



# **SB 678 Year 2 Report**

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IMPLEMENTATION OF THE CALIFORNIA  
COMMUNITY CORRECTIONS  
PERFORMANCE INCENTIVES ACT OF 2009

JULY 2012



ADMINISTRATIVE OFFICE  
OF THE COURTS

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CRIMINAL JUSTICE COURT SERVICES OFFICE

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Implementation of the California Community Corrections  
Performance Incentives Act of 2009

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ADMINISTRATIVE OFFICE  
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CENTER FOR FAMILIES, CHILDREN  
& THE COURTS

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The California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) was enacted in 2009 to support more-successful probation supervision practices for felony offenders. The legislation established a system of performance-based funding for county probation departments to implement and maintain evidence-based practices in adult felony probation supervision. SB 678 is structured to save state General Fund monies while reducing criminal behavior and alleviating state prison overcrowding. In 2011, the second calendar year of SB 678 implementation, California probation departments successfully diverted an average daily population of over 9,500 offenders from going to state prison. This action resulted in a statewide savings of approximately \$277.8 million. In fiscal year (FY) 2012–2013, more than \$136 million dollars of SB 678 savings will be distributed to the counties to reinvest in local probation department efforts to continue their successful supervision practices.<sup>1</sup>

This report examines the second year of SB 678 implementation. It includes data showing how county probation departments have further reduced their probation failure rates, describes steps taken by probation departments to implement the use of evidence-based practices, and examines corresponding crime rates for the year.

## **The California Community Corrections Performance Incentives Act**

### **SB 678 Funding Formula Calculations**

SB 678 allocations are based primarily on reductions in each county's probation failure rate. The Department of Finance (DOF) determines statewide and county-specific probation failure rates at the end of every calendar year (beginning December 2010). Probation failure rates are measured by the number of revocations to state prison from probation in a given time period divided by the adult felony probation population during that same time period. DOF compares the current probation failure rate in each county to its baseline failure rate, determined by a weighted average of the failure rates from calendar years 2006 to 2008. Counties whose probation failure rates have dropped from the baseline years are eligible for a performance incentive grant.

The DOF multiplies the number of felony probationers diverted from prison by a percentage of the state's marginal cost to incarcerate and supervise a revoked probationer on parole (estimated at approximately \$29,000) to calculate the state savings from reduced prison revocations. Counties with failure rates that are more than 50 percent below the statewide average are also eligible for a high-performance grant. Counties that are eligible for both a revocation-reduction grant and a high-performance grant must choose to receive only one of the grants.

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<sup>1</sup> County payments in FY 2012-13 represent a portion of the state's cost avoidance resulting from reductions in felony probation revocations in 2011. The County payments also take into consideration the average length of stay of felony probationers not sent to prison from the prior calendar year. The average length is currently estimated at approximately 15 months.

### **The Impact of Public Safety Realignment on SB 678**

Public Safety Realignment, enacted via the Budget Act of 2011 and various budget trailer bills, was implemented on October 1, 2011, and significantly impacts the SB 678 program. The realignment legislation makes certain lower-level felonies punishable by incarceration in local jail instead of state prison. As explained above, county funding allocations are based on the number of felony probationers who were revoked to state prison in a given year compared to those revoked in the baseline period. Because fewer offenders are now eligible for revocation to state prison than in the baseline years, the funding formula should be revised to account for any reduction in the number of offenders revoked to state prison as a result of the realignment rather than successful probation supervision.

Under California Penal Code section 1233.15, the Administrative Office of the Courts (AOC), the Department of Finance, the Chief Probation Officers of California, and the California Department of Corrections and Rehabilitation (CDCR) are working together to revise the SB 678 funding formula going forward in light of these statutory changes. The new formula will ensure that county probation departments are incentivized to continue making program improvements but will not artificially reward counties for changes that result from realignment.

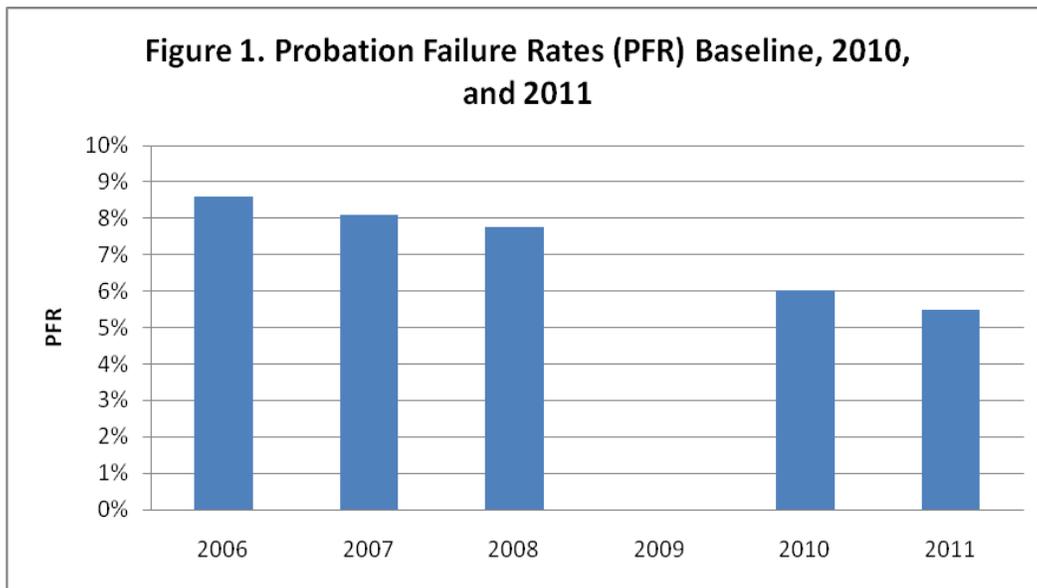
### **2011 Probation Failure-Rate Results**

Using the probation failure rate in the baseline years of 2006 to 2008 as a comparison, California probation departments successfully diverted an average daily population of over 9,500 offenders from going to state prison in 2011.<sup>2</sup> The rate of probation failure declined to approximately 5.4 percent from 7.9 percent in the baseline period and 6.1 percent in calendar year 2010. This change represents a reduction of 32 percent from the baseline period and nearly 12 percent from the previous year.<sup>3</sup>

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<sup>2</sup> Because the realignment changed the eligibility of certain offenders from going to state prison, the DOF constructed probation revocation and population estimates for the fourth quarter of 2011 (the first quarter affected by realignment) using the averages of quarters one through three.

<sup>3</sup> Note: Data on 2009 probation failures are not available. SB 678 requires collection of baseline data from 2006 to 2008 and ongoing data beginning in 2010. *Source:* California Administrative Office of the Courts (2011).



Fifty-three of California’s 58 counties achieved a reduction of probation revocations to state prison compared to their baseline period both in terms of absolute numbers and as a rate of their adult felony probation population. Thirteen counties qualified for high-performance grants because their probation failure rates were lower than 2.7 percent, which is 50 percent of the statewide probation failure rate. In 2011, the statewide adult felony probation population was approximately 326,000. In 2010, the statewide felony probation population was approximately 330,000. This slight decline reflects national trends of declining probation populations, likely the result of reduced rates of crime.<sup>4</sup>

### **2011 State Savings and Funding to County Probation Departments**

The success of county probation departments in implementing SB 678 in calendar year 2011 resulted in a statewide savings of approximately \$220 million. In FY 2012–2013, more than \$136 million dollars of SB 678 savings will be distributed to the counties to support local probation department efforts to continue their successful supervision practices. As mentioned, these county allocations are based primarily on probation failure-rate reductions in calendar year 2011, but contain some carry-over savings from calendar year 2010 because the average duration of incarceration and parole supervision is 15 months.

### **Implementation of Evidence-Based Practices**

Reduced probation failures in the first year of implementation (calendar year 2010) resulted in state savings of \$179 million, \$87.5 million of which was allocated to counties in FY 2011–2012

<sup>4</sup> Bureau of Justice Statistics, *Probation and Parole in the United States, 2010* (Nov. 2011, NCJ 236019), [www.bjs.gov/content/pub/pdf/ppus10.pdf](http://www.bjs.gov/content/pub/pdf/ppus10.pdf) (accessed June 2012).

for expansion and implementation of evidence-based practices. As defined in SB 678, evidence-based practices refer to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.

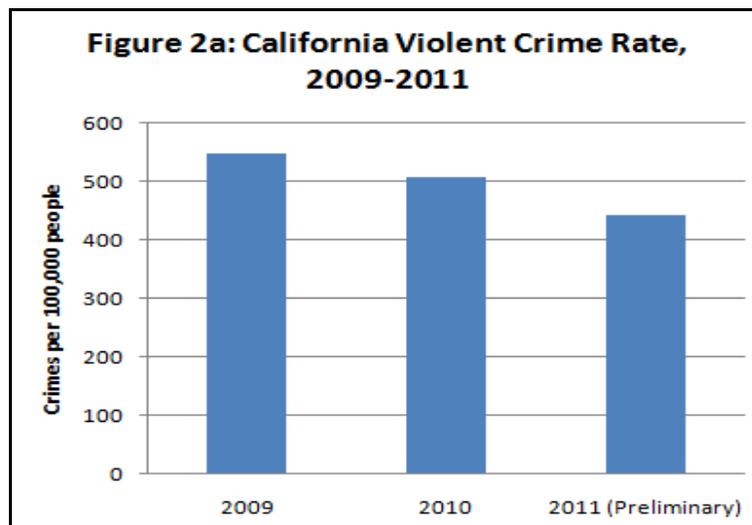
In July 2011, under Penal Code section 1231(c), county probation departments responded to a survey that was developed and administered by the Administrative Office of the Courts to evaluate the effectiveness of the SB 678 program. The activities reported in the 2011 SB 678 Evidence-Based Practices Annual Assessment were supported largely by initial Byrne Grant seed money (\$45 million statewide) or other probation funds, because SB 678 year-one allocations were not distributed until October 2011. A sample of the results as of July 2011 follows:

- Risk assessment tools have been widely adopted. Statewide, about 80 percent of county probation departments are using risk assessment tools to some degree. Seventy percent of counties report completing risk assessment on 50 percent or more of their probationers.
- Most counties using a risk assessment tool are using a tool validated on what they consider to be an offender population similar to their own. Sixty-one percent of counties said that their risk assessment tools were validated on similar offender populations, whereas 25 percent said their tools were validated on unknown populations. Only 12 percent of counties said their tools had been validated locally.
- Needs assessment tools have been less widely adopted. About 66 percent of counties report some use of needs-based treatment for probationers.
- Motivational Interviewing (MI) training is widely used around the state. Eighty-seven percent of counties have trained more than 75 percent of their case-carrying officers in MI.
- Cognitive behavioral therapy (CBT) training is somewhat less common, though still fairly widespread. Sixty-three percent of counties have at least 5 percent of their case-carrying officers trained in CBT. Twenty-two percent of counties have more than 75 percent of their case-carrying officers trained in CBT.
- As of July 2011, nearly 91 percent of counties had begun working together with Community Corrections Partnerships to develop strategies to implement evidence-based practices.
- As of July 2011, 40 percent of counties reported that they were working on or completing their strategic plans.

The 2012 annual assessment, to be conducted in July 2012, will ask counties to report on their evidence-based-practice implementation and expansion activities supported by year one SB 678 allocations (\$87.5 million).

### National and California Crime Trends

Criminal justice statistics in the second year of SB 678 implementation, similar to those in the first year, reflect downward trends in crime nationally and statewide. Compared to arrests in 2010, California's 2011 arrests for violent and property crime in urban areas declined 8.6 percent and 3.5 percent, respectively (see figures 2a and 2b).<sup>5</sup> This change compares to a 6.4 percent reduction in violent crimes and a 3.7 percent reduction in property crimes at the national level over the same period. Crime rates for both California and the nation have continued their steady decline of approximately 5 percent per year since the mid-1990s.<sup>6</sup>



<sup>5</sup> Federal Bureau of Investigation, *Preliminary Semiannual Uniform Crime Report, January–June 2011* (June 2011), (accessed June 2012). Note: Data for 2009 and 2010 are based on full-year data for California cities with populations of 100,000 or more. Year 2011 data is based on preliminary data for the first six months of 2011 for cities of 100,000 or more. This figure has been doubled to give an estimate for the full year.

<sup>6</sup> *Ibid.*



### **Role of the Administrative Office of the Courts**

Under SB 678, the AOC is charged with working with the CDCR, the Chief Probation Officers of California, and the DOF to ensure the accuracy and reliability of the data used to determine the funding for county probation departments. To carry out this charge, the AOC has pursued multiple efforts including developing uniform data definitions throughout the state, working closely with county probation departments to ensure the quality of the underlying data, developing systems to collect data from probation departments and report the data to the DOF, and matching records of probation departments to those of the CDCR. Additionally, the AOC is surveying county probation departments to assess their progress in implementing and supporting the use of evidence-based supervision practices.

The AOC is also charged with providing reports to the Legislature that evaluate SB 678 and make recommendations regarding the legislation. The first report is due 18 months after the first SB 678 payments are made to counties. The report will include an assessment of the effectiveness of the community corrections program based on the reports of performance-based outcome measures. It will provide information on the impact of the monies appropriated under this act to enhance public safety through recidivism reduction, and it will make recommendations regarding resource allocations or additional collaboration with other state, regional, federal, or local entities for improvements to this act.

### **Conclusion**

The second year of implementation of the California Community Corrections Incentives Act appears to be as successful as its first year. In 2011, California probation departments successfully diverted an average daily population of over 9,500 offenders from going to state prison than in the baseline years of 2006–2008. These changes took place without any apparent adverse effect on California crime rates. SB 678 also required the development of structured

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partnerships among county criminal justice stakeholders, the Community Corrections Partnerships. These local partnerships are now formally responsible for implementing the state's public safety realignment legislation. SB 678 has provided a foundation of community collaboration and support for the use of evidence-based practices as required of local justice partners in the implementation of Public Safety Realignment.