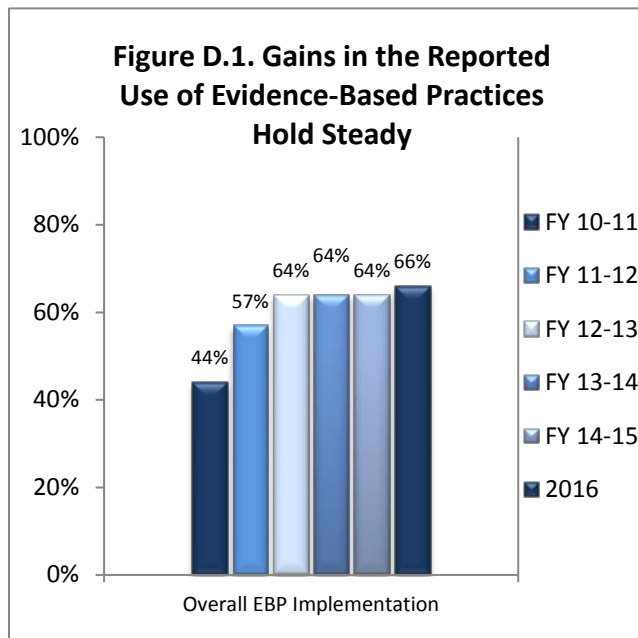
<sup>43</sup> *Id.*, § 1230(b)(3)(A–E).

<sup>44</sup> Because the survey was developed before realignment, it initially focused solely on the felony probation supervision population. Beginning in 2014, probation departments were asked about their use of evidence-based practices in supervising all felony populations, including individuals on mandatory supervision and postrelease community supervision (PRCS).

<sup>45</sup> Pen. Code, § 1231(c).

<sup>46</sup> The Annual Assessment includes 41 scaled items designed to measure the level in which specific EBP focus areas have been implemented by the probation departments. Scaled items are scored on a 4-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department's responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department's scores across the five EBP categories.

<sup>47</sup> Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment's scoring scheme. To achieve the highest/gold standard rating across multiple items and multiple categories may be challenging for counties. As a result, increases in the percentage change in EBP implementation in the future may be less than that reported in the current or previous years.



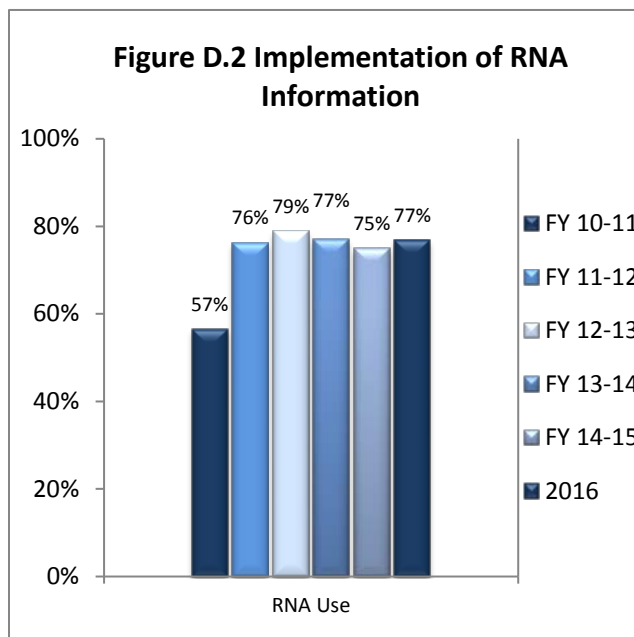
however, improvements generally appear to be leveling off.<sup>48</sup> The leveling reported between FY 2012–2013 and FY 2014–2015 may be due in part to the natural stabilization of practices and policies.

Another factor that might influence the measured level of implementation is related to changes in criminal justice policy, including criminal justice realignment. For example, results from the assessment suggest that probation departments have generally continued to focus their active supervision caseloads on high-risk offenders in accordance with evidence-based practices; however, some probation departments reported that all individuals on PRCS were

supervised on high-risk caseloads because of the seriousness of their original charges, even if their assessments did not indicate that they were high risk.

### Validated risk and needs assessments

Validated tools for risk and needs assessment (RNA) are standardized instruments that typically measure both static risk factors (those that do not change, e.g., criminal history) and dynamic risk factors (those that potentially may change). The use of validated risk and needs assessment tools has been substantiated as one of the most valuable components of evidence-based practices for supervision of adult felony offenders.<sup>49</sup> The tools can be used to provide caseload information to probation departments, helping officers to identify and focus on higher-risk populations while investing fewer resources in low-risk adult felony offenders. Using validated risk and needs assessments



<sup>48</sup> Overall reported levels of EBP implementation are calculated by taking the average of a department’s scores across the five EBP categories.

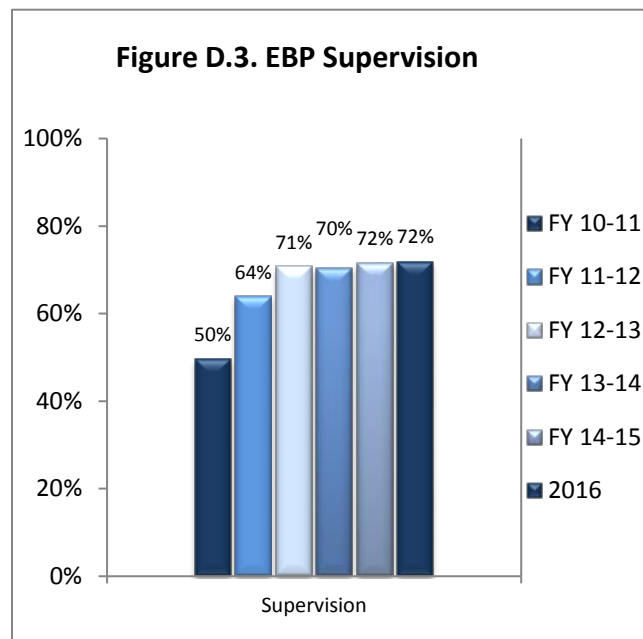
<sup>49</sup> Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, Oct. 2009).

to focus resources on higher-risk offenders, and to structure caseloads so that low-risk offenders are supervised separately from higher-risk offenders, has proven to be an effective EBP. The Annual Assessment category of RNA information implementation is based on six questions covering the use and validation of risk and needs assessment tools and how thoroughly the department trains and oversees users of assessments.

Since the implementation of SB 678, probation departments have made significant improvements in incorporating the use of validated risk and needs assessments in their supervision practices. Every department in the state now uses an assessment tool, and the majority of individuals on supervision undergo an assessment. Although departments are not always able to assess all of their individuals (for example, individuals may abscond and be placed on warrant status before the administration of the assessment), and probation departments occasionally base supervision decisions on factors other than RNA information (as mentioned previously for individuals on PRCS), the use of RNA tools have been incorporated into general supervision practices throughout the state.

### Evidence-based supervision practices

The relationship between a probation officer and an adult felony offender plays an important role in increasing the probability of an individual’s success on probation. Officers can support offenders’ positive behavior changes by forming appropriate, motivating relationships with those they supervise.<sup>50</sup> Providing swift, certain, and proportionate responses to offenders’ negative behavior is also an important element in supervision that can increase the likelihood of success on supervision.<sup>51</sup> The Annual Assessment category of evidence-based supervision practices is based on 15 questions focused on the relationship between the probation officer and the offender. Probation departments have substantially increased the use evidence-based practices since SB 678 began. For example, in 2010 only 21 percent of departments



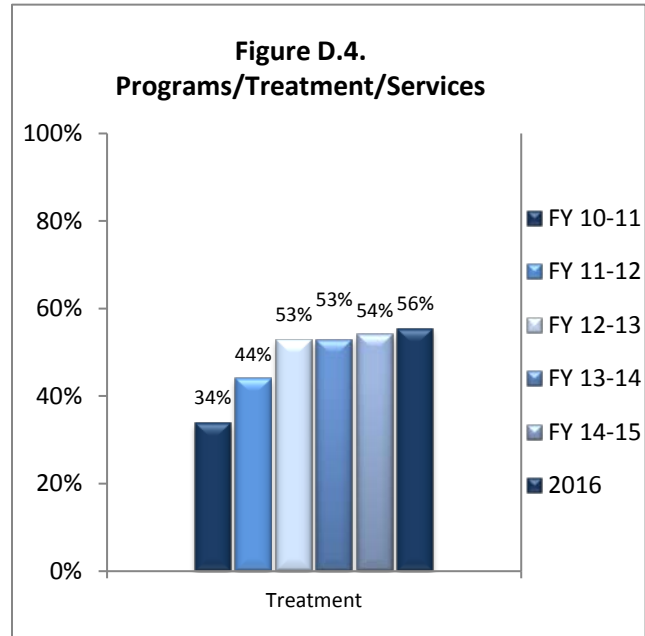
<sup>50</sup> M. L. Thigpen, T. J. Beauclair, G. M. Keiser, and M. Guevara, *Motivating Offenders to Change: A Guide for Probation and Parole* (Washington, D.C.: National Institute of Corrections, U.S. Department of Justice, 2007).

<sup>51</sup> M. A. R. Kleiman and A. Hawken, “Fixing the Parole System—A System Relying on Swift and Certainty of Punishment Rather Than on Severity Would Result in Less Crime and Fewer People in Prison” (2008) 24(4) *Issues in Science and Technology* 45; F. S. Taxman, D. Soule, and A. Gelb, “Graduated Sanctions: Stepping Into Accountable Systems and Offenders” (1999) 79(2) *The Prison Journal* 182–204.

reported that most of their officers (i.e., 75 percent or more) were trained in cognitive behavioral therapy techniques. In 2016, this number has risen to 72 percent.

### **Programs/Treatment/Services and targeted intervention**

Research suggests that treatment programs should address the individual offender’s assessed risk and needs, with a primary focus on dynamic risk factors. Cognitive behavioral therapy that addresses offenders’ antisocial thinking patterns has been demonstrated to be an effective technique for high-risk offenders. Research has also confirmed that the effectiveness of treatment programs increases when the programs are tailored to characteristics such as gender and culture.<sup>52</sup> The Annual Assessment category of treatment and targeted intervention implementation is based on five questions about how referrals are made and the existence of treatment programs that have been evaluated for effectiveness, weighted by the amount of unmet need among medium- and high-risk offenders.

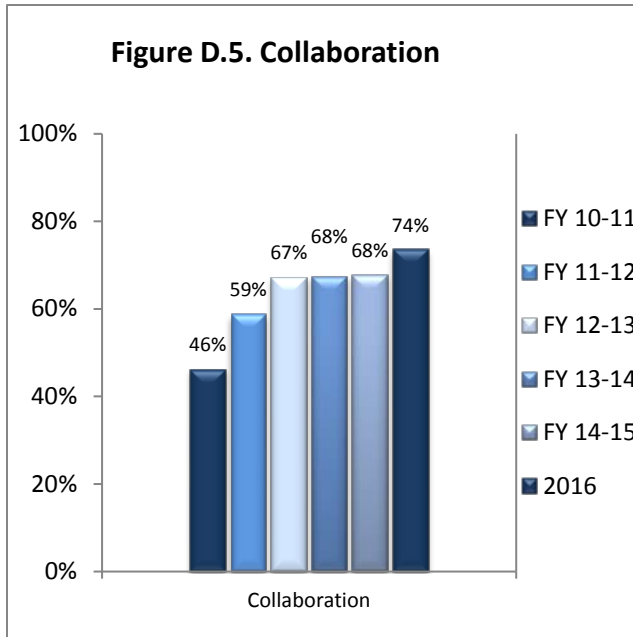


Probation departments have significantly improved in their use of evidence-based treatment since the implementation of the SB 678 program. Many departments developed their own EBP treatment programs or report having increased access to EBP treatment resources in their community; however, the majority of departments must rely on the treatment available in their communities. This is an area in which many probation departments report that improvements can still be made and that there is a persistent need for an increased capacity of EBP treatment programs.

### **Collaboration among justice system partners**

Effective implementation of evidence-based supervision practices requires buy-in from criminal justice partners. The collaboration of judges, district attorneys, public defenders, sheriffs, service

<sup>52</sup> D. A. Wilson, L. A. Bouffard, and D. L. Mackenzie, “A Quantitative Review of Structured, Group-Oriented, Cognitive-Behavioral Programs for Offenders” (2005) 32(2) *Criminal Justice and Behavior* 172–204.



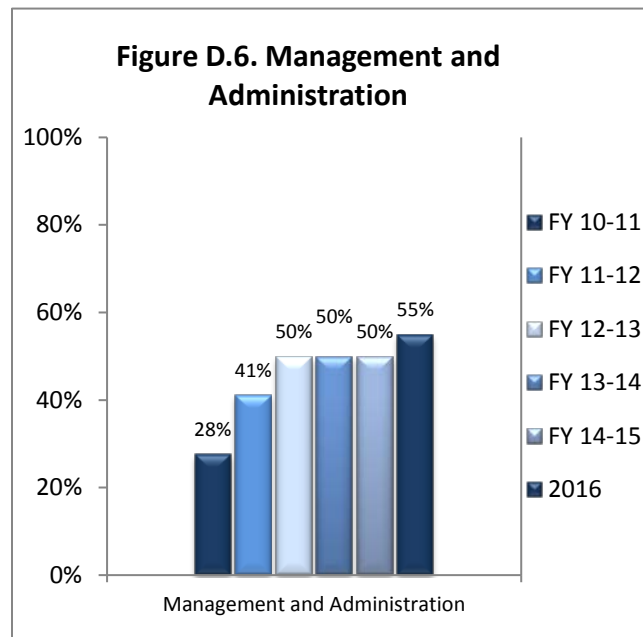
providers, and others facilitates efforts by probation departments to put new procedures and protocols into place. Collaboration enables the entire justice system to provide a consistent focus on adult felony offender behavior change and recidivism reduction.<sup>53</sup> The Annual Assessment measures the level of collaboration implementation based on six questions about the ways in which the department works with its justice partners, including but not limited to courts and treatment providers. Nearly all probation departments have increased the level of collaboration within their county. Those that have shown the highest degree of collaboration have generally shown improved

outcomes and are able to implement EBPs that may involve additional justice partner buy-in.<sup>54</sup>

### Management and administrative practices

Clear direction, support, and oversight from probation department management are necessary to ensure that officers understand the department’s evidence-based practices and protocols and are motivated to work toward full implementation.<sup>55</sup> To assess how probation departments’ management and administrative practices align with EBPs, the Annual Assessment includes nine questions that explore how hiring and performance review guidelines and practices are linked to EBP skills and whether:

- Supervisors monitor evidence-based adult felony offender supervision



<sup>53</sup> Crime and Justice Institute, *Implementing Evidence-Based Practices*.

<sup>54</sup> See, for example, Judicial Council of Cal., *The California Risk Assessment Pilot Project: The Use of Risk and Needs Assessment Information in Adult Felony Probation Sentencing and Violation Proceedings* (Dec. 2015), [www.courts.ca.gov/documents/cj-CalRAPP-FinalReport-2015.pdf](http://www.courts.ca.gov/documents/cj-CalRAPP-FinalReport-2015.pdf) (as of May 2, 2017).

<sup>55</sup> P. Smith, P. Gendreau, and K. Swartz, “Validating the Principles of Effective Intervention: A Systematic Review of the Contributions of Meta-analysis in the Field of Corrections” (2009) 4(2) *Victims & Offenders* 148–169.



practices by observing offender contacts;

- The department collects service and offender outcome data and data are used internally to improve services and practices;
- There has been a formal evaluation of supervision practices; and

Supervisors support and monitor the use of risk and needs assessments, motivational interviewing, and cognitive behavioral therapy. The SB 678 program has been highly effective in increasing the use of evidence-based practices in probation departments throughout the state and has resulted in substantial reductions in the number of adult felony offenders going to state prison. Although the Judicial Council's Annual Assessment was not designed to measure the relationship between implementation of specific EBPs and particular outcomes, Judicial Council researchers have begun to use data gathered through this survey to investigate the association between particular EBPs and improved outcomes for probationers.

# Appendix E

<b>Table E. 1. Performance Outcome Measures for the SB 678 Program</b> <b>(Pen. Code, §§ 1231 and 1232)<sup>a</sup></b>						
	2011	2012	2013	2014	2015	2016
<b>% individuals under local supervision supervised with EBPs<sup>b</sup> (1231(b)(1))</b>	32% (n=57)	52% (n=55)	64% (n=55)	61% (n=51)	64% (n=52)	74% (n=54)
<b>% state moneys spent on evidence-based programs<sup>c</sup> (1231(b)(2))</b>	93.7%	100%	100%	100%	100%	100%
<b>Supervision policies, procedures, programs, or practices that have been eliminated<sup>d</sup> (1231(b)(3))</b>	Replacement of a risk and needs assessment tool No longer using a “one size fits all” supervision approach Now using risk level to determine supervision approach No longer organizing caseloads by offense type or subjective criteria No longer actively supervising low-risk felony offenders; now banking low-risk felony offenders Elimination of “zero tolerance” violation policies; now using graduated sanctions to respond to violations					
<b>Total probation completions (1231(b)(4))</b>	Data unavailable	82,544	85,254	70,693	63,733	53,294
<b>Unsuccessful completions (1231(b)(4))</b>	Data unavailable	17,684	19,612	18,598	13,937	13,722
<b>Felony filings<sup>e</sup> (1231(d)(1))</b>	241,222	243,962	261,268	272,548	214,088	Data unavailable
<b>Felony convictions (1231(d)(2))</b>	158,396 <sup>f</sup>	158,252 <sup>g</sup>	167,950 <sup>h</sup>	178,476	139,927	Data unavailable
<b>Felony prison admissions<sup>i</sup> (1231(d)(3))</b>	50,678	33,990	37,651	38,080	34,354	35,570
<b>New felony probation grants (1231(d)(4))</b>	81,892	79,711	85,863 <sup>j</sup>	83,608	59,144	61,738
<b>Adult felony probation population (1231(d)(5))</b>	324,158	316,478	309,442	305,483	280,098	270,941
<b>Total Supervised Felony Population</b>	324,158	358,881	352,887	351,340	325,870	316,177
<b>Total probation revocations to state prison</b>	17,924	8,252	8,834	7,855	6,960	7,676
<b>Prison revocations for new felony offense (1231(d)(6) &amp; 1231(d)(7))</b>	6,896	4,133	4,632	3,876	3,410	3,373
<b>Total probation revocations to county jail</b>	----	9,048	9,420	9,295	4,818	5,921

<b>Table E. 1. Performance Outcome Measures for the SB 678 Program (Pen. Code, §§ 1231 and 1232)<sup>a</sup></b>						
	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b><i>Jail revocations for new felony offense (1231(d)(8) &amp; 1231(d)(9))</i></b>	----	2,691	3,002	2,971	1,285	1,395
<b>Total revocations<sup>k</sup></b>	17,924	17,300	18,687	17,139	11,754	13,591
<b>% felony probationers convicted of a crime<sup>l</sup> (1232(c))</b>	Data unavailable	10.8%	11.8%	10.6%	6.5% <sup>n</sup>	6.1%
<b>% felony probationers convicted of a felony<sup>m</sup> (1232(c))</b>	Data unavailable	5.7%	7.3%	7.4%	3.3%	3.1%

<sup>a</sup> Except where indicated, all data were reported to the Judicial Council by 58 probation departments.

<sup>b</sup> The data reported are statewide averages, including individuals on warrant status. The figures for fiscal years 2010–2011 and 2011–2012 include felony probationers only. For fiscal years 2012–2013 onward, this figure includes MS and PRCS.

<sup>c</sup> Data are reported for fiscal years 2010–2011, 2011–2012, and 2012–2013. FY 2010–2011 and FY 2011–2012 totals reflect the proportion of the total allocation. The totals for fiscal years 2012–2013 and 2013–2014 reflect the total of funds *spent*. (Table 1.)

<sup>d</sup> Probation departments were asked to list supervision policies, procedures, programs, and practices that were eliminated since the effective date of SB 678. Twenty-seven probation departments submitted data for this question. The information provided here is a summary of the open-ended responses.

<sup>e</sup> These data were taken from the *2014 Court Statistics Report*: [www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf) (as of May 6, 2016). Data are reported for fiscal years 2009–2010, 2010–2011, 2011–2012, and 2012–2013. Data for fiscal year 2013–2014 were not yet available.

<sup>f</sup> These data were taken from the *2012 Court Statistics Report*: [www.courts.ca.gov/documents/2012-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2012-Court-Statistics-Report.pdf) (as of May 25, 2017). Data are reported for fiscal years 2009–2010 and 2010–2011.

<sup>g</sup> These data were taken from the *2013 Court Statistics Report*: [www.courts.ca.gov/documents/2013-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2013-Court-Statistics-Report.pdf) (as of May 25, 2017). Data are reported for fiscal year 2011–2012. Data for fiscal year 2012–2013 were not yet available.

<sup>h</sup> These data were taken from the *2014 Court Statistics Report*: [www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf) (as of May 25, 2017). Data are reported for FY 2012–2013. Data for FY 2013–2014 were not yet available.

<sup>i</sup> These data are taken from the California Department of Corrections and Rehabilitation’s *Characteristics of Felon New Admissions and Parole Violators Returned With a New Term* reports for calendar years 2010–2013. Reports for individual years are available at the CDCR archive: [www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Annual/Achar1Archive.html](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/Achar1Archive.html) (as of May 25, 2017).

<sup>j</sup> This figure represents data from 56 probation departments.

<sup>k</sup> For 2012 and 2013, this figure is a sum of total revocations to both prison and county jail.

<sup>l</sup> This figure represents probation departments able to report complete data for the year. In 2012, this figure represents 49 departments; in 2013, it represents 51.

<sup>m</sup> This figure represents probation departments able to report complete data for the year. In 2012, this figure represents 49 departments; in 2013, it represents 52.

<sup>n</sup> The substantial drop in felony probationers convicted of a crime in 2015 may be in part related to Prop. 47, which reduced the felony probation population and reclassified many drug- and theft-related crimes from felonies to misdemeanors.