

COMMUNITY CORRECTIONS



INCREASING PUBLIC SAFETY AND
REDUCING COSTS IN CALIFORNIA



CALIFORNIANS
FOR **SAFETY** AND **JUSTICE**

“If we don’t address the top drivers of crime – like untreated substance abuse issues – we are wasting our time and the public’s money. Through SB 678 funding, our probation department, in partnership with other county public safety and health stakeholders, have reduced recidivism by investing in the kind of programs that actually stop people from cycling back into the justice system.”

MIKE DALY, MARIN COUNTY CHIEF PROBATION OFFICER

ACKNOWLEDGEMENTS

We would like to thank the following for their assistance in developing this brief:

The Chief Probation Officers of California

Fresno County Chief Probation Officer Linda Penner

Marin County Chief Probation Officer Mike Daly

San Bernardino County Chief Probation Officer Michelle Scray Brown
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San Diego Chief Probation Officer Mack Jenkins

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The Crime and Justice Institute at Community
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SUMMARY

California's justice system is changing. For the first time in a generation, California's county jail and probation populations are growing faster than its state prison population. After decades of severe prison overcrowding and high recidivism rates, California leaders passed a series of laws to increase local agencies' responsibility for managing individuals in the justice system and reducing the number of people sent to state prison.

Embedded in these changes is an important opportunity: If California can build out effective community corrections at the county level, the state can increase public safety while reducing the cost of corrections. Most Californians agree that bloated prisons are unnecessary and unsustainable, depleting resources from prevention, education and health at a time of limited budgets. As the state grapples with solutions, effective community corrections models can provide a roadmap for safety and savings.

During this period of transition, county leaders have already learned important lessons. While the 2011 "Public Safety Realignment" law has garnered the most attention for reducing the state's prison population, a precursor to Realignment – **Senate Bill 678, the Performance Incentive Act** of 2009 – had a profound impact on probation practices across the state and laid the foundation for a new, more effective approach to public safety.

This brief explores the impact of SB 678 on strengthening community corrections in California, highlights certain counties' practices and applies the lessons of SB 678 to a post-Realignment era. In sum, SB 678 has demonstrated three key lessons that should be considered in future decision-making on public safety policy:

- 1) **Investing in county probation departments can provide a strong return, both in dollars and in increased public safety;**
- 2) **Evidence-based probation practices have proven to be effective at reducing recidivism across the state; and**
- 3) **Performance-based or "incentives" funding can greatly improve justice system outcomes and save money.**

More than ever, local public safety practices matter. What happens in California's counties will significantly impact whether the state can break with unsustainable justice practices of the past, including costly incarceration and high recidivism rates – and invest in smart justice strategies that increase safety and reduce costs.



WHAT IS "COMMUNITY CORRECTIONS"?

Community Corrections is a term that refers to the supervision of individuals in a community setting rather than in a prison or jail. The most common type of community corrections in California is supervision through county probation but can also include supervision through diversion programs, state parole and other non-incarceration-based sanctions.

PROBATION BY THE NUMBERS

72%

People in the adult justice system sentenced to felony probation or probation and jail (probation is the most common sanction in our justice system)

400,000

Approximate number of Californians currently on probation (80 percent for felonies)

118%

Increase in the adult probation population

from 1980 to 2010 (when California's overall population only increased by 57 percent)

\$1,500

Average amount spent for supervising one probationer for one year (compared to expensive incarceration options that can be as high as \$47,000 per year)

12%

Increased workload for county probation departments under Public Safety Realignment (as of December 31, 2012)

THE IMPORTANCE OF COUNTY PROBATION

Probation is the most common sanction in the California justice system: Nearly three out of every four people in the justice system are on probation for all or part of their sentence. County probation departments are even more vital now under Realignment, as tens of thousands of people convicted of crimes are the responsibility of local counties, not the state prison and parole system.

What is probation? For decades it has been a law enforcement tool that holds people convicted of crimes accountable and helps oversee their rehabilitation. Courts can sanction individuals convicted of crime to county probation in lieu of jail or prison, and probation also supervises some individuals after release from prison or jail.

Trained probation officers are responsible for monitoring probationers in the community to enforce court-ordered restrictions and provide rehabilitation programs. They also promote victim safety and restitution, and provide investigative reports to the courts to aid judges in reaching dispositions.

SB 678 – THE PERFORMANCE INCENTIVE ACT OF 2009

Historically, one key driver of California's high prison numbers has been probation revocations – when someone fails to meet the conditions of probation, he or she is sent to state prison to complete the sentence. In 2009, the California Department of Corrections and Rehabilitation estimated that **40 percent of new prison admissions from the previous year were people who had violated their terms of probation.**

State Senators Mark Leno (D-San Francisco) and John Benoit (R-Riverside) authored SB 678, the Performance Incentives Act of 2009, to safely bring the number of probation violators going to state prison down. SB 678 provides performance-based funding to county probation departments to implement practices proven to reduce re-offense rates for individuals on probation.


SB 678 identified a baseline for each county of the number of adults on felony probation that are sent to state prison annually for violating the terms of probation or committing a new crime while on probation. The legislation then incentivized counties to reduce that number by offering to provide counties with funding (50 percent of the cost of housing violators in state prison) each year that they sent fewer adult felony probationers to state prison. SB 678 also required counties to form "Community Corrections Partnerships" chaired by each county's

Chief Probation Officer and comprised of county officials and community leaders, to advise probation regarding plans to reduce recidivism.

SB 678 is a model example of performed-based or “incentives” legislation, which rewards local government entities for improving performance.

In this instance, the fewer probationers that violate

probation or commit repeat offenses the more funding a county receives. This funding can be used to increase drug treatment for probationers, create partnerships with local law enforcement for enhanced supervision, create job training programs, and any other strategy that will reduce the likelihood that probationers will fail.



SB 678 has been very effective at reducing the recidivism of adult felony probationers in California: By the end of 2011, **53 of California’s 58 counties** had reduced the number of adult felony probationers who went to state prison for a new crime or for violating probation – totaling a **32-percent decrease** in the number of people on probation that were revoked to state prison. That resulted in **a savings to the state of \$179 million**, as well as bringing **\$87.5 million to counties** who decreased revocations.

EVIDENCE-BASED PROBATION PRACTICES IN COMMUNITY CORRECTIONS

In response to SB 678 – and to generally reduce probationer recidivism – many counties adopted “evidence-based” practices. These are probation practices that use research and the best available data to target programs to specific probation populations to reduce the risk of repeat offenses. Generally, the lower the individual’s risk the less supervision and programming required to reduce recidivism. Higher-risk individuals require more intensive supervision and programming, including behavioral health programs, drug and alcohol treatment, and training programs to prepare individuals for employment or educational opportunities.

According to the Crime and Justice Institute at Community Resources for Justice and the National Institute of Corrections, there are eight evidence-based principles that apply to community corrections:

- 1) **Assess each individual’s actuarial risk to re-offend and their need for services;**
- 2) **Enhance probationers’ intrinsic motivation to change;**
- 3) **Target interventions based on risk and characteristics, and engage high-risk individuals in structured, pro-social activities;**
- 4) **Provide opportunities to learn and practice social skills and problem-solving strategies;**
- 5) **Offer positive reinforcement for progress made;**
- 6) **Link individuals to community support;**
- 7) **Measure practices and outcomes; and**
- 8) **Use data for ongoing improvement.**

In practice, these principles focus on addressing drivers of crime. Adopting evidence-based practices should not be interpreted as an indication that the justice system is going “soft on crime.” From the assessment process to the rigors of evidence-based approaches (e.g., substance abuse treatment, cognitive behavioral therapy, etc.), probationers are being asked to do more and to meet higher standards.

Community corrections models that focus on evidence-based practices have dramatically changed probation supervision over the years. Traditionally, supervision meant that probation officers were primarily only focused on monitoring probationer violations. Evidence-based supervision not only monitors and holds individuals accountable but also actively involves probationers in rehabilitative programming and steps to turn their lives around.

Case planning specifies the required treatment services and other programs for each probationer, and the probation officer reviews the individual’s progress and communicates regularly with service providers. Probation officers communicate with family members and employers, and quickly respond to the individual’s behavior with various positive reinforcements or sanctions.

Many experts agree that remaining in the community under evidence-based supervision is actually more difficult than “doing time” in a correctional facility or being supervised under old methods. There are even examples of people convicted of crimes taking “straight time” to avoid the rigors of rehabilitative programming.

AB 109 – PUBLIC SAFETY REALIGNMENT OF 2011

Two years after SB 678 became law, California lawmakers passed another major piece of legislation to reduce state prison populations. In 2011, Assembly Bill 109 (Public Safety Realignment) passed into law. AB 109 shifted responsibility for the management of all individuals convicted of non-violent, non-sex, non-serious felony offenses from state prison to county justice systems. Under Realignment, these individuals can be sanctioned to jail or jail and probation.

Additionally, county probation also now supervises individuals being released from state prison for non-violent, non-sex, non-serious offenses – instead of state parole. This is called Post-Release Community Supervision (PRCS). To manage these new responsibilities, lawmakers agreed to provide counties with funding, and the Community Corrections Partnerships (established by SB 678) were tasked with developing a plan to fit local needs to the changes brought on by Realignment.

While Realignment encourages counties to augment best practices in community corrections, the legislation – unlike SB 678 – does not explicitly

incentivize the adoption of recidivism-reduction strategies. Counties have utilized Realignment funding for a wide array of purposes, including increased jail capacity, additional probation officers and treatment.

With this new responsibility, counties are grappling with the best way to quickly establish the systems to protect public safety through local justice agencies. For those that had already laid the groundwork for effective, data-driven supervision when implementing SB 678, Realignment offered an opportunity to bring some of these practices to scale and continue to build on their success.

Each county probation department had a different context, structure and set of resources when SB 678 and later AB 109 was implemented. While all invested in evidence-based community supervision practices, the ways those practices were incorporated took different forms across the state. The following are some examples of the ways that counties seized this opportunity to reduce costs and increase public safety.

MARIN COUNTY: CROSS-AGENCY COLLABORATION

Marin, located in the Northern Bay Area, has a relatively small population of about 250,000 – and the lowest rate of combined prison and jail incarceration in California. Similar to other counties, the vast majority of people involved in the criminal justice system suffer from drug addiction, which plays a key role in the cycle of crime.

Marin County Probation Chief Mike Daly used SB 678 funds to address the rampant problem of substance abuse among probationers by hiring “recovery coaches.” These coaches work around the clock to mentor individuals through the recovery process and help them access treatment, employment, education, housing and health care, as well as to achieve family stabilization.

As recovery coach Neil Miller explained, “We are basically the putty that keeps these guys from slipping through the cracks.” Since coming on board, Marin’s three recovery coaches have provided intensive support to over 100 probationers. Chief Daly has also expanded the types of probationers that are paired with coaches to those on mandatory supervision under AB 109, as well as people on PRCS.

The Community Corrections Partnership formed under SB 678 has also made possible unprecedented levels of partnership and innovation across Marin’s public safety agencies. One example of collaboration between probation, the courts, the district attorney and the defense bar is Marin’s highly effective pre-trial program. Probation takes the lead by conducting a

risk assessment of all those awaiting trial. After taking these results into account, the court may grant release, and those leaving the jail may be put on an electronic monitoring device paid for on a sliding scale (so that financial need does not keep people in jail who could safely await trial in the community). The Marin CCP funds this program.

More recently, Marin County has initiated an innovative reentry program with CDCR to take custody of individuals who will be on PRCS 60 days before their release from prison. Those individuals will spend the end of their term in the county jail, where the jail’s reentry coordinator and probation officers will work closely with them to prepare for their reentry into the community. This practice will ensure that the individuals’ circumstances and needs have been assessed and can be met seamlessly when they are released.

The careful planning and supervision of individuals under SB 678 has paid off: Marin County has been recognized as a “high-performing county” under SB 678 funding formulas because of their low rates of recidivism. As of the end of 2012, the recidivism rate of people on PRCS in Marin County was 5 percent.



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FRESNO COUNTY: FOCUSING ON HIGH-RISK INDIVIDUALS

Fresno is the Central Valley's largest county (almost one million residents) and has the third-highest crime rate in California. Struggling to recover from the recession, SB 678 funds were a much-needed boost to a county probation department with a stretched budget. Probation Chief Linda Penner decided it was important to devote SB 678 resources to developing strong alternatives to jail sanctions and to focus limited resources on the highest-risk individuals.

Fresno Probation initiated a low-cost telephone reporting system for low-risk probationers that allowed Fresno to reduce caseloads and focus resources on individuals with the highest risk to re-offend. To provide treatment and programming to high-risk populations,

Fresno Probation devoted a large portion of SB 678 funds to creating a Day Reporting Center. The Center offers substance abuse treatment, counseling, cognitive behavioral therapy and vocational and life-skills training. Based on data about which populations were re-offending at the highest rates, Fresno created a Youthful Offender caseload that required individuals to participate in Thinking for a Change (T4C), a cognitive behavioral skills course, plus other programming at the Day Reporting Center.

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A NOTE ABOUT HOW WE GOT HERE

UNEVEN INVESTMENT ACROSS PUBLIC SAFETY FIELD

Between 1980 and 2010, the adult probation population increased 118 percent. Over the same period, the jail population grew at a much faster rate than probation (171 percent), and the prison population increased by more than five times the rate of probation (572 percent). By 2011, there were nearly as many people in California's prisons and jails (about 230,000) as there were on probation (about 270,000).

The disproportionate growth in prison and jail populations has required larger shares of state and county revenues and limited the capacity of state and local correctional agencies to provide programs to reduce recidivism and increase public safety. A large portion of the funds covers the cost of security, utilities, food and basic medical care, leaving comparatively little funding for programming to address substance abuse, mental and behavioral health issues, and other drivers of crime.

SAN DIEGO: EXPANDING ACCESS TO TREATMENT

San Diego is an economically diverse county of 3 million with slightly below average crime and incarceration rates. Identifying a need for across-the-board improvements, Probation Chief Mack Jenkins used SB 678 funds to make system-wide changes to the way high-risk probation populations are supervised, rather than creating a special caseload.

The Probation Department joined forces with University of California, San Diego to create an Evidence-Based Practices (EBP) Leadership Academy for managers in the adult probation division, to give managers the skills and knowledge to deeply integrate EBP principles into the division. Managers passed on what they learned about risk assessment, motivational interviewing and case planning to their staffs.

Probation caseloads were assigned by risk, no longer by charge. Using results from a risk and needs assessment,

San Diego was able to reduce high-risk caseloads from 70 to 50 per officer. Many of the probationers in high-risk caseloads were struggling with substance abuse and mental health issues. San Diego Probation worked with the county health department to place high-risk probationers in substance abuse and behavioral and mental health programs at regional recovery centers around the county. The Department expanded this initiative to offer treatment and programming to people on PRCS as part of Realignment.

Due to the broad incorporation of evidence based practices, only 31 percent of San Diegans who completed their term of probation had a new felony conviction in 2010, down from a baseline of 37 percent in 2008.



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Meanwhile, **the proportion of county probation costs covered by the state declined precipitously**, from more than half in the mid-1970s to less than 10 percent in the early 1990s.¹ Until 1978, counties received performance-based funding from the state for sentencing individuals to probation rather than state prison. In 1978, these funds were replaced with a mixture of county block grants and subsidy programs that eventually phased out funding for adult probation programs. The divestment from probation led to a lack of capacity on the part of probation to provide effective supervision, contributing to the cycle of crime and incarceration.

¹ Nieto, Marcus, *Changing Role of Adult Probation in California's Criminal Justice System*, California Research Bureau, 1996.

SAN FRANCISCO: STRENGTHENING COMMUNITY PARTNERSHIPS

San Francisco faces issues with gangs, substance abuse and mental illness that contribute to crime in the area, but the county is fortunate to have a wide assortment of community organizations that partner with local government to serve people in their justice system. San Francisco Adult Probation used SB 678 funds to bolster a community partnerships strategy that had helped them attain an already low 4-percent rate of probation revocations prior to 2009. They also focused on targeting specific probation populations with the type of programming that meets each person's needs.

To enhance substance abuse services, San Francisco Adult Probation, which has a dedicated staff to supervise probationers with drug cases, invested in connecting individuals with substance abuse and behavioral health needs to residential and outpatient treatment programs in

the community – leveraged those dollars by conducting health benefits enrollment.

Working in partnership with the health department, human services agencies and community organizations, the Probation's Homeless Outreach Program connects homeless probationers with housing and other needed services. The outreach staff walks and bikes the Tenderloin neighborhood to meet with probationers, which has significantly increased those individuals' rates of reporting.

Finally, to improve the reentry process and enhance connections between the Sheriff's office and Adult Probation, a deputy probation officer was assigned to the jail to provide orientation for individuals prior to release.



By the end of 2011, revocations from San Francisco to state prison dropped to 133, a 48-percent decrease from 2009.

SAN BERNARDINO: SPECIAL UNIT FOR HIGHER-RISK PROBATIONERS

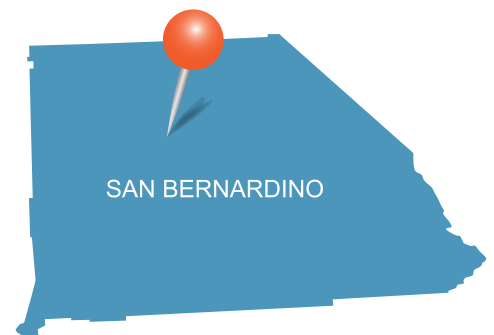
San Bernardino, an expansive county of about 1.5 million people in California's Inland Empire region, has slightly above-average crime and incarceration rates.


San Bernardino Chief Probation Officer Michelle Scray Brown used SB 678 to set up a separate 15-officer unit that provides intensive programming and supervision to individuals who have violated – or were at risk of violating – their probation terms. Officers assigned to the unit were trained to facilitate a behavioral change

curriculum for their probationers, who are assessed as medium or high risk.

Depending on the risks and needs of the individual, he or she may also be assigned to anger management, life skills, substance abuse or vocational education programming. The probation department collected data on participants' outcomes and those of a control group, finding that successful completion of this program has a measurable impact on recidivism.

Due to continued reductions in its rate of probation revocations, San Bernardino was allotted almost \$2.5 million under SB 678 in the 2012-2013 budget for continued investment in evidence-based practices.





I am a strong supporter of evidence-based practices and legislation such as SB 678 in California to give us better tools and ideas to assist people caught in the criminal justice system for lower-level, non-violent crimes to live more productive, law-abiding lives and stay out of prison. As a career prosecutor of over 26 years, I do not need any more business and am thankful for leaders such as Chief Probation Officer Mary Butler utilizing these programs to better serve and protect our community.

GARY LIEBERSTEIN, NAPA COUNTY DISTRICT ATTORNEY

COMMUNITY CORRECTIONS AND THE FUTURE OF PUBLIC SAFETY

Using new resources from the state, many county probation departments, in partnership with county sheriffs, health departments and community organizations, have been field-testing new policies and practices designed to hold people accountable locally, grounded in evidence-based principles of effective community corrections. Like other pioneering community supervision agencies in the U.S., they have found that this new approach yields better results.

While our prisons and jails still consume the majority of public safety funds in our state, community corrections is now playing a greater role – and offers more promise. County probation and local justice practices driven by incentives and best practices are the keys to replacing a costly system with high recidivism rates with a new public safety paradigm that focuses on accountability, cost-effectiveness and crime prevention.

Across the nation, there is a long history of overlooking the important role that probation supervision agencies play in the criminal justice system. While crowding or

overcrowding of correctional facilities is a frequent topic of conversation, it is rare for such conversations to broach whether probation caseloads are “crowded” or “overcrowded.” However, it is not hard to find probation officers juggling very large caseloads. Probation has the potential to play a significant role in public safety, but realizing that potential is often limited by funding.

Fortunately, with SB 678, resources for California’s county probation agencies had been increasing to allow probation departments to effectively manage their weighty responsibilities. SB 678 provided initial funding and serves as an example of how effective local practices – tied to incentives – could work throughout the justice system. Those proven approaches are the prudent responses to Realignment and decades of failed strategies to cost-effectively protect public safety.

ⁱ National Institute of Corrections and the Crime and Justice Institute at CRJ, *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*, Washington, DC, 2004.



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