



# THE CALIFORNIA RISK ASSESSMENT PILOT PROJECT

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The Use of Risk and Needs Assessment Information  
in Adult Felony Probation Sentencing and Violation  
Proceedings

December 2015



JUDICIAL COUNCIL  
OF CALIFORNIA  
OPERATIONS AND PROGRAMS DIVISION



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**Author(s):**                           **Tara Agnese, Shelley Curran**

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Assessment Information in Adult Felony Probation Sentencing and Violation  
Proceedings**

Report Submitted to the  
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Judicial Council of California  
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December 2015

**Authors:**

Tara Agnese  
Shelley Curran

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## CalRAPP Final Report

This report is also available on the California Courts Web site:

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Judicial Council of California  
Criminal Justice Services  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

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*Administrative Director, Judicial Council of California*

**OPERATIONS AND PROGRAMS DIVISION**

**CRIMINAL JUSTICE SERVICES**  
Shelley Curran  
*Director, Criminal Justice Services*

Francine Byrne  
*Supervising Research Analyst*

Tara Agnese  
*Senior Research Analyst  
Author of this Report*

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## Executive Summary

The California Risk Assessment Pilot Project (CalRAPP), which was funded under a partner grant from the State Justice Institute (SJI) and the National Institute of Corrections (NIC), began in May 2009 as a joint project of the Judicial Council of California and the Chief Probation Officers of California (CPOC). The purpose of the CalRAPP was to coordinate the operation and evaluation of pilot projects in multiple California counties to explore the ways in which evidence-based practices (EBP), specifically the use of risk and needs assessment (RNA) information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. This project took place in four pilot sites (i.e., Napa, San Francisco, Santa Cruz, and Yolo counties) and included two main components: training and technical assistance (TA) on EBP and an evaluation of the implementation of the project and offender outcomes.

The start of the CalRAPP virtually coincided with two major legislative changes that impacted the criminal justice system in California. These legislative changes, which are discussed below and in section II of this report, were designed to address prison overcrowding and expand the use of EBP throughout the state. However, these changes also created new research challenges for this project, making it difficult to isolate the impact of the project in the pilot sites and adding substantial complexity to the process and outcome evaluation. This report includes information on these major legislative changes to offer context about the execution of the CalRAPP. It also discusses the careful research approach utilized during the project, which necessarily adapted to these legislative changes and combined information from as many sources as possible in order to provide an accurate overview and assessment of the CalRAPP and its impact on the pilot sites and felony probationer outcomes. In this way, this report seeks to add to the body of knowledge on court use of RNA information by communicating information on individual- and aggregate-level findings that facilitate data-driven decision making.

After the CalRAPP began, the Legislature enacted two major legislative changes that impacted the criminal justice system and this project specifically: the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) and the 2011 Public Safety Realignment Act (realignment). The SB 678 program was originally designed to alleviate state prison overcrowding and generate state savings by reducing the number of adult felony probationers sent to state prison, and to meet these objectives without compromising public safety. The SB 678 program shares state prison savings with county probation departments that implement evidence-based supervision practices and reduce the number of supervised felony offenders who are revoked and sentenced to state prison.

SB 678 went into effect in 2010, the same year that the four pilot sites began participating in the CalRAPP. At the time, this legislation constituted a dramatic change in California adult probation services. While the SB 678 program has proven very effective in expanding the use of evidence-based supervision practices, it had the unfortunate short-term side effect of overwhelming California probation departments, which delayed project implementation activities in the four CalRAPP pilot sites. In response to the changes initiated by the SB 678 program, CalRAPP and Judicial Council staff incorporated training on evidence-based sentencing and RNA information into existing state-wide California judicial education curricula and provided regional training and outreach on evidence-based supervision practices to judges and justice system partner leaders across the state.

Following SB 678 the Legislature enacted the 2011 Public Safety Realignment Act, which has been described as the most far-reaching transformation of California's criminal justice system in more than 30

years. Realignment shifts responsibility and funding for lower-level state prisoners and parolees from the state to local community corrections programs. Building on the SB 678 program, realignment reinvests state resources formerly expended on prison and parole “to support community-based corrections programs and evidence-based practices that [are intended to] achieve improved public safety returns on this state’s substantial investment in its criminal justice system.”

The passage of realignment dramatically reduced the number of probationers who are *eligible for* incarceration in state prison when they are unsuccessful on probation such that now these *ineligible* probationers can be revoked and sentenced only to county jail. In addition, realignment created two new categories of offenders who are now supervised by probation departments (rather than by state parole) and limited these offenders’ eligibility for incarceration in state prison when they are unsuccessful on supervision. Given the considerable alterations in the state’s sentencing and corrections structure brought about by realignment, the scope of the CalRAPP training and TA was expanded to include the incorporation of EBP and RNA information into important court decision-making processes under realignment.

With adjustments for the passage of SB 678 and realignment, the CalRAPP fulfilled one of its project goals by providing training and TA on EBP to the probation departments, judges, district attorneys, and public defenders in the pilot sites. In total, 61 training and TA sessions were provided in the four CalRAPP counties. In addition, 56 regional training and outreach sessions were provided to justice system partners from approximately 43 counties in California.

The CalRAPP fulfilled its second project goal of evaluating the effectiveness of the project by evaluating the implementation of EBP by probation departments and the courts, and assessing the outcomes of adults on felony probation. The project utilized qualitative and quantitative data from five sources: individual-level felony probation outcome data, aggregate-level offender outcome data, statewide data on the implementation of EBP, judicial survey data, and data on probation department policy changes.

During the course of this study, the probation departments in the CalRAPP counties reported greater degrees of success in implementing EBP, including: a sustained increase in the implementation and use of RNA tools, significantly higher levels of implementation of effective supervision practices, and significantly higher reported levels of collaboration with justice system partners compared to probation departments in the rest of the state. Further, the pilot sites all reported that the project better positioned their probation departments to implement EBP and effectively manage their supervised populations through the key changes brought about by SB 678 and realignment. These achievements in the implementation of EBP are supported by data from multiple sources.

The CalRAPP counties significantly reduced their combined probation failure rate (PFR) and sentenced a significantly lower proportion of felony probationers to prison and jail compared to jurisdictions in the rest of the state. Adults on felony probation in the pilot sites are being supervised effectively using graduated reward and sanction response grids to ensure that responses to offender behavior are consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior). Individual-level felony probationer findings show that this EBP approach resulted in increased rewards for prosocial behavior and more proportionate responses to noncompliant behavior. In addition, the proportions of felony probationers with new arrests/law violations either remained constant or significantly decreased in the CalRAPP counties.

Notably, CalRAPP jurisdictions that routinely request presentence investigation (PSI) reports and supplemental reports in felony cases realized decreases in the proportions of felony probationers who were sentenced to prison and jail, suggesting that the use of evidence-based PSI reports at sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings (i.e., those that include RNA information or recommendations based on RNA information) results in improved felony probationer outcomes compared to the use of evidence-based supervision practices alone. It seems plausible that the practice of settling felony cases through plea agreements and sentencing recommendations made without the use of RNA information may adversely impact felony probationer outcomes. While it is difficult to make direct, county-to-county comparisons, it is compelling that Napa and San Francisco (jurisdictions that routinely request evidence-based PSI reports in adult felony probation sentencing proceedings and evidence-based supplemental/violation reports in violation proceedings) saw decreases in the proportions of felony probationers who were unsuccessfully terminated and sentenced to prison and jail. Taken as a whole, this study's findings suggest that improved offender outcomes and reductions in recidivism can be achieved through an informed, practical, and collaborative approach to the implementation of EBP, including both the use of evidence-based PSI and supplemental/violation reports and effective supervision and case management practices.

This project includes a multi-jurisdictional evaluation of the individual-level outcomes of independent samples of adults on felony probation. The findings may be particularly informative and useful for continuing initiatives designed to reduce recidivism, improve offender outcomes, and produce state savings by reducing the number of felony offenders who are reincarcerated. If jurisdictions in the state are expected to achieve continued success in felony offender outcomes as EBP are implemented, probation departments in these jurisdictions may need to explore the possibility of additional training and TA on specific aspects of EBP. Based on the CalRAPP findings, the following training and TA observations are offered:

- interactive group training/TA for justice system partners on the use of RNA tools, tool validity, and the structure and application of the tool could increase justice system partners' understanding of how the information from these tools is being applied by probation departments;
- training and TA for probation department leadership and staff on the development and use of graduated reward and sanction response grids may help ensure that a department's approach to prosocial and noncompliant behavior is consistent and evidence-based and provide a prescribed method for evaluating staff responses to offender behavior; and
- as a mechanism for monitoring and continuously improving the quality of EBP that have been implemented, probation departments should consider exploring training /TA on internal quality assurance policies and/or procedures to formalize expectations and monitor the application of EBP.

## Introduction

The California Risk Assessment Pilot Project (CalRAPP), which was funded under a partner grant from the State Justice Institute (SJI) and the National Institute of Corrections (NIC), began in May 2009 as a joint project of the Judicial Council of California and the Chief Probation Officers of California (CPOC). The project was designed to coordinate the operation and evaluation of pilot projects in multiple California counties to explore the ways in which EBP, specifically the use of RNA information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. The CalRAPP takes place in four pilot sites (i.e., Napa, San Francisco, Santa Cruz, and Yolo counties) and includes two main components: training and TA on EBP and an independent evaluation of the implementation of the project and offender outcomes.

There is great national interest today in the use of RNA information to reduce recidivism.<sup>1</sup> While RNA information is becoming a primary component of supervision and case management practices used by probation and parole departments to classify offenders and determine treatment strategies, the use of RNA information by the courts is a relatively new concept; one with limited information describing jurisdictions' efforts to include RNA information in state judicial proceedings and the potential benefits and challenges of these efforts.<sup>2</sup> The CalRAPP was designed to begin filling this knowledge gap by examining the process and potential impacts of integrating RNA information into adult felony probation sentencing and violation proceedings.

The start of the CalRAPP virtually coincided with two major legislative changes that impacted the criminal justice system in California. These legislative changes, which are discussed in more detail in section II below, were designed to address prison overcrowding and expand the use of EBP throughout the state. However, these changes also created new research challenges for this project, making it difficult to isolate the impact of the project in the pilot sites and adding substantial complexity to the process and outcome evaluation. This report includes information on these major legislative changes to offer context about the execution of the CalRAPP. It also discusses the careful research approach utilized during the project, which necessarily adapted to these legislative changes and combined information from as many sources as possible in order to provide an accurate overview and assessment of the CalRAPP and its impact on the pilot sites and felony probationer outcomes. In this way, this report seeks to add to the body of knowledge on court use of RNA information by communicating information on individual- and aggregate-level findings that facilitate data-driven decision-making.

This report:

- describes the CalRAPP purpose and goals;

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<sup>1</sup> The more recent trend towards incorporating RNA information into the sentencing process has generated substantial commentary in the national community, some raising potential policy and legal concerns with this practice. While these topics are beyond the scope of this report, it is worth noting the existence of state level efforts by the Judicial Council's Criminal Law Advisory Committee to develop a proposed standard of judicial administration to provide California courts with guidance on using RNA information in criminal proceedings, including sentencing.

<sup>2</sup> National experts at the National Center for State Courts (NCSC) recently published information on 10 jurisdictions' efforts to provide RNA information to the court and examined these efforts in relation to guiding principles developed by a National Working Group of criminal justice and research professionals. See Casey, P. M., Elek, J. K., & Warren, R. K. *Using Risk and Needs Assessment Information at Sentencing: Observations from Ten Jurisdictions*, National Center for State Courts (2015), available at <http://www.ncsc.org/~media/Microsites/Files/CSI/RNA%202015/Final%20PEW%20Report%20updated%2010-5-15.ashx>

## CalRAPP Final Report

- provides a brief background on the formation of the pilot project and the impact of major legislative changes enacted after the project commenced;
- provides information on the types of EBP trainings and TA that have been delivered through the CalRAPP;
- presents results of the implementation of EBP, including the use of RNA information, and offender outcomes, including individual-level outcomes of adults on felony probation in 2008 and 2013; and
- summarizes the project's implications and lessons learned.

## I. Project Framework and Goals

The purpose of the California Risk Assessment Pilot Project (CalRAPP) was to coordinate the operation and evaluation of pilot projects in multiple California counties to explore the ways in which EBP, specifically the use of RNA information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. The goals of project were to provide relevant training and TA to the courts, probation departments, and other justice system partners on the use of EBP and to demonstrate whether the effective use of RNA information by probation departments and the courts improves felony offender outcomes through reductions in recidivism and improvements in offender accountability.

## II. Background

### A. Pilot Project

In October 2008, the Judicial Council of California sponsored a Summit of Judicial Leaders on Sentencing, Community Corrections, and EBP. One of the topics of discussion at this summit was the use of RNA information at sentencing. Following this summit, a planning committee comprised of judges, court executives, and chief probation officers in the state was formed to plan and coordinate the CalRAPP, which began in May 2009 with support from the SJI and NIC.

The CalRAPP Planning Committee organized the project as a pilot project with multiple jurisdictions. The Judicial Council distributed a Request for Applications (RFA) soliciting jointly submitted applications from county probation departments and superior courts. Jurisdictions were selected based on their demonstrated willingness, commitment, and overall existing and future capacity to implement and use RNA tools to reduce recidivism and improve offender accountability; and their capacity to meet the project's research and evaluation requirements. Ultimately, four jurisdictions were selected for participation in the CalRAPP: Napa, San Francisco, and Santa Cruz counties began in March 2010, and Yolo County began in October 2010.

### B. Legislative Changes

After the CalRAPP began, the Legislature enacted two major legislative changes that impacted the criminal justice system and this project specifically:

- the California Community Corrections Performance Incentives Act of 2009 (SB 678), and
- the 2011 Public Safety Realignment Act (realignment).

Each of these legislative changes, including their subsequent effect on the scope of the project, are described below.

### California Community Corrections Performance Incentives Act of 2009 (SB 678)

The California Community Corrections Performance Incentives Act of 2009<sup>3</sup> (implementation of which is hereafter referred to as the “SB 678 program”) created an incentive program designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sentenced to state prison for committing a new crime or violating the terms of their county-supervised probation, 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 and sentenced to state prison.

SB 678 went into effect in 2010, the same year that the four pilot sites began participating in the CalRAPP. This legislation constituted a dramatic change in California adult probation services. While the SB 678 program has proven very effective in expanding the use of evidence-based supervision practices, it had the unfortunate short-term side effect of overwhelming California probation departments and delaying CalRAPP implementation activities in the four CalRAPP pilot sites. In response to the changes initiated by the SB 678 program, CalRAPP and Judicial Council staff incorporated training on evidence-based sentencing (EBS) and RNA information into existing state-wide California judicial education curricula and provided regional training and outreach on evidence-based supervision practices to judges and justice system partner leaders in the state.

### 2011 Public Safety Realignment Act

In 2011, California adopted public safety realignment legislation (i.e., 2011 Public Safety Realignment Act<sup>4</sup>, hereafter referred to as “realignment”) that shifted responsibility and funding for lower-level state prisoners and parolees from the state to local community corrections programs. Building on the SB 678 program, realignment reinvests state resources formerly expended on prison and parole “to support community-based corrections programs and evidence-based practices that [are intended to] achieve improved public safety returns on this state’s substantial investment in its criminal justice system.” This legislation has been described as the most far-reaching transformation of California’s criminal justice system in more than 30 years.

The passage of realignment dramatically reduced the number of probationers who are *eligible for* incarceration in state prison when they are unsuccessful on probation. Many probationers who are unsuccessful on probation can only be revoked and sentenced to county jail and these county jail sentences can include terms of more than one year. Prior to the enactment of the realignment legislation, a person convicted of a felony and denied probation was generally sentenced to state prison. After realignment, however, with the exception of serious or violent felony offenses and felony offenders with serious or violent criminal histories, the general rule is that the court must commit these persons to county jail.

Realignment also created two new categories of offenders who are now supervised by county probation departments (rather than by state parole) and limited these offenders’ eligibility for incarceration in state prison when they are unsuccessful on supervision. More specifically, local probation departments

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<sup>3</sup> SB 678 (Stats. 2009, ch. 608), [www.courts.ca.gov/documents/sb678.pdf](http://www.courts.ca.gov/documents/sb678.pdf)

<sup>4</sup> AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39

are now responsible for supervising individuals on mandatory supervision (MS) and post-release community supervision (PRCS). Individuals on MS include persons convicted of qualifying low level felonies (i.e., non-serious and non-violent felonies per Penal Code 667.5 and 1192.7, and non-sex offenses) who now receive “split sentences” that are partially served in county jail and partially served under local supervision. Individuals on PRCS include persons who served state prison sentences for specified low-level felonies and who may have criminal histories that include serious, violent, or sex offenses. Additionally, under realignment, incarceration for most PRCS and parole violations is now served in county jail as opposed to state prison and responsibility for hearing violation matters for these populations has shifted from the Board of Parole Hearings to the local trial courts.

Given the substantial alterations in the state’s sentencing and corrections structure described above, the scope of the CalRAPP was expanded to include training and TA on the incorporation of EBP and RNA information into critical court decision-making processes under realignment. More specifically, training and TA provided to the four pilot sites was expanded to include the incorporation of EBP into realignment’s new sentencing provisions; the use of new alternatives to local secure confinement, supervision, and revocation of offenders on MS; and the supervision and revocation of offenders released from prison on PRCS. In addition, regional training and outreach was expanded to include the incorporation of EBP into realignment decision-making processes.

### III. Training and Technical Assistance (TA)

As noted previously, the original intent of the CalRAPP was to explore the ways in which EBP, specifically the use of offender RNA information, can be incorporated into adult felony probation sentencing and violation proceedings to reduce offender recidivism and improve offender accountability. One of the primary goals of the project was to provide relevant training and TA to the courts, probation departments, and other justice system partners on the use of EBP. This section of the report addresses this goal and provides information on the types of EBP trainings and TA that have been delivered through the CalRAPP.

**The CalRAPP provided 41 training sessions & 20 technical assistance sessions to the probation departments, judges, district attorneys, and public defenders in the pilot sites.**

From 2010 to 2014, the CalRAPP provided training and TA to the probation departments, judges, district attorneys, and public defenders in Napa, San Francisco, Santa Cruz, and Yolo. In all, 41 training sessions and 20 technical assistance sessions were provided in the four pilot counties. In addition, and partly as a result of the major changes brought about by SB 678 and realignment, this project also provided regional training and outreach to judges and other justice system partners across the state. A total of 56 regional training and outreach sessions were provided to approximately 43 counties in California. Information about these sessions and how they were received by participants is presented below.

#### A. Training and TA for the Pilot Sites

During the course of this project, the CalRAPP counties received training on EBP and EBS including: the implementation and use of RNA tools; the use of RNA information at sentencing and violation proceedings; the incorporation of EBP and RNA information under realignment; effective supervision practices; responding to prosocial and noncompliant behavior; and the supervision of the new realignment populations including adults on MS and PRCS. These training sessions, which took place at

the Judicial Council and on-site in the pilot counties, were offered to judges, probation department leadership and staff, district attorneys, and public defenders. Some of these trainings were designed as interactive group sessions between various justice system partners and others were designed as justice-system-partner-specific sessions (e.g., judge-specific or attorney-specific trainings). These training sessions were conducted by judges with national- and state-level expertise in EBP, national-level experts in EBP, and state and local-level experts in EBP and probation supervision.

The CalRAPP counties also received TA during the course of this project. These TA sessions provided specific assistance with the development of actions plans for the implementation and use of RNA tools, the transmission of RNA information to the court, and the identification of ranges of prosocial and noncompliant behavior and responses to these behaviors. Expert assistance was also provided in walking participants through county-specific case analysis exercises designed to identify ways in which RNA information aligns with recommendations about sentencing conditions. County-specific TA designed to increase the skills needed to connect RNA information with supervision and case management strategies was provided. Lastly, customized assistance was provided to the probation departments on ways to improve the confidence that department staff and justice system partners have in RNA tools, to develop a list of priority areas for quality assurance and improvement, and to create 18-month continuous quality improvement work plans.

## **B. Regional Training and Outreach in California**

As mentioned previously, the scope of the CalRAPP was expanded to adapt to major legislative changes enacted in 2009 and 2011. Given the substantial changes brought about by SB 678 and realignment, this project convened curriculum development meetings with state judicial education faculty, chief probation officers, and members of the CalRAPP project management teams from each county to create curricula that incorporated SB 678 and realignment concepts into trainings on EBP, EBS, and responding to violations. These curricula were used to provide regional training and outreach sessions to judges across the state. While judges were the primary intended audience for these sessions, other justice system partners were encouraged to and did attend these sessions.

These regional training and outreach sessions extended the reach and impact of the CalRAPP to judges and justice system partners beyond the four pilot sites. In many cases, supplemental funding was obtained and used to provide these extended sessions. Stretching the reach of the trainings offered by the CalRAPP resulted in wider dissemination of information on EBP, EBS, and the application of these concepts to sentencing post-realignment and greater recognition of the project and the progress of the pilot sites.

## **C. Feedback from Training and TA Provided**

Overall, the CalRAPP received high ratings and positive feedback following all training, TA, and regional training and outreach sessions. Sessions were well attended and evaluation forms completed by participants gave sessions ratings of 4 or 5 on a scale of 1 to 5. Judges and other justice system partners who participated in regional and outreach sessions throughout the state indicated that the information on EBP and EBS was timely and responsive to the needs of judges and justice system partners who were just starting to see the impact of the newly realigned criminal justice populations on criminal court calendars.

Feedback received from the pilot sites on the training and TA offered as part of the CalRAPP was overwhelmingly positive. Throughout the course of the project, the CalRAPP counties repeatedly noted

that they appreciated the ability to walk out of a training or TA session with a work product. The Chief Probation Officers (CPOs) and Project Managers (PMs) indicated that these work products helped the departments practically apply the knowledge gained from training and TA sessions. CPOs and PMs also indicated that the training and TA provided through this project:

- was enormously helpful to the implementation and continuous improvement of EBP,
- could not have been timed better as it served as preparation and guidance for managing the major changes initiated by SB 678 and realignment,
- helped with internal organizational development and cultural change in their departments, and
- increased confidence levels of justice system partners regarding the department’s ability to effectively supervise adults on felony probation.

Finally, justice system partners (i.e., judges, district attorneys, and public defenders) in all four pilot sites expressed an interest in additional exposure to the actual RNA tool being utilized by their county’s probation department, including the tool’s validity (i.e., how well the tool measures what it is designed to measure) and a better understanding of the structure, intent, scoring, and application of the tool. This feedback is particularly noteworthy and informative given the amount of EBP and RNA training that has been provided through this project. It seems that as justice system partners receive more training on and exposure to RNA tools and the use of this information at sentencing and violation proceedings, they develop more specific questions about RNA tools, seek more information about a tool’s predictive validity, and want a better understanding of how the information from these tools is being practically applied.

## **IV. Project Results**

### **A. Sources of Data**

This study evaluates the impact of the CalRAPP by examining the implementation of EBP, including the use of validated RNA tools and effective supervision practices, and the outcomes of adults on felony probation. The research design utilizes a qualitative and quantitative approach that incorporates information from several sources. These data sources include:

- individual-level felony probation outcome data
- aggregate-level offender outcome data from the SB 678 program (“SB 678 Program data”)
- statewide data on the implementation of EBP from the Evidence-based Practices Annual Assessment Survey (“Annual Assessment data”)
- judicial survey data
- data on probation department policy changes

These data sources are described below.

**Individual-level felony probation outcome data**

This study includes two independent samples of adults on new grants of felony probation in 2008 (baseline) and 2013 (comparison) to evaluate the impact of the CalRAPP. To construct the baseline and comparison samples, CalRAPP project staff received data on all adults receiving new grants of felony probation during the first six months of 2008 and 2013. Individual-level outcome data was available for Napa, San Francisco, and Santa Cruz.<sup>5</sup> Table 1 displays the population and sample numbers for each county for which data was available.

Table 1: Sample sizes

County	Study Year	Group	Sample size
Napa	2008	Baseline	185
	2013	Comparison	116
San Francisco	2008	Baseline	319
	2013	Comparison	162
Santa Cruz	2008	Baseline	181
	2013	Comparison	177

Individuals in the baseline and comparison samples for each county were followed out for up to 18 months<sup>6</sup> to assess the predictive validity of RNA tools and to track felony probation outcomes.<sup>7</sup> Outcomes measured included technical violations (TVs), new arrests/law violations (NALVs), court hearings, responses to noncompliant behavior, rewards for prosocial behavior, and unsuccessful terminations resulting in incarceration.

To prepare for the collection of the data needed to analyze these individual outcomes and to provide research technical assistance to the pilot sites, principle research staff conducted site visits to each county to discuss the data, refine data collection strategies, become familiar with case management systems (CMS), and review paper and electronic case files. All information collected from the case file and court hearing documents was coded, entered into a series of databases, reviewed for internal and inter-rater reliability, cleaned, and merged with population data files provided by the probation departments.

<sup>5</sup> Reliable and valid individual-level outcome data was not available for Yolo County due to substantial leadership and staffing changes that occurred at the probation department during the course of the study, and the resulting impact that these changes had on the department’s efforts to address case management system limitations and the overall project timeline.

<sup>6</sup> All individuals in the baseline sample were followed out for 18 months. The comparison sample includes adults who received new grants of felony probation during the first six months of 2013 (1/1/2013 through 6/30/2013). Due to time and resource constraints, it was not possible to follow all individuals in the comparison sample for a full 18 months. Therefore, 9/30/2014 was used as the end point for the follow up period. This end point meant that all individuals in the comparison sample had at least 15 months of follow up data, with some individuals having a full 18 months of follow up data. More specifically, approximately half of the individuals in the comparison sample in each county had a full 18-month follow up period: 54% of the comparison sample in Napa, 50% of the comparison sample in San Francisco, and 49% of the comparison sample in Santa Cruz had full 18-month follow up periods. As such, the direction and magnitude of the findings are psychometrically sound and not expected to change with additional months of follow up data for the remainder of the comparison sample.

<sup>7</sup> Research studies examining violation behavior (including rearrest) and the timing associated with violation behavior during periods of supervision show that offenders on community supervision may be at greatest risk of rearrest within the first six to 12 months of supervision. See Durose, M. R., Cooper, A. D., & Snyder, H. N. *Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010*. Bureau of Justice Statistics (2014), available at <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>; and Pew Center on the States, Public Safety Policy Brief, *Maximum Impact: Targeting supervision on higher-risk people, places, and times* (July 2009), available at [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs\\_assets/2009/maximumimpactwebpdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2009/maximumimpactwebpdf.pdf)

*Sources of individual-level outcome data:*

Case file information obtained from the probation departments included: CMS supervision officer field notes (field notes may have included records of offender contacts, narrative notes, violations committed, sanctions imposed, offender characteristics and service needs, program participation, RNA information, and/or rewards for prosocial behavior); CMS activity logs; chronological lists of grant/case-specific revocation and court events; PSI and supplemental reports; RNA summary reports; district attorney motion to revoke reports; county-specific criminal history reports; and copies of minute orders.

Court hearings information obtained from the courts included case-specific reports on calendared court hearings, case-specific reports on court revocation outcomes, and/or minute orders for misdemeanor and felony court hearings that occurred in the follow up window.

*Population and Sample Comparisons:*

The samples for each county were compared to the county population data and, overall, were found to be representative of the county's larger population of adults on new felony probation grants in 2008 and 2013. This suggests that the findings for the samples are generalizable to the felony probation populations in 2008 and 2013.

*Documentation of Technical Violations (TVs) in 2008 & 2013:*

The case file information obtained from the probation departments for the 2013 comparison sample was generally more detailed than the case file information obtained for 2008 baseline sample, particularly with regard to noncompliant behavior (TVs) and responses to both noncompliant and prosocial behavior. In all three counties, TVs were documented somewhat differently in 2008 compared to 2013.

In 2008, there appeared to be more of a tendency to "batch" together instances of noncompliant behavior that may have occurred over the course of 2-4 weeks and then document a summary of this noncompliant behavior, along with the response to this noncompliant behavior, in one field notes entry. Because it was not possible to tease apart these separate instances of noncompliant behavior when they were reported as batch entries with just one response in the field notes, study coders were instructed to count batch entries as a single event (i.e., one technical violation).

**Differences in documentation practices resulted in a higher number of documented technical violations in 2013 compared to 2008.**

In 2013, there appeared to be less of a tendency to batch together instances of noncompliant behavior in this manner. Instead, field note entries were more likely to list each noncompliant behavior and include the response to this behavior. This difference in the documentation of TVs resulted in a higher number of documented TVs in 2013 compared to 2008. Given this noteworthy variation in documentation practices and the resulting impact that this variation had on the pure counts of TVs, this study focused its TV analyses on the numbers of felony probationers with TVs rather than the number of TVs.

**SB 678 Program data**

As part of the SB 678 program, county probation departments are required to report probationer outcomes to the Judicial Council. Quarterly, aggregate data reported by county probation departments focus on quantitative outcomes, including the number of felony offenders placed on probation, and the

number of felony offenders revoked and terminated and sentenced to prison or jail. These data are then used to determine the statewide and county-specific probation failure rates (PFR)<sup>8</sup> for each given year. This data source allows for a quantitative comparison of the PFR in the CalRAPP counties to the PFR for the rest of the state.

### **Annual Assessment data**

California probation departments are required by SB 678 to provide an annual report to the Judicial Council evaluating the effectiveness of their programs. In 2011, probation departments in the state began using the Evidence-Based Practices Annual Assessment Survey (“Annual Assessment”) to self-report on levels of EBP implementation, including but not limited to the use of validated risk and needs assessment tools; effective supervision practices; and collaboration among justice system partners. Although it is difficult to quantitatively and comprehensively measure EBP implementation, the Annual Assessment allows for some consistency of measurement over time and for a comparison of the CalRAPP counties to the rest of the state.

### **Judicial Survey data**

The judiciary in the four CalRAPP counties was surveyed in mid-2011 and in mid-2013 to assess their knowledge of and attitude towards EBP, including the use of validated RNA tools and evidence-based supervision practices. In 2011 there were 35 judges sitting on the criminal bench in the four CalRAPP counties, 28 of whom responded to the survey (80% response rate). In 2013 there were 37 judges sitting on the criminal bench in the CalRAPP counties, 32 of whom responded to the survey (86% response rate).

### **Data on probation department policy changes**

The probation departments in the four CalRAPP counties were asked in 2013 and 2015 to provide information on new or revised supervision policies and practices that were implemented after they joined the project. In addition, the Chief Probation Officers and CalRAPP Project Managers from each county participated in quarterly project manager meetings throughout the project where they provided project updates that often included information on new policies and practices.

## **B. Key Findings and Overall Summary of the Project’s Findings**

This section of the report presents findings designed to evaluate the impact of the CalRAPP. In describing these findings, the term “significantly” is used to convey information about whether the applicable findings are statistically significant. Statistical significance, a research concept, is used in this report to explain whether the results obtained (e.g., observed differences in groups of felony probationers) are due to the effects of an intervention (e.g., the CalRAPP) and not attributable to chance.

This section of the report begins with a list of key findings, is followed by an overall summary of the project’s findings, and concludes with an explanation of more specific results for each of the five previously mentioned data sources.

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<sup>8</sup> Probation failure rates (PFR) are defined as the number of adult felony probationers who are revoked (for a technical violation or new law violation) and terminated and sentenced to state prison in a year as a percentage of the average probation population during the same period.

## Key Findings

- Probation departments in all four pilot sites reported that a significantly lower proportion of felony probationers were sentenced to prison and jail in 2013 compared to probation departments in the rest of the state
- Individual-level data show that county RNA tools predict future noncompliant behavior based on risk level
- Higher proportions of felony probationers have technical violations in 2013 compared to 2008
- The filing of revocation petitions in court based on a technical violation alone are occurring less frequently in response to noncompliant behavior in 2013
- In two of the three counties with individual-level felony probation outcome data, lower proportions of felony probationers were unsuccessfully terminated and sentenced to prison and jail
- The use of evidence-based presentence investigation reports at adult felony probation sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings may result in more improved felony probationer outcomes than the use of evidence-based supervision practices alone
- Graduated reward and sanction response grids have been implemented in all four pilot sites
- Documentation and reporting of technical violations and prosocial behavior has increased
- Lower proportions of felony probationers in 2013 have violation hearings compared to 2008
- Significantly higher proportions of felony probationers in 2013 received rewards for prosocial behavior compared to 2008
- By 2013, higher proportions of judges reported that they are familiar with and have confidence in the concepts of EBP, and are using RNA information to determine suitability for probation
- Justice system partners would like additional exposure to their jurisdiction's RNA tool to obtain a better understanding of how the information from these tools is being practicably applied
- Probation departments in all four pilot sites report significantly higher levels of collaboration with justice system partners compared to probation departments in the rest of the state
- The development of formal, written supervision and case management policies is a fundamental component to the successful implementation and continued improvement of evidence-based practices

## Overall Summary of the Project's Findings

During the course of this study, the probation departments in the CalRAPP counties have reported greater degrees of success in implementing EBP, including: a sustained increase in the implementation and use of RNA tools, significantly higher levels of implementation of effective supervision practices, and significantly higher reported levels of collaboration with justice system partners compared to probation departments in the rest of the state. These achievements in the implementation of EBP are supported by data from multiple sources.

In terms of RNA tools, individual-level felony probation data show that county **RNA tools predict future noncompliant behavior based on risk level**. Regarding effective supervision practices, probation

departments in all four pilot sites are using graduated reward and sanction response grids to ensure that the department-wide **approach to prosocial and noncompliant behavior is consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior)**. Individual-level felony probation findings show that this EBP approach resulted in significantly higher proportions of felony probationers in 2013 who received rewards for prosocial behavior than those in 2008. Similarly, this approach is also resulting in more proportionate responses to noncompliant behavior such that less severe noncompliant behavior is not triggering an “automatic” filing of a revocation petition in court in 2013. In fact, while higher proportions of adults on felony probation in 2013 have documented technical violations, revocation petitions to bring felony probationers to court based on a technical violation alone are occurring less frequently in response to noncompliant behavior in 2013. These findings show that the supervision practices implemented by the CalRAPP counties have changed the impact to the courts. In fact, there are **lower proportions of adults on felony probation in 2013 with violation hearings compared to 2008**.

Since the CalRAPP began, the four pilot sites have significantly reduced their combined probation failure rate (PFR) and **sentenced a lower proportion of felony probationers to prison and jail** compared to jurisdictions in the rest of the state. In addition, compared to 2008, the proportions of felony probationers in 2013 with new arrests/law violations either remained constant or significantly decreased and the proportions of felony probationers who were sentenced to prison and jail also remained constant or significantly decreased. Further, jurisdictions that routinely use evidence-based presentence investigation and supplemental/violation reports in felony cases realized decreases in the proportions of felony probationers who were sentenced to prison or jail, suggesting that the use of **evidence-based presentence investigation reports at sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings results in improved felony probationer outcomes** compared to the use of evidence-based supervision practices alone.

Lastly, in terms of levels of collaboration with justice system partners, the pilot sites all report that the CalRAPP has better positioned their probation departments to implement EBP and effectively manage their supervised populations through the key changes brought about by SB 678 and realignment. The training and technical assistance provided through this project has: 1) assisted in the **development of clear, written policies that incorporate EBP and principles**; 2) resulted in **higher proportions of judges who reported that they are familiar with and have confidence in the concepts of EBP**, and are using RNA information to determine suitability for probation; and 3) helped the CalRAPP counties develop **collaborative strategies for implementing EBP** that include input from their justice system partners.

**The four pilot sites report that the CalRAPP has better positioned their probation departments to implement EBP and effectively manage their supervision populations through the key changes brought about by SB 678 and realignment.**

### C. Individual-level Felony Probation Outcome Data

This section of the report presents findings on the individual-level outcomes of adults on felony probation in 2008 and 2013. Recall, individuals in the baseline and comparison samples were followed out for 18 and 15-18 months, respectively, to assess the predictive validity of RNA tools and to track felony probation outcomes. Findings presented in this section include:

- predictive validity of RNA tools,
- technical violations (TVs),

## CalRAPP Final Report

- new arrests/law violations (NALVs),
- court hearings,
- responses to noncompliant behavior,
- rewards for prosocial behavior, and
- unsuccessful terminations resulting in incarceration.

The findings for each of these topic areas, organized based on the county of supervision, appear below.

**C. Individual-level Felony Probation Outcome Data continued:**

**NAPA COUNTY FINDINGS**

## NAPA COUNTY FINDINGS

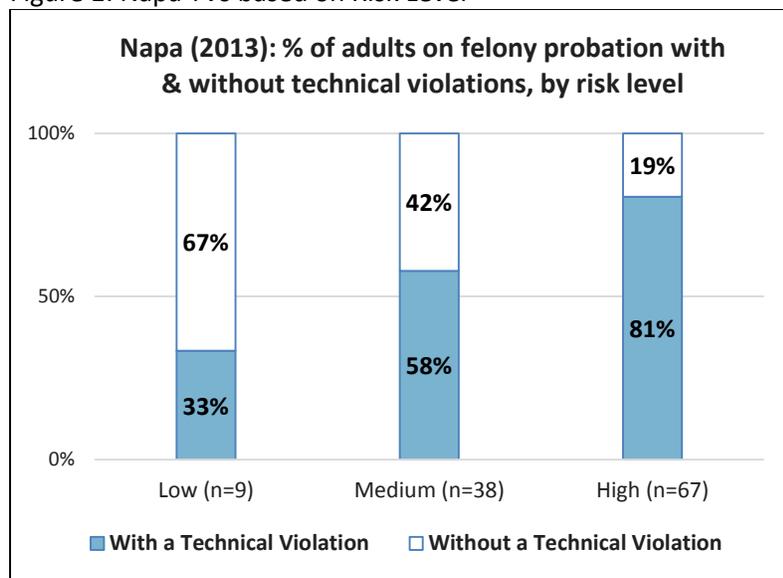
- *Predictive Validity of Risk and Needs Assessment (RNA) tools:*

The Napa County Probation Department (NCPD) uses the Level of Service/Case Management Inventory (LS/CMI) as its RNA tool. To assess the effectiveness of this RNA tool, this study analyzed the predictive validity of the LS/CMI to see how well the tool predicts noncompliant behavior (i.e., TVs<sup>9</sup>) based on risk level. Overall, the results support the use of the LS/CMI as a tool for classifying felony probationers into groups with different probabilities of future noncompliant behavior.

**The NCPD’s RNA tool predicts future noncompliant behavior based on risk level.**

More specifically, the NCPD’s RNA tool is able to predict the occurrence of a TV based on risk level. Findings show that medium and high risk adults on felony probation are more likely to have technical violations compared to low risk adults on felony probation (see Figure 1). These findings support the use of the LS/CMI in that there are clear distinctions in the number of low, medium, and high risk adults on felony probation who have TVs.

Figure 1: Napa TVs based on Risk Level



- *Technical Violations (TVs):*

Information from probation department case files and court hearing and revocation reports was used to identify the occurrence of noncompliant behavior (i.e., TVs) and responses to this noncompliant

<sup>9</sup> Due to sample size limitations with the 2013 comparison sample, it was not possible to analyze the predictive validity of the LS/CMI to see how well this tool predicts recidivism (i.e., a NALV) based on risk level. However, it is worth noting that the occurrence of an NALV follows the same pattern as that seen for TVs in that more medium and high risk adults on felony probation in 2013 (24% medium risk and 31% high risk) have NALVs compared to low risk adults on felony probation (11% low risk). These findings, in combination with the statistically significant TV findings presented in this section, support the use of the LS/CMI to classify adults on felony probation into groups with different probabilities of future noncompliant behavior.

behavior during the follow up periods. As noted previously, TVs were documented differently in 2008 and 2013, which resulted in a higher number of documented TVs in the comparison sample.

Figure 2 displays TVs findings for Napa. Overall, a slightly higher proportion of adults on felony probation have documented TVs in 2013 compared to 2008. This higher proportion of felony probationers with TVs in 2013 is likely due to differences in supervision practices and in how TVs were documented in 2013. As the NCPD has increased its implementation of EBP, including effective supervision practices, the department began using graduated reward and sanction response grids to ensure that its approach to prosocial and noncompliant behavior is consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior). This approach has resulted in more detailed documentation of TVs and their responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about TVs and a much broader range of noncompliant behavior that varies in severity from arriving late for an office visit to absconding.

Interestingly, while a slightly higher proportion of felony probationers have TVs in 2013, a focus on just those who have TVs shows that the percentage of adults on felony probation who were brought to court as a result of a revocation petition is significantly *lower* in 2013. These findings suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in a more proportionate response to less severe noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a revocation petition to bring felony probationers to court.

In other words, the same approximate proportions of adults on felony probation have documented TVs in 2008 and 2013; however, in 2008 over three fourths of these probationers were brought to court for a TV, whereas in 2013 less than two thirds of these probationers were brought to court for a TV. These results show that revocation petitions to bring felony probationers into court based on a TV alone are occurring less frequently in response to noncompliant behavior in 2013.

▪ *New Arrests/Law Violations (NALVs):*

Information from probation department case files and court hearing and revocation reports was used to identify the occurrence of documented new arrests/law violations during the follow up periods. New arrests/law violations were defined as new law violations that took place in the county of supervision for which charges were filed. Figure 2 displays NALVs findings for Napa. There are no significant differences in the proportions of adults on felony probation with NALVs. In other words, the same proportions of felony probationers have NALVs in 2008 and 2013.

These NALVs findings are noteworthy if viewed in context with risk level comparisons between 2008 and 2013. The NCPD is the only department in the study that did not change their RNA tool, which allows for some comparisons between the risk level of felony probationers in 2008 and 2013. While not statistically significant, the findings show that there are larger proportions of adults on felony probation in 2013 with medium, high, and very high risk levels compared to adults on felony probation in 2008 (see Table 2). These risk level findings, coupled with the NALVs findings presented above, suggest that since 2008 the NCPD has improved its supervision practices and these improvements have enabled the department to effectively manage a potentially higher risk felony probationer population without seeing increases in offender recidivism.

**Compared to 2008, the NCPD is managing a potentially higher risk felony probationer population without seeing increases in offender recidivism.**

Table 2: Napa Felony Probation Risk Level in 2008 & 2013

Risk Level	Sample	
	2008 Baseline (N=185)	2013 Comparison (N=116)
Very Low & Low	14%	8%
Medium	24%	33%
High	30%	41%
Very High	15%	18%
Missing <sup>a</sup>	17%	1%

<sup>a</sup> Caution should be used when interpreting risk level changes from 2008 to 2013 given the large percentage of individuals with missing risk level data in 2013 compared to 2008.

▪ *Court Hearings:*

Information from probation department case files and court hearing and revocation reports was used to identify information on the number and types of court hearings that occurred during the follow up periods. In Napa, court hearing information for individuals in the samples was typically limited to the felony case that would have placed the person on probation in 2008 or 2013. As such, if an individual in the baseline or comparison samples had other cases for other offenses; it was not possible to count the hearings for these cases.

Figure 2 displays court hearing<sup>10</sup> findings for Napa. Overall, the proportions of felony probationers having court hearings are lower in 2013. The proportion of adults on felony probation who are having treatment review hearings is significantly lower in 2013 compared to 2008. This decrease in the proportion of felony probationers with treatment review hearings may have been influenced by changes to the court’s Proposition 36/Drug Court program, which saw a redirection and reduction in funding starting in fiscal year 2008-2009.

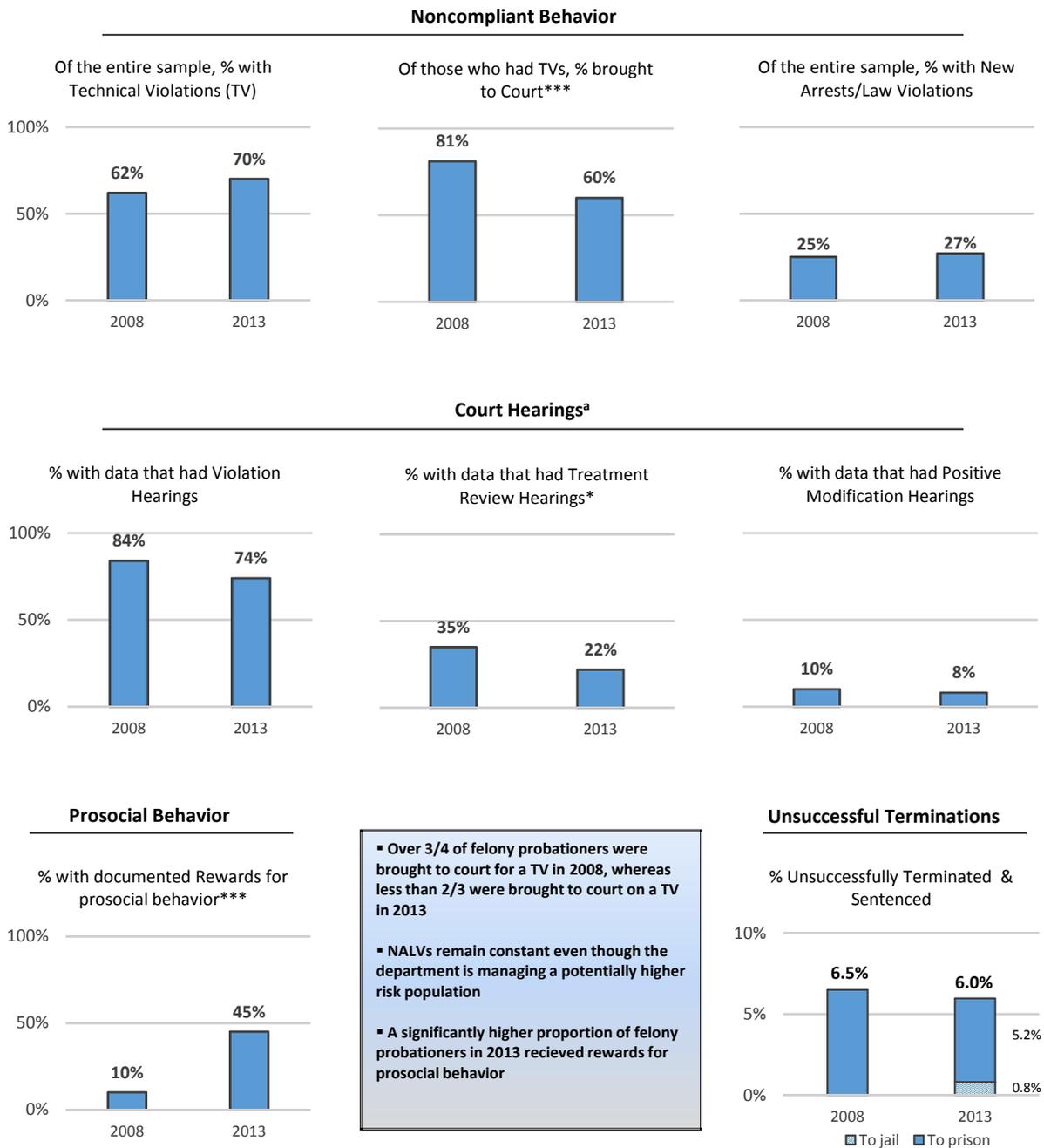
The proportion of adults on felony probation who are having violation hearings is moderately lower in 2013 compared to 2008. These findings are consistent with the findings for TVs and suggest that the department’s evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to noncompliant behavior such that less severe noncompliant behavior is not resulting in an “automatic” filing of a revocation petition to bring felony probationers to court.

Recall the TVs and NALVs findings presented previously, which show fairly constant proportions of individuals with TVs and NALVs in 2008 and 2013, and a significant decrease in the proportion of individuals with TVs who were brought to court as a result of a revocation petition. These court hearing findings, in combination with the TVs and NALVs findings, suggest that adults on felony probation in 2013 are being actively supervised by the probation department and are spending less time in court in Napa County.

<sup>10</sup> Court hearings were categorized into three different types of hearings: violation hearings, treatment review hearings, and positive modification hearings. Violation hearings are hearings dealing with noncompliant behavior (i.e., technical violations and new arrest/law violations). Treatment review hearings are hearings associated with problem solving courts that may require frequent review hearings (e.g., Drug Court, Prop 36 Court, Behavioral Health Court, Mental Health Court, etc.). Positive modification hearings are hearings dealing with modifications to supervision and/or supervision conditions resulting from compliance or prosocial behavior (e.g., hearings for early termination of probation).

Figure 2: Napa Adult Felony Probationer Outcomes

**Napa: Felony Probationer Outcomes in 2008 & 2013**



<sup>a</sup> Court hearing data was available for 72% of the 2008 sample & 91% of the 2013 sample.  
 Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

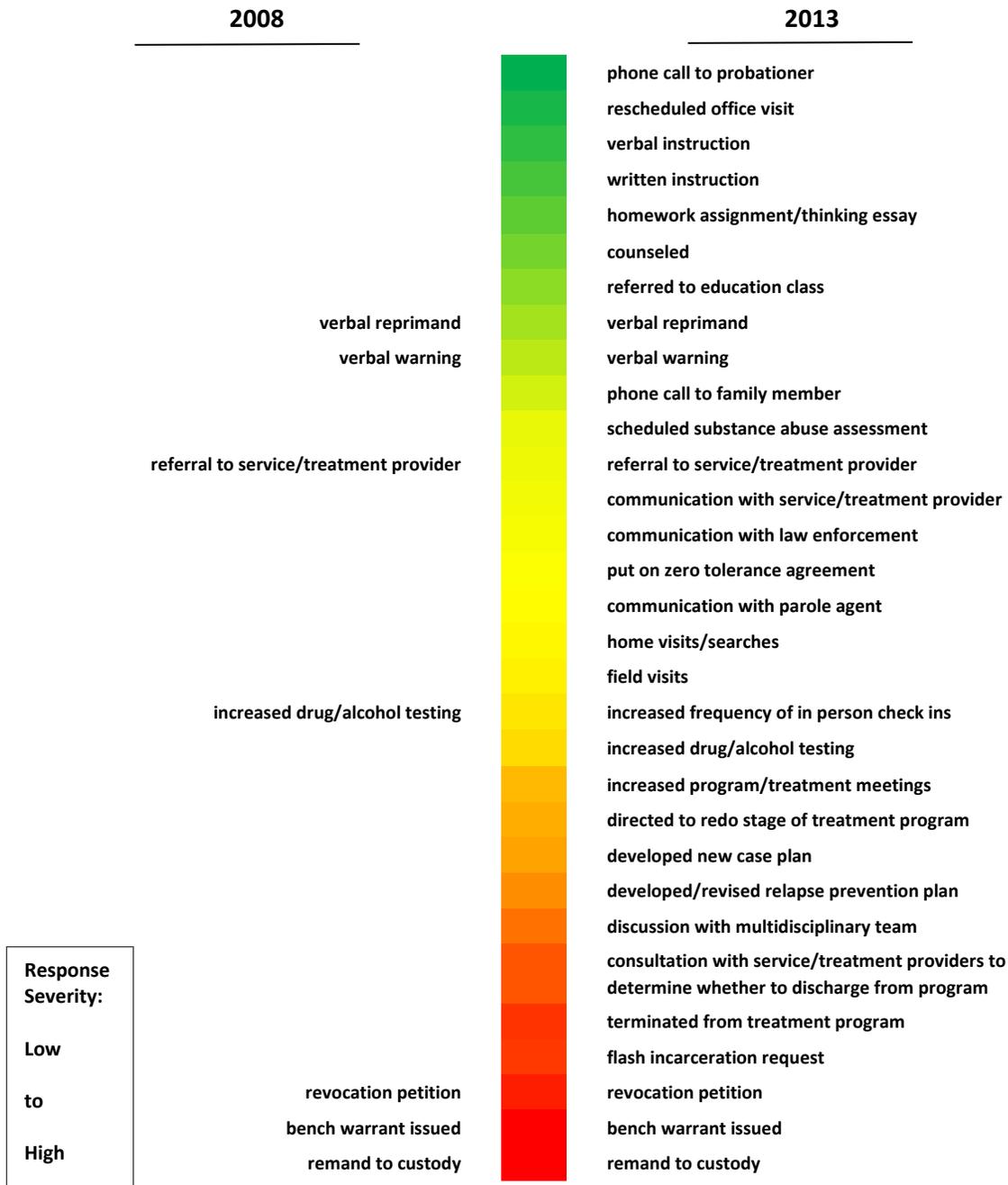
- *Responses to Noncompliant Behavior:*

Information from probation department case files and court hearing and revocation reports was used to identify the occurrence of noncompliant behavior and responses to this noncompliant behavior during the follow up periods. As noted previously, the NCPD began using graduated response grids during the CalRAPP, which resulted in more detailed documentation of TVs and responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about a broader range of noncompliant *behavior* that varies in severity from arriving late for an office visit to absconding, along with a broader range of graduated *responses* to address this behavior. To illustrate this point, Image 1 displays the types of responses to TVs in 2008 compared to 2013.

These qualitative findings on the more expansive range of graduated responses to TVs in 2013 suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in a more proportionate response to noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a petition to revoke probation.

Image 1: Napa Responses to Noncompliant Behavior in 2008 & 2013

**Napa: Comparison of Responses to Noncompliant Behavior**



- *Rewards for Prosocial Behavior:*

Information from probation department case files and court hearing reports was used to identify the occurrence of rewards for prosocial behavior during the follow up periods. Overall, a significantly higher proportion of adults on felony probation in 2013 received documented rewards for prosocial behavior compared to 2008 (see Figure 2). These findings suggest that the department's evidence-based approach to prosocial behavior, which includes the use of graduated response grids, is resulting in an increased use of rewards in response to prosocial behavior.

- *Unsuccessful terminations resulting in incarceration*

In examining the impact of the CalRAPP, individual-level outcomes for adults on felony probation in 2008 are compared to those of adults on felony probation in 2013. This section presents findings on proportions of adults on felony probation in 2008 and 2013 who were unsuccessfully terminated and incarcerated in Napa. Overall, a lower proportion of adults on felony probation in 2013 was unsuccessfully terminated and sentenced to prison and jail during the follow up period.

The passage of the 2011 Public Safety Realignment Act considerably reduced the number of probationers who are eligible for incarceration in state prison when they are unsuccessful on probation. As such, this study captured data on unsuccessful terminations with sentencings to jail, in addition to prison, for the 2013 comparison sample. These data show that less than 1% (n=1) of adults on felony probation in Napa in 2013 were unsuccessfully terminated and sentenced to jail during the follow up period. Figure 2 displays unsuccessful terminations with sentencings to prison and jail for the baseline and comparison samples.

**C. Individual-level Felony Probation Outcome Data continued:**

**SAN FRANCISCO COUNTY FINDINGS**

## SAN FRANCISCO COUNTY FINDINGS

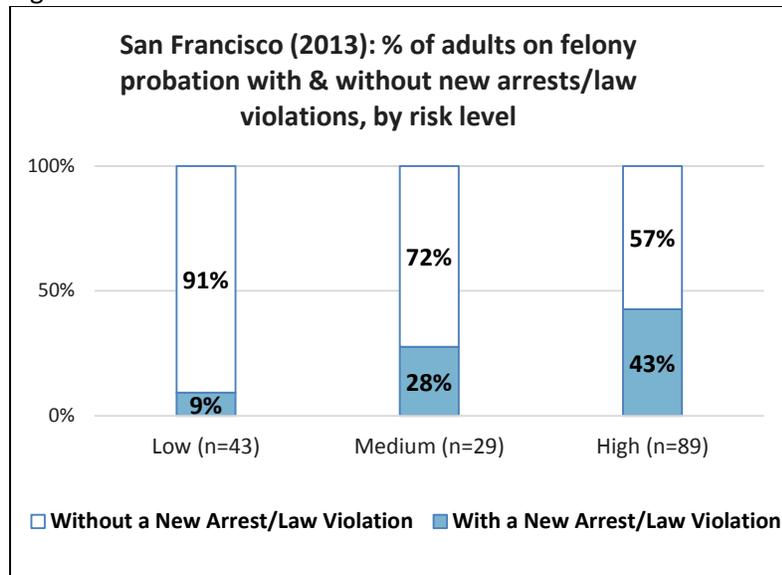
- *Predictive Validity of Risk and Needs Assessment (RNA) tools:*

The San Francisco Adult Probation Department (SFAPD) uses the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) as its RNA tool. To assess the effectiveness of this RNA tool, this study analyzed the predictive validity of the COMPAS to see how well the tool predicts recidivism (i.e., NALVs) based on risk level. Overall, the results support the use of the COMPAS as a tool for classifying felony probationers into distinct groups with different probabilities of future offending.

**The SFAPD’s RNA tool predicts future noncompliant behavior based on risk level.**

More specifically, the SFAPD’s RNA tool is able to predict the occurrence of a NALV based on risk level. Findings show that medium and high risk adults on felony probation are more likely to have NALVs compared to low risk adults on felony probation (see Figure 3). These findings support the use of the COMPAS in that there are clear distinctions in the number of low, medium, and high risk adults on felony probation who have NALVs.

Figure 3: San Francisco NALVs based on Risk Level



- *Technical Violations:*

Information from probation department case files and court hearing and revocation reports was used to identify and capture the occurrence of noncompliant behavior (i.e., TVs) and responses to this noncompliant behavior during the follow up periods. As noted previously, TVs were documented differently in 2008 and 2013, which resulted in a higher number of documented TVs in the comparison sample.

Figure 4 displays TVs findings for San Francisco. Overall, significantly higher proportions of felony probationers have documented TVs in 2013. This higher proportion of felony probationers with TVs in 2013 is likely due to differences in supervision practices and in how TVs were documented in 2013. As

the SFAPD has increased its implementation of EBPs, including effective supervision practices, the department began using reward and sanction response grids to ensure that its approach to prosocial and noncompliant behavior is consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior). This approach has resulted in more detailed documentation of TVs and their responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about TVs and a much broader range of noncompliant behavior that varies in severity from arriving late for an office visit to absconding.

Interestingly, while a significantly higher proportion of felony probationers have TVs in 2013, a focus on just those who have TVs shows that the percentage of adults on felony probation who were brought to court as a result of revocation petition is not significantly higher in 2013. These findings suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to less severe noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a revocation petition to bring felony probationers to court. In other words, even though significantly more adults on felony probation in 2013 have documented TVs, revocation petitions to bring persons to court based on a TV alone are leveling off and not occurring at an increased rate in response to noncompliant behavior in 2013.

- *New Arrests/Law Violations (NALVs):*

Information from probation department case files and court hearing and revocation reports was used to identify and capture the occurrence of documented NALVs during the follow up periods. NALVs were defined as new law violations that took place in the county of supervision for which charges were filed. Figure 4 displays NALVs findings for San Francisco.

Overall, a significantly lower proportion of adults on felony probation in 2013 have NALVs compared to adults on felony probation in 2008. In other words, in 2008 more than half of these felony probationers had NALVs, whereas in 2013 less than one third of these felony probationers had NALVs. These findings suggest that since 2008 the SFAPD has improved its supervision practices and these improvements have enabled the department to effectively manage its felony probationer population and lower recidivism.

**A significantly lower proportion of felony probationers supervised by SFAPD have NALVs in 2013 compared to 2008.**

- *Court Hearings:*

Information from probation department case files and court hearing and revocation reports was used to identify and capture information on the number and types of court hearings that occurred during the follow up periods. In San Francisco, court hearing information for individuals in the samples was typically limited to the felony case that would have placed the person on probation in 2008 or 2013. As such, if an individual in the baseline or comparison samples had other cases for other offenses; it was not always possible to count the hearings for these cases.

Figure 4 displays court hearing<sup>11</sup> findings for San Francisco. Overall, the proportion of felony probationers who are having violation hearings is significantly lower in 2013 compared to 2008. In addition, the proportion of adults on felony probation who are having positive modification hearings in 2013 is significantly higher than 2008.

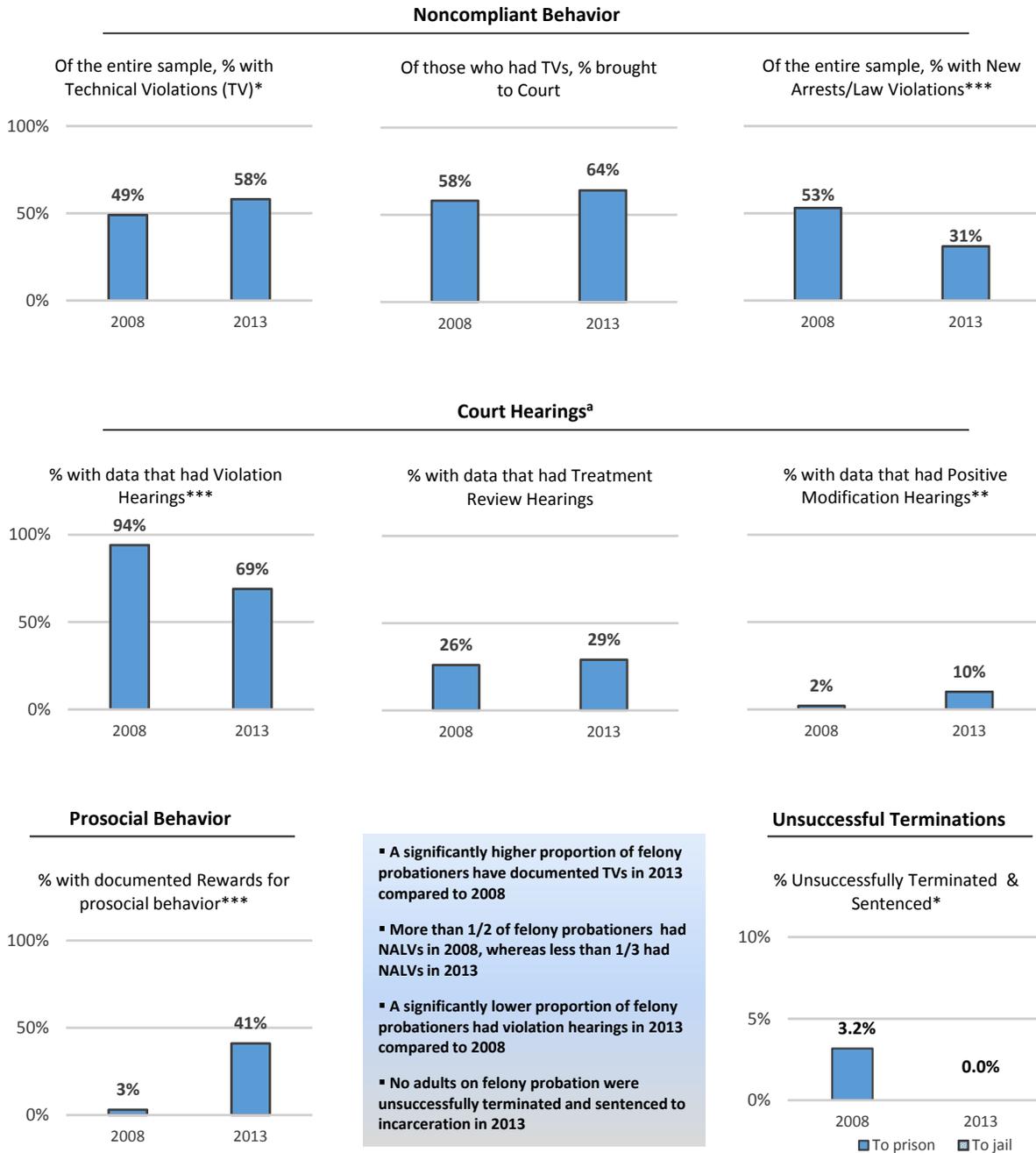
Recall the NALVs findings presented previously, which show a significant decrease in the proportion of individuals with NALVs in 2013. These court hearing findings, in combination with the NALVs findings, suggest that adults on felony probation are spending less time in court in San Francisco for noncompliant behavior. Indeed, perhaps the significant increase in the proportion of felony probationers who are having positive modification hearings suggests that more court time is being spent on rewards for prosocial behavior.

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<sup>11</sup> Court hearings were categorized into three different types of hearings: violation hearings, treatment review hearings, and positive modification hearings. Violation hearings are hearings dealing with noncompliant behavior (i.e., technical violations and new arrest/law violations). Treatment review hearings are hearings associated with problem solving courts (e.g., Drug Court, Prop 36 Court, Behavioral Health Court, Mental Health Court, etc.) Positive modification hearings are hearings dealing with modifications to supervision and/or supervision conditions resulting from compliance or prosocial behavior (e.g., hearings for early termination of probation).

Figure 4: San Francisco Adult Felony Probationer Outcomes

San Francisco: Felony Probationer Outcomes in 2008 & 2013



<sup>a</sup> Court hearing data was available for 61% of the 2008 sample & 72% of the 2013 sample.  
 Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

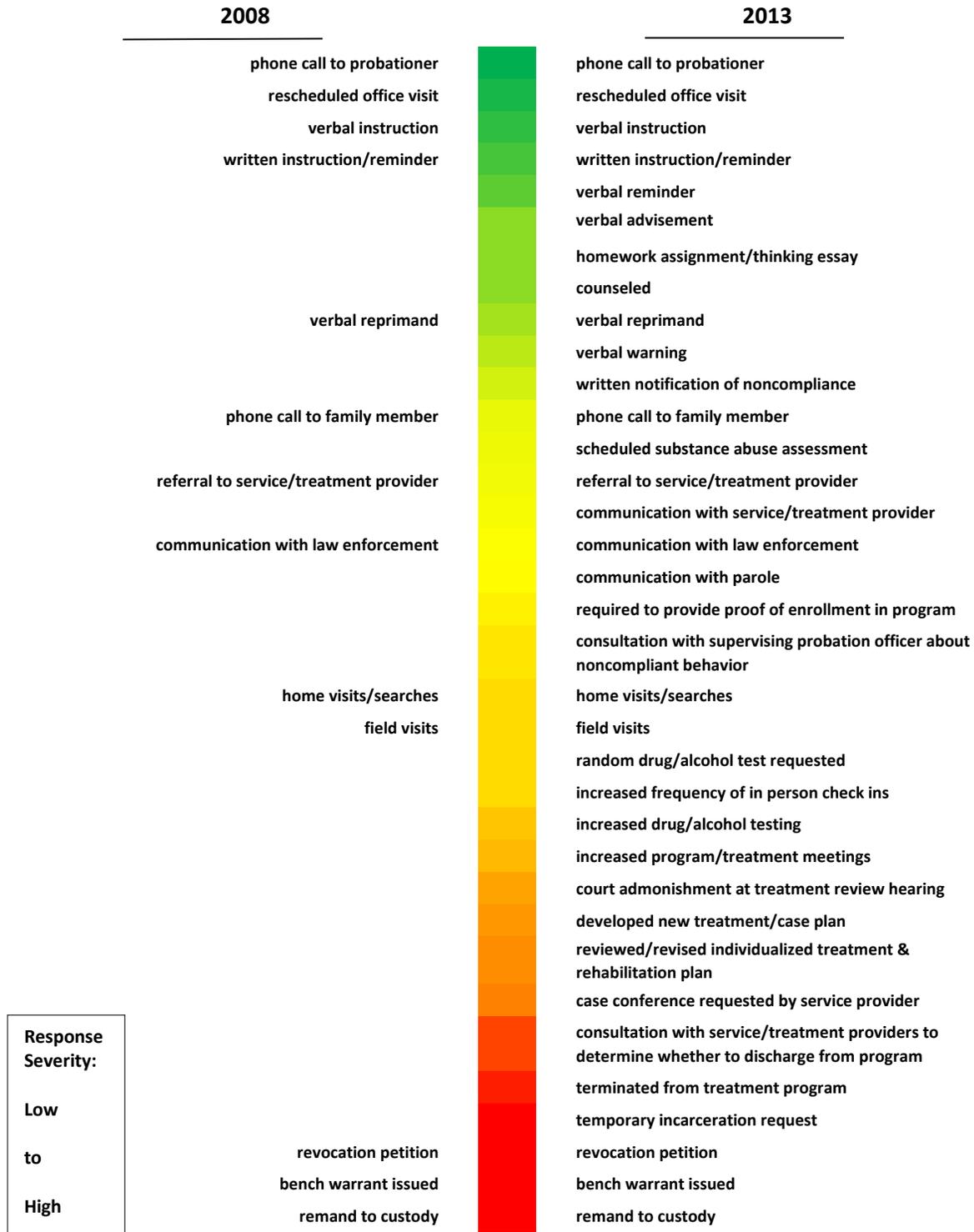
- *Responses to Noncompliant Behavior:*

Information from probation department case files and court hearing and revocation reports was used to identify the occurrence of noncompliant behavior and responses to this noncompliant behavior during the follow up periods. As noted previously, the SFAPD began using graduated response grids during the CalRAPP, which resulted in more detailed documentation of TVs and responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about a broader range of noncompliant *behavior* that varies in severity from arriving late for an office visit to absconding, along with a broader range of graduated *responses* to address this behavior. To illustrate this point, Image 2 displays the types of responses to TVs in 2008 compared to 2013.

These qualitative findings on the more expansive range of graduated responses to TVs in 2013 suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a petition to revoke probation.

Image 2: San Francisco Responses to Noncompliant Behavior in 2008 & 2013

**San Francisco: Comparison of Responses to Noncompliant Behavior**



▪ *Rewards for Prosocial Behavior:*

Information from probation department case files and court hearing reports was used to identify the occurrence of rewards for prosocial behavior during the follow up periods. Overall, a significantly higher proportion of adults on felony probation in 2013 received documented rewards for prosocial behavior compared to 2008 (see Figure 4). These findings suggest that the department's evidence-based approach to prosocial behavior, which includes the use of graduated response grids, is resulting in an increased use of rewards in response to prosocial behavior.

▪ *Unsuccessful terminations with incarcerations:*

In examining the impact of the CalRAPP, individual-level outcomes for adults on felony probation in 2008 are compared to those of adults on felony probation in 2013. This section presents findings on proportions of adults on felony probation in 2008 and 2013 who were unsuccessfully terminated and incarcerated in San Francisco. In 2013, no adults on felony probation were unsuccessfully terminated and sentenced to prison or jail during the follow up period, which is a significant decrease compared to 2008.

The passage of the 2011 Public Safety Realignment Act considerably reduced the number of probationers who are eligible for incarceration in state prison when they are unsuccessful on probation. As such, this study captured data on unsuccessful terminations with sentencings to jail, in addition to prison, for the 2013 comparison sample. These data show that no adults on felony probation in San Francisco in 2013 were unsuccessfully terminated and sentenced to jail during the follow up period. Figure 4 displays unsuccessful terminations with sentencings to prison and jail for the baseline and comparison samples.

**C. Individual-level Felony Probation Outcome Data continued:**

**SANTA CRUZ COUNTY FINDINGS**

## SANTA CRUZ COUNTY FINDINGS

Similar to the probation departments in Napa and San Francisco, the Santa Cruz Probation Department (SCPD) has successfully incorporated RNA information into presentence investigation (PSI) reports; however, PSI reports in Santa Cruz County are not requested as routinely by the court and other justice system partners in felony cases compared to the aforementioned pilot sites. The probation department prepares PSI reports on approximately 10% of the felony filings going before the court.<sup>12</sup> This practice is the result of the way in which county justice system partners approach the case resolution process. The majority of felony cases (i.e., ~90%) are settled through plea negotiations in which the attorneys reach plea agreements and make recommendations to the court regarding sentencing. Under this approach, sentencing recommendations provided to the court, including suggestions about whether probation/supervision should be considered, are developed without the use of RNA information. Subsequently, if a defendant is sentenced to probation, a RNA tool is administered at intake by the probation department and the individual is supervised based on risk level and identified criminogenic needs.

- *Predictive Validity of Risk and Needs Assessment (RNA) tools:*

The Santa Cruz Probation Department (SCPD) uses the Correctional Assessment and Intervention System (CAIS) as its RNA tool. To assess the effectiveness of this RNA tool, this study analyzed the predictive validity of the CAIS to see how well the tool predicts recidivism (i.e., NALVs) based on risk level. The findings of these analyses are described below. Overall, the results strongly support the use of the CAIS as a tool for classifying adults on felony probation into groups with different probabilities of future offending.

**The SCPD's RNA tool predicts future noncompliant behavior based on risk level.**

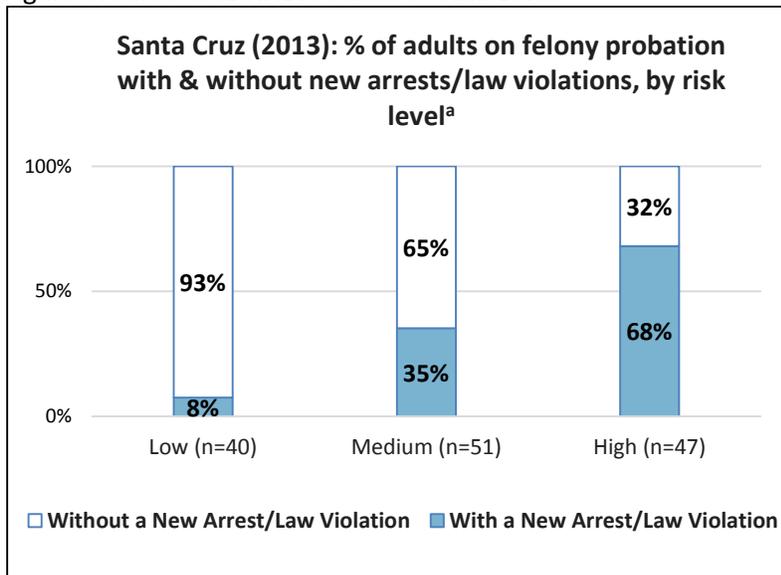
More specifically, SCPD's RNA tool is able to predict the occurrence of a NALV based on risk level. Findings show that medium and high risk adults on felony probation are more likely to have NALVs compared to low risk adults on felony probation (see Figure 5). Analyses reveal that medium risk adults on felony probation are approximately seven times more likely to have a NALV compared to low risk adults on felony probation and high risk adults on felony probation are 36 times more likely to have a NALV compared to low risk adults on felony probation.<sup>13</sup> These findings support the use of the CAIS to classify adults on felony probation into distinct groups with different probabilities of future offending.

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<sup>12</sup> Individual level data presented in this section of the report are reflective of all individuals in the baseline and comparison samples for Santa Cruz, not just those for whom PSI reports were completed. PSI reports were completed for 11% of the individuals in the 2013 random sample. This same data on the frequency of prepared PSI reports was not available for individuals in the 2008 sample for Santa Cruz.

<sup>13</sup> A logistic regression (LR) analysis was conducted to predict the occurrence of NALVs. In LR, odds ratios are calculated which represent the odds that an event (e.g., a NALV) will occur based on the variable(s) of interest (e.g., risk level). The odds ratios for medium and high risk level are 7.36 and 36.05, respectively. These results show that medium risk felony probationers are approximately seven times more likely to have a NALV compared to low risk felony probationers and high risk felony probationers are 36 times more likely to have a NALV compared to low risk felony probationers.

Figure 5: Santa Cruz NALVs based on Risk Level



<sup>a</sup> Due to rounding, percentages may not total 100 percent.

▪ *Technical Violations (TVs):*

Information from probation department case files and court hearing reports was used to identify the occurrence of noncompliant behavior (i.e., TVs) and responses to this noncompliant behavior during the follow up periods. As noted previously, TVs were documented differently in 2008 and 2013, which resulted in a higher number of documented TVs in the comparison sample.

Figure 6 displays TVs findings for Santa Cruz. Overall, a slightly higher proportion of adults on felony probation have documented TVs in 2013 compared to 2008. This higher proportion of felony probationers with TVs in 2013 is likely due to differences in supervision practices and in how TVs were documented in 2013. As the SCPD has increased their implementation of EBPs, including effective supervision practices, they began using reward and sanction response grids to ensure that their approach to prosocial and noncompliant behavior is consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior). This approach has resulted in more detailed documentation of TVs and their responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about TVs and a much broader range of noncompliant behavior that varies in severity from arriving late for an office visit to absconding.

Interestingly, even though approximately the same proportions of felony probationers have TVs in 2008 and 2013, a focus on just those with TVs shows that the percentage of felony probationers who were brought to court as a result a revocation petition is significantly *lower* in 2013. These findings suggest that the department’s evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to less severe noncompliant behavior such that less severe noncompliant behavior is not resulting in an “automatic” filing of a revocation petition in court. In other words, approximately two thirds of felony probationers have TVs in both 2008 and 2013; however, in 2008 over half of these probationers were brought to court for a TV, whereas in 2013 only one fourth of these probationers were brought to court for a TV. These results

show that revocation petitions to bring probationers to court based on a TV alone are occurring less frequently in response to noncompliant behavior in 2013.

▪ *New Arrests/Law Violations (NALVs):*

Information from probation department case files and court hearing reports was used to identify and capture the occurrence of documented new arrests/law violations during the follow up periods. NALVs were defined as new law violations that took place in the county of supervision for which charges were filed. Figure 6 displays NALVs findings for Santa Cruz. There are no significant differences in the proportions of felony probationers with NALVs in 2008 and 2013.

▪ *Court Hearings:*

Information from probation department case files and court hearing minute orders for felony and misdemeanor cases was used to identify follow up periods. In Santa Cruz, court hearing information for individuals in the samples was not limited to the felony case that would have placed the person on probation in 2008 or 2013. Instead, the court hearings findings reported for Santa Cruz are more reflective of all hearings for all cases that occurred in the follow up periods.

Figure 6 displays court hearing<sup>14</sup> findings for Santa Cruz. Overall, the proportions of felony probationers having court hearings are lower in 2013. The proportion of adults on felony probation who are having violation hearings is significantly lower in 2013 compared to 2008. These findings are consistent with the findings for TVs and suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a revocation petition to bring persons to court.

The proportion of adults on felony probation who are having treatment review hearings is also significantly lower in 2013 compared to 2008. This decrease in the proportion of felony probationers with treatment review hearings was influenced by changes to the court's Proposition 36/Drug Court program, which saw a redirection and reduction in funding starting in fiscal year 2008-2009.

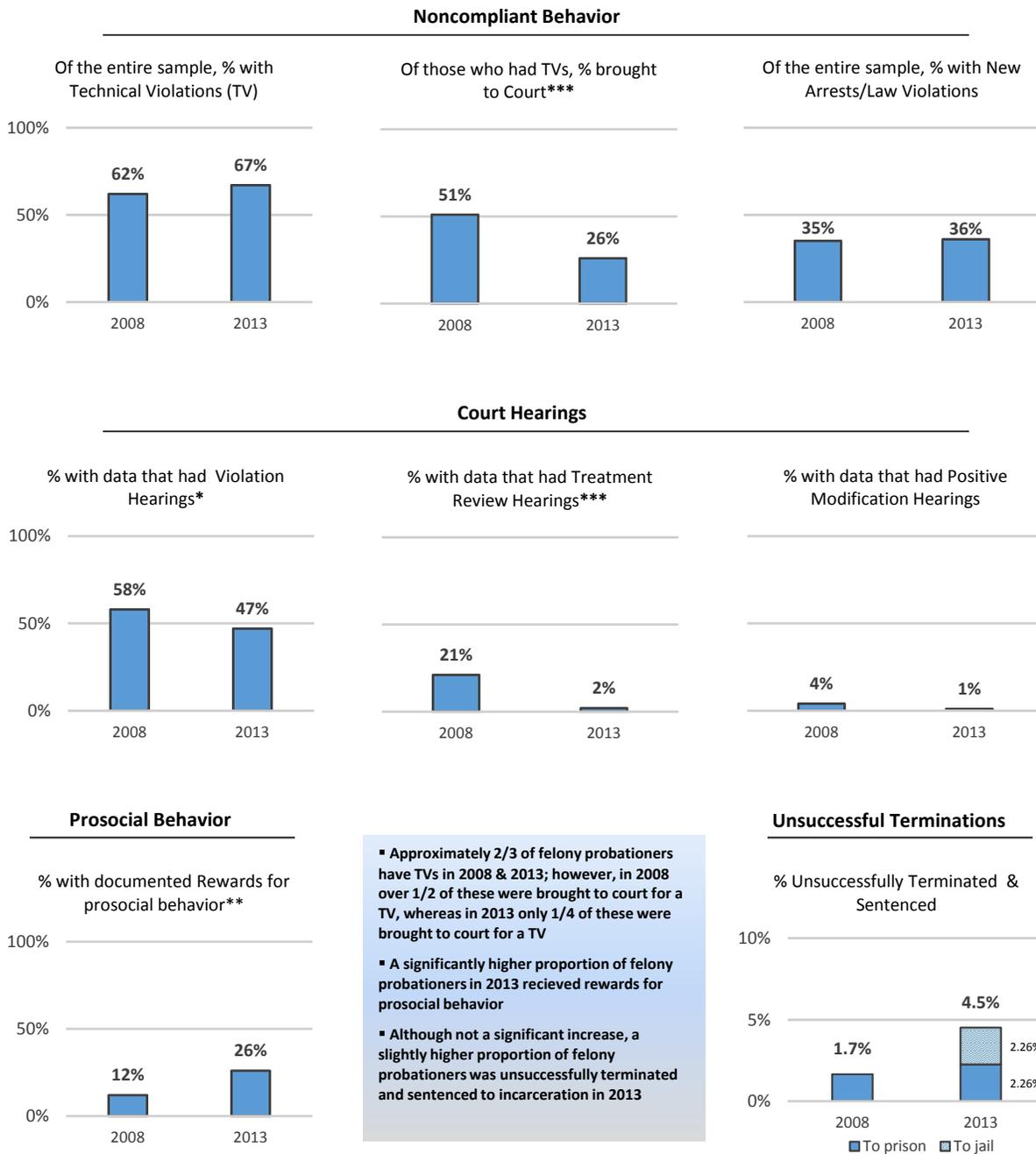
Recall the TVs and NALVs findings presented previously, which show fairly constant proportions of individuals with TVs and NALVs in 2008 and 2013, and a significant decrease in the proportion of individuals with TVs that were brought to court as a result of a revocation petition. These court hearing findings, in combination with the TV and NALV findings, suggest that adults on felony probation in 2013 are being actively supervised by the probation department and are spending less time in court in Santa Cruz County.

**Findings suggest that felony probationers in 2013 are being actively supervised by the SCPD and are spending less time in court in Santa Cruz County.**

<sup>14</sup> Court hearings were categorized into three different types of hearings: violation hearings, treatment review hearings, and positive modification hearings. Violation hearings are hearings dealing with noncompliant behavior (i.e., technical violations and new arrest/law violations). Treatment review hearings are hearings associated with problem solving courts (e.g., Drug Court, Prop 36 Court, Behavioral Health Court, Mental Health Court, etc.). Positive modification hearings are hearings dealing with modifications to supervision and/or supervision conditions resulting from compliance or prosocial behavior (e.g., hearings for early termination of probation).

Figure 6: Santa Cruz Adult Felony Probationer Outcomes

**Santa Cruz: Felony Probationer Outcomes in 2008 & 2013**



<sup>a</sup> Court hearing data was available for 94% of the 2008 sample & 97% of the 2013 sample.  
 Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

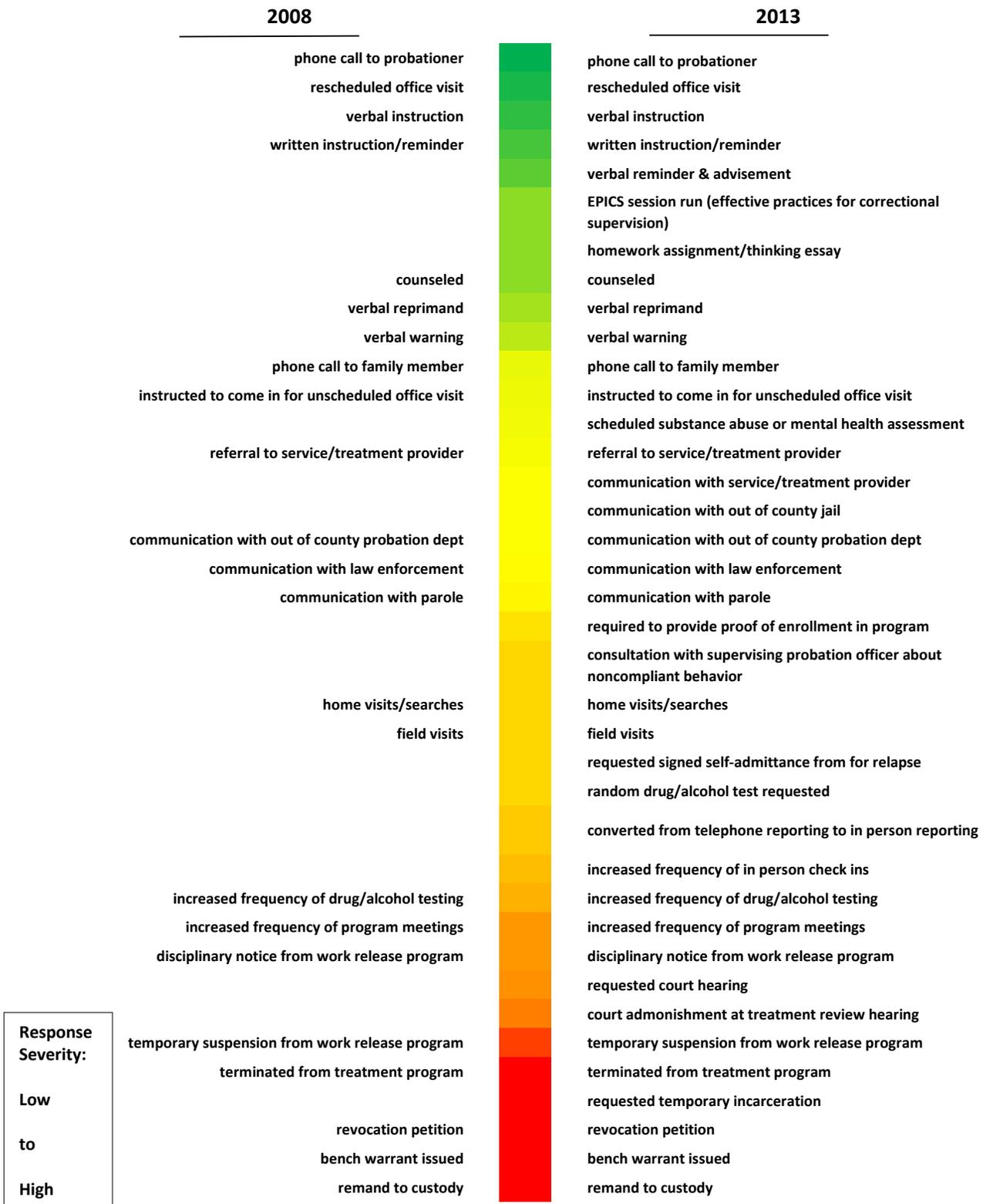
- *Responses to Noncompliant Behavior:*

Information from probation department case files and court hearing and revocation reports was used to identify the occurrence of noncompliant behavior and responses to this noncompliant behavior during the follow up periods. As noted previously, the SCPD began using graduated response grids during the CalRAPP, which resulted in more detailed documentation of TVs and responses in 2013. In fact, compared to 2008, the supervision officer field notes in 2013 include more information about a broader range of noncompliant *behavior* that varies in severity from arriving late for an office visit to absconding, along with a broader range of graduated *responses* to address this behavior. To illustrate this point, Image 3 displays the types of responses to TVs in 2008 compared to 2013.

These qualitative findings on the more expansive range of graduated responses to TVs in 2013 suggest that the department's evidence-based approach to noncompliant behavior, which includes the use of graduated response grids, is resulting in more proportionate responses to noncompliant behavior such that less severe noncompliant behavior is not resulting in an "automatic" filing of a petition to revoke probation.

Image 3: Santa Cruz Responses to Noncompliant Behavior in 2008 & 2013

**Santa Cruz: Comparison of Responses to Noncompliant Behavior**



▪ *Rewards for Prosocial Behavior:*

Information from probation department case files and court hearing reports was used to identify the occurrence of rewards for prosocial behavior during the follow up periods. Overall, a significantly higher proportion of adults on felony probation in 2013 received documented rewards for prosocial behavior compared to 2008 (see Figure 6). These findings suggest that the department's evidence-based approach to prosocial behavior, which includes the use of graduated response grids, is resulting in an increased use of rewards in response to prosocial behavior.

▪ *Unsuccessful terminations with incarcerations:*

In examining the impact of the CalRAPP, individual-level outcomes for adults on felony probation in 2008 are compared to those of adults on felony probation in 2013. This section presents findings on proportions of adults on felony probation in 2008 and 2013 who were unsuccessfully terminated and incarcerated in Santa Cruz. In 2013, a slightly higher proportion of adults on felony probation was unsuccessfully terminated and sentenced to prison and jail during the follow up period. This proportional change from 2008 to 2013, which was primarily driven by the proportion of felony probationers sentenced to jail, is not a statistically significant increase.

The passage of the 2011 Public Safety Realignment Act considerably reduced the number of probationers who are eligible for incarceration in state prison when they are unsuccessful on probation. As such, this study captured data on unsuccessful terminations with sentencings to jail, in addition to prison, for the 2013 comparison sample. These data show that 2.3% (n=4) of adults on felony probation in Santa Cruz in 2013 were unsuccessfully terminated and sentenced to jail during the follow up period. Figure 6 displays unsuccessful terminations with sentencings to prison and jail for the baseline and comparison samples.

Overall, these unsuccessful termination findings show that there has been an increase in the proportion of felony probationers unsuccessfully terminated and sentenced to prison and jail in 2013 in Santa Cruz County. However, findings presented previously show: 1) fairly constant proportions of felony probationers experienced TVs and NALVs in 2008 and 2013, 2) a significant decrease in the proportion of individuals with TVs in 2013 who were brought to court as a result of a revocation petition, and 3) that the manner in which felony probationers are being supervised has changed to a more evidence-based approach that includes graduated, risk-based responses to prosocial and noncompliant behavior. Taken as a whole, the findings appear to show that while the SCPD has moved to a more evidence-based approach to supervising adults on felony probation, slightly more felony probationers were sentenced to prison and jail in 2013, and the main driver of this marginal increase was sentencings to jail. Indeed, justice system partners report that the judiciary in Santa Cruz County views a termination and sentencing to *jail* differently than a termination and sentencing to *prison* and there may be less reluctance to sentence a felony probationer to jail compared to prison.

These findings are noteworthy considering the county's practice of settling felony cases through plea agreements and sentencing recommendations made without the use of RNA information. While it is difficult to make direct county-to-county comparisons, it is compelling that the probation departments in Napa and San Francisco (jurisdictions that routinely use evidence-based PSI reports in adult felony probation sentencing proceedings and evidence-based supplemental/violation reports in violation proceedings) realized decreases in the proportions of felony probationers who were unsuccessfully terminated and sentenced to prison and jail. Given the numerous changes the SCPD has made to implement evidence-based supervision practices and the successful outcomes it has achieved with TVs,

NALVs, and violation hearings, it may be reasonable to hypothesize that the limited utilization of both evidence-based PSI reports at adult felony probation sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings impact felony probationer outcomes. It seems plausible that the practice of settling felony cases through plea agreements and sentencing recommendations made without the use of RNA information may adversely impact felony probationer outcomes. Findings suggest that the use of evidence-based PSI reports at sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings results in improved felony probationer outcomes compared to the use of evidence-based supervision practices alone.

**C. Individual-level Felony Probation Outcome Data continued:**

**YOLO COUNTY FINDINGS**

## YOLO COUNTY FINDINGS

Shortly after joining the CalRAPP in 2010, the Yolo County Probation Department (YCPD) endured substantial systemic and staffing changes and experienced a variety of challenges, including transitions through three different Chief Probation Officers, the resignation of the CalRAPP Project Manager in 2014, and transition to a new RNA tool by 2015. During the department's leadership changes, it was able to begin incorporating information on criminogenic needs from its RNA tool into PSI reports, and subsequently added risk assessment information from its RNA tool into these reports for a pilot period in mid-late 2013 with select felony offenses (i.e., non-serious, non-violent, and/or non-sex felony offenses). However, given some of the challenges facing the department, the incorporation of the newly added risk assessment information in the county's PSI reports ended when the department's pilot period ended. More recently and partly as a result of training provided to the county's justice system partners on the YCPD's new RNA tool, the probation department reports that it will again be incorporating risk assessment information into its PSI reports for adult felony probation sentencing and violation proceedings.

Given the myriad challenges that the YCPD has endured, the variable inclusion of RNA information in the PSIs, and project-specific time and resource constraints, a modified research approach was utilized, one that incorporates quantitative aggregate-level data on offender outcomes and qualitative data on the process of implementing EBP. The findings presented in this section of the report include:

- data on probation failure rates (PFRs) from the SB 678 program, and
- information from interviews with the probation department and its justice system partners.
- *Probation Failure Rates from the SB 678 Program*

To provide some quantitative measure of the impact of the CalRAPP on offender outcomes in Yolo, the SB 678 data reported by the probation departments in the state was used to compare the PFR for Yolo County to the combined PFR of the non-CalRAPP counties.<sup>15</sup> Overall, the data reveal that the PFR in Yolo County was slightly above the statewide level in 2008. However, since 2008 the YCPD has reported a greater degree of success in probationer outcomes and, in 2013, the county revoked and sentenced a significantly lower proportion of felony probationers to prison and jail compared to the non-CalRAPP counties (i.e., the 2013 PFR for Yolo was 3.3% and the 2013 PFR for the non-CalRAPP counties was 6.2%). In fact, the PFR for Yolo County is 47% lower in 2013 than the PFR for the non-CalRAPP counties.

- *Interviews with Justice System Partners*

To provide some qualitative measure of the impact of the CalRAPP on the implementation of EBP, interviews were conducted with the probation department and key justice system partners in Yolo County in May, 2015. The content of these interviews covered EBP (including the use of RNA tools, the use of RNA information at adult felony probation sentencing and violation proceedings, and effective supervision practices), collaboration among justice system partners, and changes brought about by SB 678 and realignment.

**In 2013, Yolo County revoked and sentenced a significantly lower proportion of felony probationers to prison and jail compared to the non-CalRAPP counties.**

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<sup>15</sup> Comparisons between the combined PFR of the non-CalRAPP counties and the combined PFR for the four pilot sites are discussed later in this report.

During these interviews, information addressing large, county-wide efforts to implement EBP was shared, along with knowledge and opinions of EBP, levels of collaboration, and current practices. The county developed a new, comprehensive Realignment Strategic Plan in collaboration with the Yolo County Public Safety Ad Hoc Committee, the county's Community Corrections Partnership (CCP), members of the Board of Supervisors, and members of the public. This new strategic plan, which was created with assistance from the Crime and Justice Institute (CJI) at Community Resources for Justice, incorporates the principles of EBP and focuses on data-driven decision-making, changing the behavior of justice involved individuals, restorative justice, and public safety. As part of this plan, over the course of a three-year period, the YCPD intends to:

1. reduce recidivism of sentenced offenders by 5%,
2. conduct RNAs on 100% of their probation cases,
3. expand the use of graduated reward and sanction response grids,
4. implement a new probation case management system,
5. develop and/or maintain collaborative partnerships with local law enforcement agencies,
6. address offender accountability through expansion of their community review boards, and
7. identify programmatic gaps and address an increasing percentage of identified offender needs.

The probation-specific objectives of this strategic plan, which was developed less than one year after the new Chief Probation Officer started in Yolo County, are in progress and should help to further the county's implementation of EBP.

In talking with key justice system partners in the county about EBP, levels of collaboration, and current practices, two central themes emerged: justice system partners in Yolo County are more knowledgeable about EBP, including the importance of supervising offenders based on assessed risk and needs, than they were prior to the CalRAPP; and these partners currently have more confidence in the probation department's role and ability to supervise adults on felony probation than they did prior to the CalRAPP.

Indeed, the judiciary shared that they trust that the probation department's recommendations in PSI reports are evidence-based as they believe that these recommendations are based in part on RNA information. In addition, the judiciary stated that "risk and needs assessment information is incredibly helpful" and communicated a preference for probation reports that include additional information about identified offender needs compared to reports that omit this information. Lastly, the judiciary expressed that the probation department's "recommendations are reasonable" and indicated that they give the department discretion to provide the appropriate level of supervision.

Other key justice system partners also conveyed confidence in the YCPD's approach to supervision, stating that they believe the approach is evidence-based in that RNA information is used to guide how the department supervises adults on felony probation. In addition, these partners indicated that they thought the probation department had been "victimized by the county budgets" in the past, which impacted the department's ability to effectively supervise offenders, and further stated that they now have "restored faith in probation". Lastly, key justice system partners communicated that as the county has received CalRAPP training on RNA and the risk factors to focus on to address recidivism, and as the county has increased the resources available for offenders, these partners are less concerned about placing individuals on supervision.

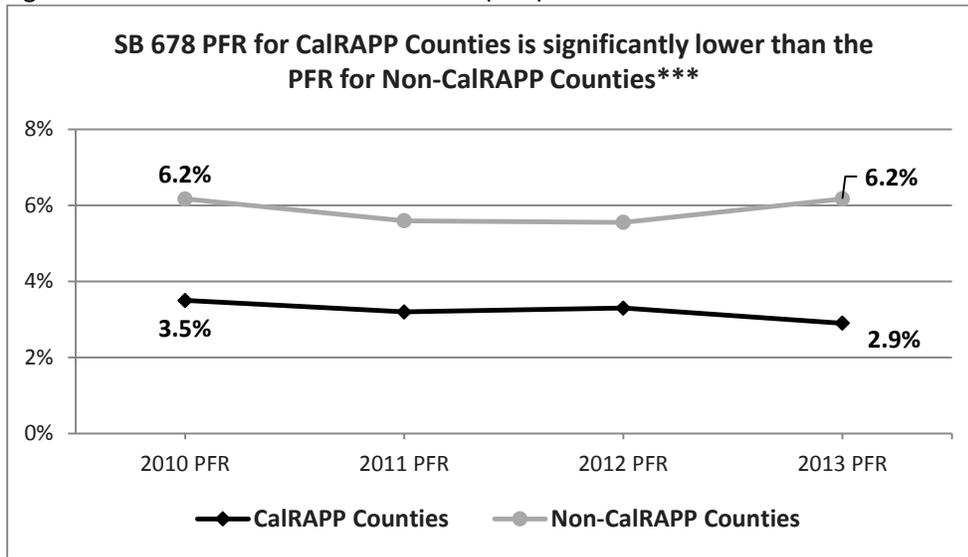
## **CalRAPP Final Report: YOLO COUNTY FINDINGS**

Overall, the data on probation failure rates from the SB 678 program, combined with the information obtained in interviews with the probation department and key justice system partners in Yolo County, suggest that the CalRAPP has had a positive impact on the county's efforts to implement EBP and reduce recidivism.

### D. SB 678 Quarterly Data

To provide some measure of the impact of the CalRAPP on probationer outcomes, SB 678 data reported by all probation departments in California were used to calculate CalRAPP and non-CalRAPP probation failure rates (PFRs<sup>16</sup>) (see Figure 8 below). As a whole, the data suggest that since 2010, the probation departments in the CalRAPP counties have reported a greater degree of success in probationer outcomes compared to probation departments in non-CalRAPP counties. Indeed, the CalRAPP counties reduced their combined PFR to 2.9% and revoked and sentenced a significantly lower proportion of felony probationers to prison and jail in 2013 compared to the non-CalRAPP counties.

Figure 8: SB 678 Probation Failure Rates (PFR) for CalRAPP & Non-CalRAPP Counties



Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

### E. Annual Assessment

Data reported by California probation departments in the Annual Assessment have been used as part of the SB 678 program since 2011 to measure levels of EBP implementation, including but not limited to the use of validated RNA tools; effective supervision practices; and collaboration among justice system partners. The Annual Assessment provides an overall EBP implementation score and implementation scores for each category of EBP covered in the survey.

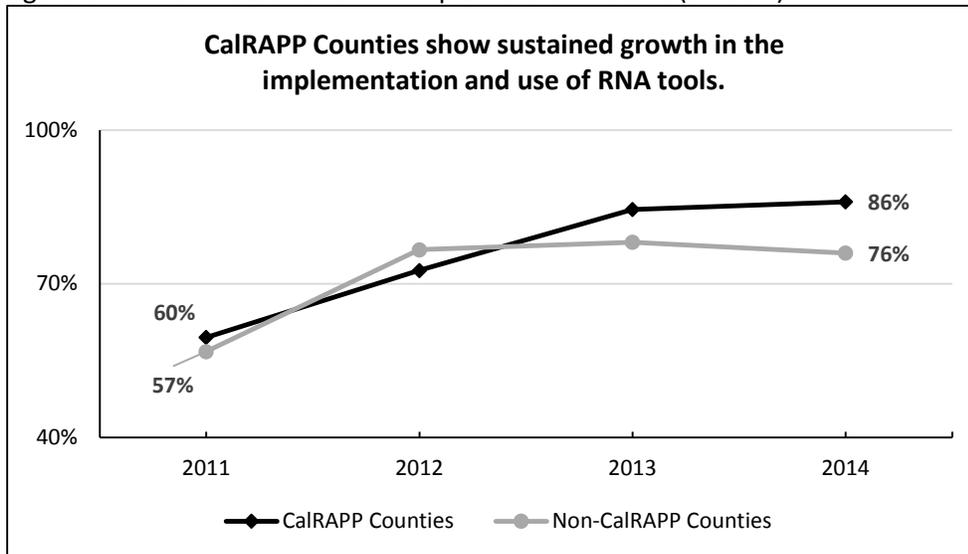
<sup>16</sup> SB 678 data on PFRs should not be compared to individual-level outcome data provided elsewhere in this report. PFRs are calculated using quarterly, aggregate data based on the proportion of felony probationers revoked and sentenced to prison and jail out of the entire adult felony probation population and are based on a snapshot in time. The individual-level outcomes on the percentage of felony probationers unsuccessfully terminated and sentenced to prison and jail are calculated based on two separate samples of felony probationers (i.e., 2008 baseline sample and 2013 comparison sample) who were followed out for 18 and 15 months. The PFR percentage is not comparable to the individual-level percentage because: 1) the individuals in the baseline and comparison samples have much more time to “fail” on supervision compared to the population of felony probationers reported at a single point in time, and 2) the denominator for the PFR is much larger as it includes the entire felony probation population compared to just those in the *samples* with new felony probation grants during a 6-month period of time.

As a whole, the data suggest that since 2011 the probation departments in the CalRAPP counties have reported a greater degree of success in implementing EBP compared to probation departments in the rest of the state. Findings for three key categories of the Annual Assessment are presented below. Scores in each category range from 0 to 100%, where scores of 100% are intended to indicate that a county has fully implemented all components of a given category of EBP.

### Use of Validated RNA tools

The RNA implementation score is meant to provide an approximate measure of the level of RNA implementation, including the use and validation of RNA tools and how thoroughly a probation department trains and oversees users of the RNA tool. Figure 9 displays the levels of RNA implementation in the CalRAPP and non-CalRAPP counties and shows that the probation departments in the CalRAPP counties report a more gradual but sustained increase in the implementation and use of RNA tools compared to the probation departments in the non-CalRAPP counties.

Figure 9: Annual Assessment RNA Implementation Score (0-100%)

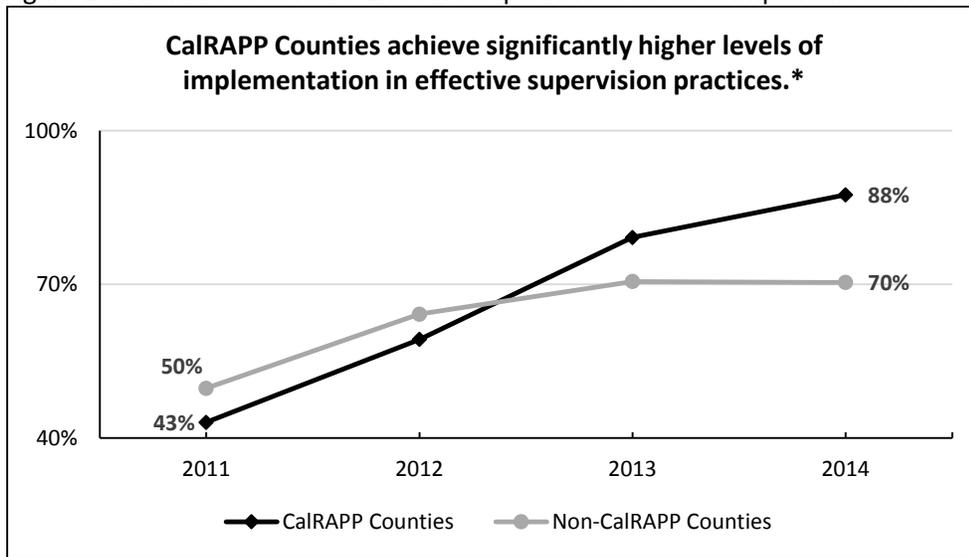


### Effective Supervision Practices

The effective supervision practices implementation score is meant to provide an approximate measure of the level of implementation of effective supervision practices. This category of the Annual Assessment includes questions on the relationship between a probation officer and a probationer, assessed criminogenic needs, effective case planning, the swift and consistent use of proportionate responses to prosocial and noncompliant behavior, and training for officers on how to use these and other evidence-based techniques.

Figure 10 displays the levels of implementation of effective supervision practices in the CalRAPP and non-CalRAPP counties. This figure shows that the probation departments in the CalRAPP counties report lower implementation levels initially; however, by fiscal year 2013-2014 these probation departments have achieved significantly higher reported levels of implementation in effective supervision practices than the probation departments in the non-CalRAPP counties.

Figure 10: Annual Assessment Effective Supervision Practices Implementation Score (0-100%)

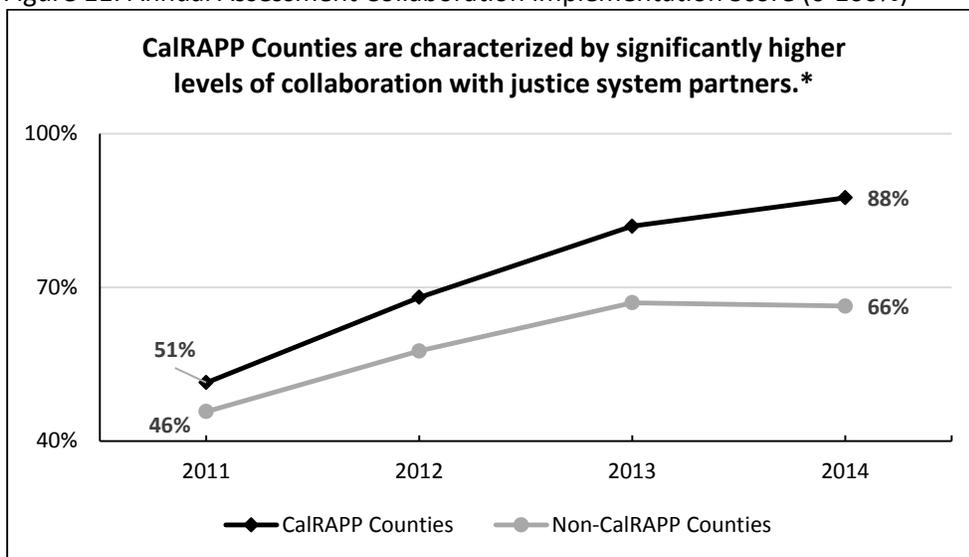


Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

### Collaboration among Justice System Partners

The collaboration implementation score is meant to provide an approximate measure of the level of collaboration among justice system partners, including but not limited to courts and treatment providers, in implementing EBP. Figure 11 displays the levels of collaboration in implementation of EBP and shows that the probation departments in the CalRAPP counties have achieved significantly higher reported levels of collaboration with justice system partners by fiscal year 2013-2014 compared to probation departments in the non-CalRAPP counties.

Figure 11: Annual Assessment Collaboration Implementation Score (0-100%)



Note. \*, \*\*, \*\*\* significance levels:  $p < .05$ ,  $p < .01$ ,  $p < .001$ , respectively.

## F. Judicial Survey

To evaluate the implementation of EBP, the judiciary in the four CalRAPP counties was surveyed in 2011 and 2013 to assess their knowledge of and attitude towards EBP, including the use of validated RNA tools. Overall, a higher proportion of judges surveyed in 2013 report that they are familiar with and have confidence in the concepts of EBP, and that they are using RNA information to determine suitability for probation.

### Evidence-based Practices

The vast majority of judges surveyed in 2013 (91%) report that they are familiar with the concepts of EBP. In addition, it appears that since 2011 a larger proportion of judges report that they have confidence that EBP help to reduce recidivism (54% in 2011 and 65% in 2013). Findings also show that the majority of judges in 2013 report that they agree that proportionate sanctions applied with swiftness and certainty can deter noncompliant behavior (81%) and that rewards are effective in promoting behavior change in probationers (72%).

### Benefits of EBP

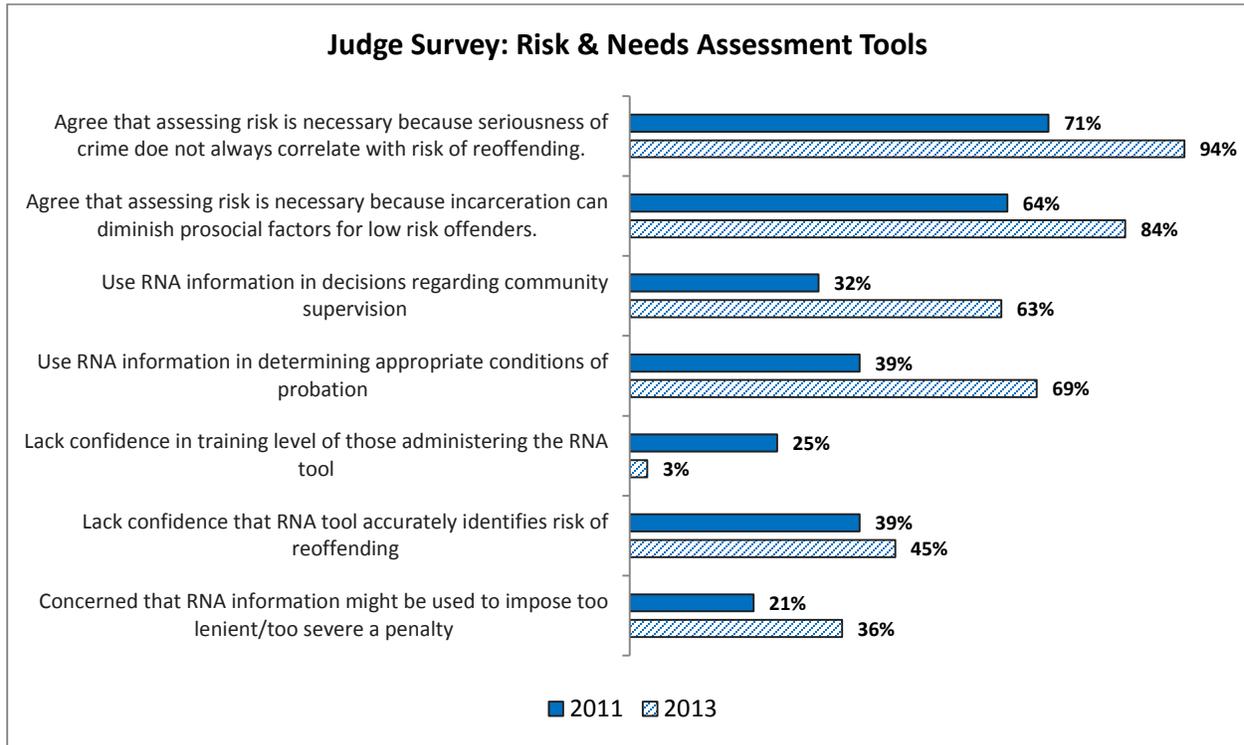
When provided with a list of 10 potential benefits of EBP, judges report that the principle benefits of EBP include: 1) basing sentencing decisions on reliable assessments of offender risk and needs; 2) encouraging swift, certain and proportionate responses to violations of probation; and 3) using rewards and incentives to motivate offender behavior change.

### Risk and Needs Assessment tools

A higher proportion of judges in 2013 compared to judges in 2011 report that RNA tools are beneficial because they disclose helpful information about a defendant's amenability to probation supervision, the most appropriate level of supervision, and the most effective treatment intervention(s) to reduce the risk of re-offense (68% in 2011 and 77% in 2013). In addition, in 2013 a higher proportion of judges report that they agree that assessing offender risk is necessary and that they use RNA information in decisions about community supervision and conditions of probation (see Figure 12). Lastly, results suggest that judicial concerns regarding the use of validated RNA tools to assess risk and needs prior to sentencing have changed from 2011 to 2013. Findings show that a lower proportion of judges in 2013 are concerned with the training level of those administering RNA tools; however, higher proportions of judges report concerns about an RNA tool's ability to identify risk of reoffending, and about RNA information being used to impose too lenient or too severe a penalty.

**Compared to 2011, higher proportions of judges in 2013 report that they use RNA information in decisions about community supervision and conditions of probation.**

Figure 12: Judicial Survey – Risk & Needs Assessment Tools



As a whole, these findings appear to suggest that as knowledge of EBP and the use of validated RNA information has increased, there has been a shift in the types of concerns that judges have regarding the use of RNA information at sentencing and violation proceedings. In 2013, it appears that more judges may be concerned with whether a given risk level is accurate and with how this information is potentially being used in sentencing decisions. While these reported concerns may be influenced by judicial assignment rotations, these findings are interesting given that three of the four probation departments in this study changed their RNA tools during the course of this project. This change in RNA tools may have some level of influence on the concerns reported by judges. Hypothesizing further, it appears plausible that the shift in reported concerns may also be related to the practice of using RNA information compared to talking about using RNA information (i.e., going from theory to practice).

### G. Probation Department Policy Changes

To evaluate the process of implementing EBP and capture key qualitative information that provides context for the reported outcomes, the probation departments in the four CalRAPP counties were asked in 2013 and 2015 to provide information on new or revised supervision policies and practices that were implemented after they joined the project. These requests, along with information shared during quarterly project manager meetings, provide the basis for this section’s findings on changes in supervision policies and practices.

Prior to participation in the CalRAPP, the probation departments in the four pilot sites were not managing caseloads based on risk level or following American Parole and Probation Association (APPA) recommendations regarding caseload standards and caps. In fact, caseload ratios of 120+

probationers/officer were typical prior to the CalRAPP, which, depending on risk level, is more than 100% higher than the ratios recommended by the APPA. In addition, formal, written policies incorporating the concepts of EBP in case management procedures; court reports, including PSI and supplemental/violation reports; responses to prosocial and noncompliant behavior; and quality assurance and improvement procedures did not exist.

During the course of the project as the pilot sites received training and technical assistance on EBP, including but not limited to the implementation and use of RNA tools, the inclusion of RNA information in PSI and supplemental/violation reports, and evidence-based responses to probationer behavior, each department has created evidence-based supervision and case management policies. These policy changes have resulted in greatly reduced caseload ratios, standardized processes and formats for including RNA information in PSI and supplemental/violation reports, more consistent and proportionate responses to noncompliant behavior, the ability to focus resources on medium and high risk probationers, and written plans for quality assurance and improvement.

This section of the report highlights four main categories of policy changes implemented by the probation departments in the CalRAPP counties, including:

- incorporating RNA information into PSI and supplemental/violation reports,
- case management standards,
- responding to prosocial and noncompliant behavior, and
- quality assurance and improvement.

These categories of policy changes are described below. These descriptions include policy changes that have been developed in all four counties; however, levels of policy implementation may vary from initial introduction and pilot testing to full implementation.

### **Incorporating RNA information into PSI and supplemental/violation reports**

For the probation departments in the CalRAPP, RNA information serves as the foundation for case management strategies: assessed risk levels are used to determine appropriate supervision levels and assessed criminogenic needs are used to target interventions to decrease the risk of recidivism. In addition, RNA information is used by the probation departments to guide recommendations on the suitability for probation and appropriate conditions of supervision.

All four pilot sites have created new policies around the use and timing of RNA tools and the incorporation of this information into PSI and supplemental/violation reports. These policies highlight the rationale for including RNA information in court reports and establish standardized guidelines for the type, format, and content of reports. Further, the probation departments in all four counties have worked collaboratively with their justice system partners to create and revise these policies, particularly as they related to identifying the type of RNA information to be included in court reports and the formats of the reports themselves. Selected examples of PSI and supplemental/violation reports are included in Appendices A and B.

### **Case Management Standards**

As the four pilot sites have increased their implementation of EBP, including the implementation and use of RNA tools, these departments have also developed or substantially revised policies addressing

case management standards. These policies outline specific sets of procedures for classifying, assigning, and supervising persons based on assessed risk level and identified criminogenic needs. They delineate contact standards for the type and frequency of contacts with supervisees, outline the processes for developing case plans, and establish guidelines for responding to prosocial and noncompliant behavior.

### **Responding to Prosocial and Noncompliant Behavior**

All four probation departments in the CalRAPP counties have increased their implementation of effective supervision practices through the use of structured reward and sanction response grids and accompanying policies designed to outline the proper application of these supervision tools. The structured response grids used by the pilot sites are decision-making tools that provide a framework for officers to uniformly and consistently respond to prosocial and noncompliant behavior based on risk level, level of the behavior, and a range of graduated rewards and sanctions. The policies guiding the use of these structured response grids explain the rationale for their use and highlight the importance of reinforcing prosocial behavior, in addition to responding to noncompliant behavior.

**All four pilot sites have increased their implementation of effective supervision practices through the use of structured reward and sanction response grids.**

The response policies created by the probation departments in the pilot sites were directly informed by the training and TA provided during the course of this project. In addition, as they developed and revised their response grids and policies, these departments shared information with one another and solicited feedback from their justice system partners, particularly the courts, to ensure that applicable sanctions are implemented swiftly and with certainty. Selected examples of these reward and sanction response grids are included in Appendices C, D, and E.

### **Quality Assurance and Improvement**

As the pilot sites have increased their levels of EBP implementation across multiple areas including RNA, case management/supervision, and responses to prosocial and noncompliant behavior, they have also recognized the need for monitoring the quality of their operations, policies, and procedures. As a result, these probation departments have established internal quality assurance policies and procedures to formalize expectations and monitor the application of EBP.

One common type of internal quality assurance policy created by probation departments in the CalRAPP counties is a case audit policy. This type of policy typically outlines procedures and timelines for conducting audits of case files and may address performance across several areas including:

- adherence to established timelines for intake interviews, RNA and re-assessments, and development of case plans;
- compliance with contact standards;
- the use of rewards and sanctions in response to prosocial and noncompliant behavior;
- quality of PSI and supplemental/violation reports; and
- the timeliness of referrals to programs or services that meet criminogenic needs.

In addition, at least one probation department has developed a continuous quality improvement (CQI) action plan that identifies various goals and objectives across several identified critical focus areas like

RNA, officer-client interactions, case management, responses to prosocial and noncompliant behavior, and intervention services.

All four pilot sites have implemented EBP and established formal, written policies that address the implementation, use, and maintenance of these practices. This two-pronged approach contributes to uniform and consistent approaches to effective supervision and reductions in risk of re-offense. Furthermore, the EBP policies established by the probation departments in this project often provide these departments with a mechanism for measuring performance and modifying approaches based on the results of quality assurance procedures.

**In addition to implementing EBP, all four pilot sites have developed formal, written policies that address the implementation, use, and quality of these practices.**

## V. Implications and Lessons Learned

There is a scarcity of research using individual-level data to study crime committed by felony probationers in California.<sup>17</sup> Given that this project includes a multi-jurisdictional evaluation of the individual-level outcomes of independent samples of adults on felony probation, the findings may be particularly informative and useful for continuing initiatives designed to reduce recidivism, improve offender outcomes, and produce state savings by reducing the number of felony offenders who are reincarcerated.

The pilot sites' efforts to implement, apply, and expand EBP in their jurisdictions resulted in improved offender outcomes. The success of these counties in implementing, applying, and expanding EBP is at least partly attributable to the relevant training and TA that these counties received over the course of the project, the increased collaboration that developed through justice system partner participation in this project, and the work products (i.e., formal, written supervision and case management policies) produced as a result of the increased training/TA and collaboration.

The CalRAPP counties significantly reduced their combined probation failure rate (PFR) and sentenced a lower proportion of felony probationers to prison and jail compared to jurisdictions in the rest of the state. Adults on felony probation in the pilot sites are being supervised effectively using graduated reward and sanction response grids to ensure that approaches to behavior are consistent and evidence-based (i.e., swift, certain, and proportionate based on risk level and severity of behavior). Individual-level findings show that this EBP approach resulted in increased rewards for prosocial behavior and more proportionate responses to noncompliant behavior. In addition, proportions of felony probationers with new arrests/law violations either remained constant or significantly decreased.

### Policy Implications

Notably, CalRAPP jurisdictions that routinely use evidence-based PSI and supplemental/violation reports in felony cases realized decreases in the proportions of felony probationers who were sentenced to prison and jail, suggesting that the use of evidence-based PSI reports at adult felony sentencing proceedings and evidence-based supplemental/violation reports at violation proceedings results in improved felony probationer outcomes compared to the use of evidence-based supervision practices alone. It seems plausible that the practice of settling felony cases through plea agreements and sentencing recommendations made without the use of RNA information may adversely impact felony probationer outcomes. While it is difficult to make direct, county-to-county comparisons, it is

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<sup>17</sup> Judicial Council of California, Operations and Programs Division, Criminal Justice Services, *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program, 2015.*

compelling that Napa and San Francisco (jurisdictions that routinely request evidence-based PSI reports in adult felony probation sentencing proceedings and evidence-based supplemental/violation reports in violation proceedings) saw decreases in the proportions of felony probationers who were unsuccessfully terminated and sentenced to prison and jail. Taken as a whole, this study's findings suggest that improved offender outcomes and reductions in recidivism can be achieved through an informed, practical, and collaborative approach to the implementation of EBP, including both the use of evidence-based PSI and supplemental/violation reports and effective supervision and case management practices.

Further, to expand upon EBP and achieve continued success in felony offender outcomes once EBP have been implemented, this study's findings suggest that probation departments in other jurisdictions should explore the possibility of additional training and TA on specific aspects of EBP. For example, interactive group training/TA for justice system partners on the use of RNA tools, tool validity (i.e., how well the RNA instrument measures what it is designed to measure), and the structure, intent, scoring, and application of the tool could increase justice system partners' understanding of how the information from these tools is being applied by probation departments. Training/TA for probation department leadership and staff on the development and use of graduated reward and sanction response grids may help ensure that a department's approach to prosocial and noncompliant behavior is consistent and evidence-based and provide a prescribed method for evaluating staff responses to offender behavior. Lastly, as a mechanism for monitoring and continuously improving the quality of EBP that have been implemented, probation departments should consider exploring training /TA on internal quality assurance policies and/or procedures to formalize expectations and monitor the application of EBP.

**Taken as a whole, findings suggest that improved offender outcomes and reductions in recidivism can be achieved through an informed, practical, and collaborative approach to the implementation of EBP, including both the use of evidence-based PSI and supplemental/violation reports and effective supervision and case management practices.**

### Research Implications

Beyond policy implications, the findings from this study have implications for future research designed to inform on-going efforts to reduce recidivism and improve offender outcomes. As mentioned previously, the study's findings demonstrate that felony probationers in the pilot sites are being supervised effectively through the use of graduated reward and sanction response grids: an approach that has resulted in increased rewards for prosocial behavior and more proportionate responses to noncompliant behavior. To enhance our understanding of the potential impact that this evidence-based approach has on offender behavior and offender outcomes, additional research examining the effectiveness of structured reward and sanction response grids is needed.

Previous research provides support for the use of structured *sanction* response grids as a means for implementing EBP, including the use of a range of intermediate sanctions that are imposed with certainty and proportionality.<sup>18</sup> However, there is a gap in the research examining the effectiveness of structured reward *and* sanction response grids that incorporate risk level of the offender, level of prosocial and noncompliant behavior, and a range of graduated rewards and sanctions. Further study in this area is necessary as past research shows that rewards and incentives for prosocial behavior should

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<sup>18</sup> Kramer, J., Silver, E., & Van Eseltine, M. (2008). *Evaluation of the Pennsylvania board of probation and parole's violation sanction grid*. Pennsylvania: Pennsylvania Board of Probation and Parole.

Martin, B. & Van Dine, S. (2008). *Examining the impact of Ohio's progressive sanction grid, final report*. Ohio: Ohio Department of Rehabilitation and Correction, Office of Policy and Offender Reentry.

outnumber sanctions by a ratio of 4:1<sup>19</sup> and that rewards and sanctions should be used in combination with each other<sup>20</sup> to emphasize compliant behavior. Future research should evaluate the use of structured response grids that incorporate assessed risk and needs and a range of consistently applied intermediate rewards and sanctions in order to increase the knowledge base on effective supervision practices and assess the extent to which use of these grids improves offender outcomes.

### Lessons Learned

There are several key components of this project that helped contribute to the overall success of the CalRAPP. From conception, this project was designed as a joint initiative with key stakeholder representation from the judiciary and community corrections. This approach continued throughout the project from the selection of the pilot sites and the decision to applications submitted jointly by county probation departments and superior courts, to the design of training and TA sessions provided, many of which were organized as interactive group sessions involving various justice system partners. Probation department leadership and project management staff noted that this aspect of the project was one that they greatly valued as it helped the departments build confidence on the part of their local bench and reinforced a team approach to reducing recidivism and improving offender outcomes.

Another key component that strengthened this project was the concentrated focus of the training and TA sessions, and the emphasis on being able to walk away from these sessions with specific action plans for the implementation and practical application of EBP. In addition, these sessions provided specific assistance in the creation of formal, written policies for newly implemented EBP, including internal quality assurance policies. As mentioned previously, feedback received from Chief Probation Officers (CPOs) and Project Managers (PMs) indicated that these work products were enormously helpful to the probation departments in their efforts to take the theory and concepts of EBP and effectively put them into practice.

Further, CPOs and PMs applauded the project's acknowledgement that certain commonly used training terms in the EBP field can create unintended roadblocks to collaboration and appreciated the project's openness to making necessary language changes to minimize or overcome these challenges. For example, in some training and TA sessions, the term "criminogenic needs" was substituted with alternative language that justice system partners in the jurisdiction agreed upon.

The project's focus on collaboration and reinforcement of a team approach to problem solving and the jurisdictions' acceptance of this approach likely had a positive impact on the project's evaluation efforts. The passage of SB 678 and realignment during the project created research and data collection challenges; however, probation department and court staff in the pilot sites demonstrated a strong commitment to the CalRAPP and to providing individual-level felony probationer data from multiple sources to ensure that the project's outcome data were as comprehensive as possible.

While there are numerous factors that have strengthened the project, there are also areas where knowledge gained from this project can help to inform future initiatives. Probation department

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<sup>19</sup> Gendreau, P. (1996). The principles of effective intervention with offenders. In A. Harland (Ed.), *Choosing correctional options that work* (pp. 117-130). Thousand Oaks, CA: Sage.

<sup>20</sup> Marlowe, D. B. & Kirby, K. C. (1999). Effective use of sanctions in drug courts: Lessons from behavioral research. *National Drug Court Institute Review*, 2, 1-32.

Wodahl, E., Garland, B., Culhane, S., & McCarty, W. (2011). Utilizing behavioral interventions to improve supervision outcomes in community-based corrections. *Criminal Justice and Behavior*, 38, 386-405.

leadership highlights the importance of developing a comprehensive action plan that addresses all of the elements necessary to reform supervision practices, of heavily investing in initial and on-going training of probation department staff and justice system partners. In addition, project timelines should allow adequate time for probation department staff and justice system partners to absorb newly learned EBP concepts as the information provided in training and TA sessions may involve significant cultural change for the organizations and organization staff.

Further, it may also be beneficial to involve information technology and research staff in the project at the earliest possible stage as these individuals may be able to provide crucial information about data collection and reporting capacities that impact the goals and objectives of the project. And lastly, to the extent possible, all pilot sites should begin their participation in the project at the same time.

## **VI. Conclusion**

The probation departments in the CalRAPP jurisdictions have successfully implemented and applied EBP, including the use of evidence-based PSI and supplemental/violation reports and effective supervision and case management practices. To some extent, this success may be attributable to the fundamental structure of the project as a joint initiative that required key representation and participation from stakeholders in both the judiciary and community corrections and that reinforced a team approach to reducing recidivism and improving offender outcomes. Success may also be attributable to the training and TA that these counties received over the course of the project, the improved collaboration that developed through justice system partner participation in this project, and the work products produced as a result of the increased training/TA and collaboration.

These accomplishments have helped create a roadmap for the effective implementation of EBP, which has resulted in improved offender outcomes. Further, to maintain these improved felony offender outcomes, the CalRAPP counties have continued to enhance EBP through monitoring and continuously improving the quality of EBP that have been implemented. These quality assurance and improvement efforts, which are facilitated through the use of formal, written policies and 18-month continuous quality improvement work plans, have provided the CalRAPP counties the ability to elevate their EBP implementation to an even higher level.

**Appendix A:**

**SAN FRANCISCO ADULT PROBATION DEPARTMENT  
PSI REPORT**

THE PEOPLE OF THE STATE OF CALIFORNIA: PLAINTIFF -vs. [REDACTED]

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

CASE SUMMARY

NAME (Last) [REDACTED]	(First) [REDACTED]	(Middle) [REDACTED]	(Maiden) N/A	COURT DATE 08/07/2012
SUPERIOR COURT # [REDACTED]		MUNICIPAL COURT # [REDACTED]		
SENTENCING JUDGE [REDACTED]		COURT DEPARTMENT 12		
CONVICTION 11350(a) H&S/F (Possession Controlled Substance) Offense is eligible for 1170(h) PC		CONVICTION TYPE Felony Defendant is eligible for 1170(h) PC		
PROPOSED DISPOSITION 1170(h) PC, 16 mos. low term, PJ 8 mos., 8 mos. mandatory supervision, 4019 PC, WS, \$240 RF, DNA, PSR, COA \$40, ICNA, BF		CHARGES 11352(a) H&S/F (Sale Controlled Substance), 166(a)(4) PC/M (2 cts.) (Contempt Court/Disobey Court Order), 11364 H&S/M (Possession Drug Paraphernalia), 11350(a) H&S/F (Possession Controlled Substance)		
OFFENSE DATE 06/06/2012		ARREST DATE 06/06/2012		
PLEA Guilty Plea		DATE OF PLEA 07/10/2012		
DISTRICT ATTORNEY [REDACTED]		ATTORNEY OF DEFENSE [REDACTED]		

RECOMMENDATION

PROBATION BE Denied

COMPAS Supervision Level: High

CASE AND DEFENDANT INFORMATION

AKA/Alias [REDACTED]			
APD/SFPD [REDACTED]	FBI # [REDACTED]	CII # [REDACTED]	DL # [REDACTED]
NATIVE LANGUAGE English	INTERPRETER NEEDED No	INTERVIEW CONDUCTED 07/18/2012	
CUSTODY STATUS In Custody		DAYS IN CUSTODY 63	
CURRENTLY ON PROBATION Yes	PROBATION JURISDICTION San Francisco	TYPE OF PROBATION Court Probation	
CURRENTLY ON PAROLE Yes			CDC # [REDACTED]
VICTIM CONTACT INITIATED No Victim		INJURED No	
DETAINERS/CHARGES PENDING N/A	DNA COMPLIANCE PURSUANT TO 296 PC Yes	VERIFIED CII	
CURRENT ADDRESS/HOMELESS Upon release, [REDACTED] California		PC 290 REGISTRANT No	
PHONE NUMBER [REDACTED]	OTHER CONTACT NUMBER N/A	ICE # N/A	

<b>PLACE OF BIRTH</b> [REDACTED] California, United States of America	<b>DOB</b> [REDACTED]	<b>AGE</b> 36	<b>SEX</b> Male	<b>RACE</b> African-American
<b>EMPLOYED</b> Unemployed			<b>CITIZENSHIP</b> United States of America	

**RISK AND SUPERVISION LEVEL High**

Risk Summary	Score	Narrative
Violent Recidivism Risk	High	There is a risk of being arrested for a new misdemeanor or felony person offense within two years in the community is high, based on recidivism rates among groups of persons with similar risk scores in outcomes studies.
General Recidivism Risk	High	It indicates that his risk of being arrested for a new misdemeanor or felony offense within two years in the community is high, based on recidivism rates among groups of persons with similar risk scores in outcomes studies.

Needs Assessment Summary	Score	Narrative
Criminal Associates/Peers	Unlikely	The Criminal Associates and Peers Scale score indicates the unlikely involvement with antisocial friends.
Substance Abuse	Probable	It suggests that he may have substance abuse problems and may benefit from substance abuse treatment intervention of some kind.
Vocational/Education	Highly Probable	It suggests a lack of educational and vocational resources and that vocational, employability skills training and/or educational services are likely needed.
Residential Instability	Probable	It indicates probable weak social ties and stress due to a relatively unstable lifestyle. Obtaining more stable living arrangements and building more conventional social and/or family ties may be needed.
Family Criminality	Unlikely	Family members were reported not having involvement in criminal activity, drugs, and/or alcohol abuse to any significant extent.
Cognitive Behavioral/Psychological	Unlikely	Low Cognitive Behavioral/Psychological score suggests a relatively low level of anti-social attitudes or cognitions.
Criminal Opportunity	Highly Probable	Person is likely living a high risk lifestyle including associating with high risk friends and substance use. He/she is likely involved in few pro-social activities and likely has a lot of unconstructive idle time.
Criminal Personality	Probable	Person may be exhibiting some criminal personality traits including impulsivity, no guilt, selfishness/narcissism, a tendency to

		dominate others, risk-taking, and a violent temper or aggression.
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Secondary Screening Item	Result
TCU Drug Screening	
Static-99R	-

SUMMARY OF CRIMINAL HISTORY

ARREST DATE/AGENCY	OFFENSE	DISPOSITION DATE/DISPOSITION
2/3/95 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)	4/28/95: ISS, 3 yrs. prob., 6 mos. CJ, fine 1/12/96: Stipulate viol. prob., 1 yr. CJ 9/3/96: Stipulate viol. prob., 9 mos. CJ 3/14/97: Prob. terminated as unsuccessful
8/1/96 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)	11/6/96: ISS, 3 yrs. prob., 98 dys. CJ 3/14/97: Modified, 5 yrs. SP, ESS, 1 yr. CJ, fine
5/15/00 San Francisco, CA	11357(a) H&S/M (Possession Marijuana)	6/14/00: ISS, 3 yrs. prob., 12 mos. CJ
3/9/01 San Francisco, CA	11350(a) H&S/F (Possession Controlled Substance)	5/2/01: ISS, 3 yrs. prob., 9 mos. CJ 9/28/01: Prob. revoked, 16 mos. SP Between 2/27/02 and 3/5/04, defendant returned to custody as parole violator at least 6 times.
3/4/05 San Francisco, CA	11352(a) H&S/F (Sale Controlled Substance)  148(a)(1) PC/M (Resist/Obstruct Arrest) 11364 H&S/M (Possession Drug Paraphernalia)	5/10/06: ISS, 3 yrs. prob., 1 yr. CJ 6/7/06: Prob. viol., 1yr. CJ, prob. extended 5/22/09 8/2/07: Prob. terminated as unsuccessful  5/10/06: 69 dys. CJ
2/23/07 San Francisco, CA	11350(a) H&S/F (Possession Controlled Substance)	8/2/07: 16 mos. SP 12/6/07: Paroled Between 2/13/08 and 2/25/11, defendant returned to custody as parole violator at least 11 times. 5/8/11: Restored to parole
5/21/11 San Francisco, CA	11355 H&S/M (Sell in Lieu Controlled Substance)  148(a)(1) PC/M (Resist/Obstruct Arrest)	7/1/11: ISS, 3 yrs. court prob., 134 dys. CJ 8/7/12: Continued to terminate prob.  7/1/11: 42 dys. CJ

PRESENT OFFENSE

STATEMENT OF OFFENSE

**Narrative**

According to SFPD Incident Report [REDACTED] on 6/6/12 at 1210 hours, plainclothes police were conducting a narcotics operation in the area of the 2000 block of Mission Street. The officer approached the defendant who was pacing back and forth. The officer asked for \$20 worth of crack cocaine.

The defendant wanted to know if the officer was the police and then asked for money. The defendant wanted the money first. The officer handed him \$20 in marked city funds. After a lengthy conversation, the defendant handed the officer a rock of suspected cocaine.

The arrest team moved in and arrested the defendant. He possessed the marked city funds and a crack pipe.

A record check showed the defendant on parole. He had two current stay away orders prohibiting him from being 150 yards from 2000 Mission Street, and 16th and Mission Streets.

Laboratory analysis of the contraband resulted positive for 0.11 gram of cocaine base.

DEFENDANT'S STATEMENT

**Narrative**

The defendant made the following verbal statement:  
"Drug sales. Tired of it."

He was notified of the duty and manner by which to register pursuant to Section 11590 H&S should he be convicted of a registrable offense.

VICTIM'S STATEMENT

**Narrative**

There is no victim in this case.

DISTRICT ATTORNEY'S STATEMENT

**Narrative**

No statement in regard to circumstances in aggravation has been received from the District Attorney.

DEFENSE ATTORNEY'S STATEMENT

**Narrative**

No statement in regard to circumstances in mitigation has been received from the defense attorney.

URINE SPECIMEN RESULTS

Date & Time	Type	Results

SUBSTANCE ABUSE EVALUATION RESULTS

TCU Drug Screening Score
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SOCIAL HISTORY

BACKGROUND

<b>Date of Birth</b> [REDACTED]	<b>Place of Birth</b> [REDACTED], United States of America
<b>Language</b> English	<b>Interpreter Needed</b> No
<b>Immigration Status</b> US Citizen	<b>Emergency Contact</b> [REDACTED]

EDUCATION

<b>Highest Level Completed</b> 11	<b>Name and Location of School</b> [REDACTED], San Francisco, CA
<b>Narrative</b> The defendant reports no further schooling after dropping out of high school. He has no vocational training, although he is interested in business management.	

EMPLOYMENT

<b>Occupation</b> Janitor	<b>Employment History %</b> UNEMPLOYED
<b>Monthly Income</b> \$ 0	<b>Monthly Expenses</b> \$ 0
<b>Employment History</b> Unemployed Janitor The defendant states he likes janitorial work, but reports no employment in this field.	
<b>Narrative</b> The defendant reports the following employment history: Garden Project, gardener, 1999 for 2 weeks San Francisco Conservation Corp., summer jobs as an adolescent	

DEFENDANT'S FINANCIAL SITUATION

<b>Current Monthly Income</b> \$ 0	<b>Source</b> Family
<b>Total Assets</b> \$ 0	<b>Total Liabilities</b> \$ 0

**MARITAL STATUS**

Marital Status Single	Name and Address of Current Partner none
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**FAMILY IMPACT**

**Children**

Name	DOB (MM/DD/YY)	Age	Gender	Other Parent Name	Living Situation
1 adult child					
Relationship of caretaker to children and city/county of residence where child lives?					
Is the defendant a primary caretaker?					
Does the defendant financially support the child?					
Is there an active child support case?					
If yes, what county?					

Did the incident involve family violence? No
Were any children placed at risk based on the circumstances of the current offense? No
<b>Family Impact Statement</b> The defendant has one child, an eighteen year old daughter. He believes his daughter resides in ██████████ California with her mother or grandmother. He does not provide his daughter with financial support.

**MILITARY HISTORY**

Verified by Department of Defense? Not Verified		
Military Service No	Service Branch	Dates of Service
Character of Service	Rank/Grade of Separation	Conflict Era

**HEALTH**

<b>Narrative</b> The defendant has suffered from epileptic seizures since 2007. He was hospitalized following his most recent seizure in May 2012.  He reports no mental health disorder.
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**SUBSTANCE ABUSE**

Substance	Frequency	Age of First Use	Last Used
Marijuana	daily	14	06/2012

**Narrative**

The defendant's drug treatment experience consists of 4 months at Walden House in 2008 and 60 days at Life Choices through the Parole Department in 2010. He does not believe he is in need of further drug treatment.

**CALIFORNIA REHABILITATION CENTER**

Eligible?	Suitable?
No	No

**INTERESTED PARTIES**

**District Attorney's Recommendation**

Other than the proposed/negotiated disposition, the District Attorney's recommendation is unknown to the undersigned probation officer.

**CIRCUMSTANCES OF AGGRAVATION**

1. The manner in which the crime was carried out indicates planning, sophistication, or professionalism. Rule 4.421(a)(8)
2. The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness. Rule 4.421(b)(2)
3. The defendant has served a prior prison term. Rule 4.421(b)(3)
4. The defendant was on parole and/or probation when the crime was committed. Rule 4.421(b)(4).
5. The defendant's prior performance on probation and/or parole was unsatisfactory. Rule 4.421(b)(5).

**CIRCUMSTANCES OF MITIGATION**

1. The defendant voluntarily acknowledged wrongdoing at an early stage of the criminal process. Rule 4.423(b) (3).

**VICTIM RESTITUTION**

1. There is no victim in this case.

**CREDIT FOR TIME SERVED**

Reason	Dates	CJ	Custody Credits	Other
ARR/SENT	6/6/12 – 8/7/12	63		
<b>Subtotal:</b>		<b>63</b>	<b>63</b>	
<b>Total: 126</b>				

SEX OFFENSE

## Static-99 Score/Results

-

ANALYSIS AND PLAN**Narrative**

Appearing before the Court for sentencing is 36-year-old [REDACTED]. The defendant is a high school dropout with an 11th grade education. He is single and the father of an 18-year-old daughter who is not in his care. The defendant reports no military service. His employment history is nearly nonexistent. He reportedly is supported by family and friends. Based on the defendant's financial statement, he does not appear to have the present ability to pay the cost of his legal services pursuant to Section 987.8 PC.

In the present case, the defendant pled guilty to violation of Section 11350(a) H&S/F (Possession Controlled Substance). During a narcotics operation, the defendant sold one rock of cocaine for \$20 to a plainclothes police officer.

The defendant's criminal record consists extensively of narcotic offenses related to its sale and possession. He has been on numerous grants of probation in the past, all of which have been adversely impacted by subsequent arrests, violations, and/or revocation. Two grants of probation were terminated as unsuccessful and the revocation of another grant led to a prison commitment. The defendant's adjustment to parole has also been poor. At the time of the instant offense, the defendant was on probation and parole.

The COMPAS Risk Assessment profile suggests the defendant poses a high probability for violence and recidivism. He presents potential criminogenic issues that may have contributed to his high-risk lifestyle.

The defendant's educational and vocational skills are noticeably lacking. Furthering his education is a goal that could benefit from services such as those afforded at the Learning Center at the Adult Probation Department. There may be a need to focus on job-seeking and job-retention skills, as well as the defendant's attitudes about legitimate employment.

The defendant's criminal thinking and anti-social values are evident by the nature and extent of his recidivism. Considering that he denies a substance abuse problem, his criminal record would then be indicative of his narcotics activity for profit. The defendant's personality may be one of impulsivity and risk-taking. In that he was on both probation and parole when he committed the present crime, it appears the defendant has little regard for the consequences of his actions.

While a state prison commitment is warranted, the defendant appears eligible for sentencing pursuant to Section 1170(h)(5)(B) PC. After serving a sentence in the county jail, he can be afforded the opportunity to address his criminogenic issues during a period of mandatory supervision.

Therefore, we concur with the proposed disposition and the following recommendation is respectfully offered.

RECOMMENDATION

IT IS RESPECTFULLY RECOMMENDED THAT:

1. Probation be denied and the defendant be sentenced to the State Prison, and that the defendant, pursuant to Section 1202.45 of the Penal Code, pay a restitution fine in the amount of \$ 240 to the Restitution Fund, and pay an additional Parole Restitution Fine in the amount \$ 240 stayed pursuant to Section 1202.45 of the Penal Code;
2. It is respectfully recommended the defendant be sentenced to a term of 16 months under provisions of Penal Code Section 1170(h)(5)(B);
3. It is further recommended the defendant serve 8 months of his sentence in the San Francisco County Jail, execution of the remainder of the balance of the term of the sentence be suspended and the defendant be placed on a period of mandatory community supervision to the San Francisco Adult Probation Department;
4. Be granted credit for time served in the amount of 63 days, with custody credits in the amount of 63 days;
5. Enroll, participate and complete the required services and/or treatment/counseling as identified in the probationer's Individualized Treatment and Rehabilitation Plan;
6. Submit to warrantless search;
7. Register pursuant to Section 11590 of the Health and Safety Code;
8. Use no alcohol, illegal substances and/or drugs without legal prescription
9. Submit to drug testing as determined by the Probation Officer;
10. Based solely on the financial information provided by the defendant, and pending final verification from the Comprehensive Collection Unit, of the Superior Court, the defendant does not appear to have the ability to pay the attorney fee recoupment costs pursuant to Section 987.8 of the Penal Code and as determined by the Court;
11. The defendant shall notify the probation officer and receive instructions before leaving the State of California (PC 11177);
12. The defendant must notify the probation officer when leaving San Francisco County to live in another California County (PC 1203.9);
13. Enter and attend the Learning Center located at the Adult Probation Department;

RECOMMENDED FINES AND FEES:

1. Pay up to \$150.00 for the cost of the pre-sentence investigation if PSI is prepared pursuant to Section 1203.1 (b) of the Penal Code;
2. Pay a base fine in the amount of \$ 500 plus penalty and assessments;
3. Pay a \$50.00 criminal laboratory analysis fee pursuant to Section 11372.5 Health & Safety Code on each count;
4. Pay a jail-booking fee of up to \$135.00 pursuant to Section 29550.1 of the Government Code
5. Pay a security surcharge fee of \$40.00 per count pursuant to 69926.5 Government Code and Section 1465.8 of the Penal Code;
6. Pay criminal Conviction Assessment Fee of \$30.00 per count plus \$35 for each infraction, felony, and/or misdemeanor pursuant to Government Code 70373 (a)(1)(INCA);

[REDACTED]

SUPERIOR COURT [REDACTED]

APPROVAL

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BY: \_\_\_\_\_  
[REDACTED]  
DEPUTY PROBATION OFFICER

DATE: 8/1/2012

BY: \_\_\_\_\_  
[REDACTED]  
SUPERVISING PROBATION OFFICER

DATE: 8/1/2012

WENDY S. STILL  
CHIEF ADULT PROBATION OFFICER

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**Appendix B:**

**SANTA CRUZ PROBATION DEPARTMENT  
VIOLATION REPORT**



SANTA CRUZ COUNTY PROBATION DEPARTMENT – ADULT DIVISION

Office staff that upon release from jail he was to attend the wait list group at Janus every Monday evening. On 05/26/13, Janus staff telephoned me and told me that Mr. [REDACTED] was dropped from the treatment wait list as he had failed to attend groups since his release from custody (3 groups).

**SUPERVISION SUMMARY:**

On 05/01/12, Mr. [REDACTED] was found in violation of his probation for having contact with the victim, [REDACTED]. Mr. [REDACTED]' probation in case number M1234 was revoked and he was sentenced to one year in jail. Mr. [REDACTED] was sanctioned twice in 2012 - to community service for his continued use of alcohol and to 90 days jail, with early release to in-patient treatment, upon conviction of the new crime of Felon in Possession of a Weapon. Upon his release from jail, he failed to report, resulting in the present violations.

I have attempted to work with Mr. [REDACTED] to address very high risk/need factors of education/employment, companions, alcohol/drug abuse, pro-social attitude/orientation and antisocial pattern. Mr. [REDACTED] has made no effort to make any positive changes while on community supervision. He was unsuccessful in engaging in Batterers Intervention treatment and failed attempts at engaging in substance abuse treatment.

Mr. [REDACTED] appears to have few positive role models in his life and exhibits minimal motivation to accomplish his goals. When in my office Mr. [REDACTED] has appeared guarded when in conversation and shows very little emotional response. Prior to incarceration, Mr. [REDACTED] was heavily involved in the street youth culture in the downtown area. Upon his release, Mr. [REDACTED] was provided subsidy housing but maintained his many criminal acquaintances. Furthermore, Mr. [REDACTED] has been stopped by Santa Cruz Police in the downtown area for being rude and threatening to members of the community. Mr. [REDACTED] has also been involved in what police describe as "mutual combat situations" between street youth.

Mr. [REDACTED]' primary substance of choice is alcohol, and his use pattern suggests chronic usage. His substance abuse interferes with maintaining a pro-social lifestyle.

**RISK PROFILE:**

Mr. [REDACTED] has a high level of risk to re-offend according to the CAIS risk assessment. His involvement in the criminal justice system began at age 15 year and he has a history of violence in the community with strangers and with his domestic partner. Criminogenic risk/need factors [Principal Service Needs] are Education/Employment, Companions, Alcohol/Drug Problems, and Procriminal Attitude/Orientation.

According to the CAIS assessment, the Supervision Strategy Group is identified as Environmental Structure. The predominant characteristic of this group is their lack of social and vocational skills. Techniques of supervision should include positively structuring their environment to the greatest extent possible so that they are living, working and associating with pro-social peers and role models.

Family History is a strength identified by the risk assessment.

**RATIONALE/RECOMMENDATION:**

Supervision objectives have been to address very high risk/need factors which include alcohol

SANTA CRUZ COUNTY PROBATION DEPARTMENT – ADULT DIVISION

abuse and antisocial patterns (violence) through participation in alcohol treatment and domestic violence intervention. Mr. [REDACTED] has been unsuccessful in both previous attempts in treatment and has made himself unavailable for further services since his last sanctioning event.

Risk assessment places him in the highest risk categories to recidivate. His ongoing pattern of use of intoxicants, treatment non-compliance, destabilization of living situation, reconnecting with anti-social associates (violent subculture) and propensity to violence leads to reengagement in criminal activity and makes him a danger to the community. Unless this pattern is interrupted, incapacitation appears the only viable option at this time.

Direct entry into a residential treatment program following a long-term incarceration should be explored as this may be the only option that will result in risk reduction and addressing Mr. [REDACTED] multiple needs over time in structured environments. Mr. [REDACTED] will serve minimal time on Case # XXX based on previous time served, but has not served time on the Count 5 and on Case # YYY.

Considering the defendant's risk, community safety will best be served through a significant period of incarceration. It is recommended that Mr. [REDACTED] probation in case numbers XXX and YYY be revoked and terminated unsuccessfully; that he be sentenced to 6 months custody in the Santa Cruz County Jail, pursuant to Section 1170(h)(5)B of the Penal Code; followed by a Mandatory Supervision period of 24 months pursuant Section 1170(h)(3) of the Penal Code. The period of Mandatory Supervision shall include the following terms and conditions:

- 1.
- 2.
- 3.

It is further recommended that Mr. [REDACTED] probation in case number ZZZ be revoked and that he be sentenced to one (1) year in jail, consecutive to sentences in case numbers XXX and YYY.

Early release to residential treatment is recommended following serving a minimum of 180 days incarceration.

Respectfully Submitted,

FERNANDO GIRALDO

Dated: \_\_\_\_\_

By: Deputy Probation Officer

Approved for filing: \_\_\_\_\_

By: Supervisor

The foregoing report has been read and considered by the Court.

Dated: \_\_\_\_\_

Judge of the Superior Court

SANTA CRUZ COUNTY PROBATION DEPARTMENT – ADULT DIVISION

Copy: Court  DA  Compact  Defense Counsel  File

**Appendix C:**

**NAPA COUNTY PROBATION DEPARTMENT  
RESPONSE GRIDS**

Napa County Probation Department Positive Response Grid			Criminal History	Education/Employ	Family/Marital	Leisure/Recreation	Companions	Alcohol/Drug	Attitude/Orientat	Pro-criminal Pattern	
Behavior		Suggested Responses									
Keeping appointment Completing registration requirement Enrolling in program/school Engaging with family Applying for benefits Securing transportation Being present at Court Hearing Using pro-active communication improved social skills Improved physical health/hygiene Wearing neutral colors Diminished use of profanity Positive collateral contacts/reports	Low	Verbal affirmation									
		Note card with message									
		Awesome Jar									
		Bus Pass									
		Travel Pass									
		Tracking process/successes									
		pro-social function									
		personalized stickers									
		Decreased testing									
		<b>Low Responses PLUS:</b>									
		Sobriety High School diploma/GED Drivers License Program Attendance/Participation New Pro-Social Activity Making Restitution /Fine payment Paying Child Support Associating with pro-social peers Violation free for period of time Self-referral to program Positive attitude Coping skills Stable relationships Dealing with difficult situations well Phasing up in program	Medium	Decrease frequency of reporting							
Mail-in/Phone-in											
Storyboard - Wall of Fame											
Gift cards											
Certificate of accomplishment											
Letter of support											
Curfew changes											
Program scholarships											
Treatment rewards card											
Graduation ceremony											
Lower supervision level											
Waiving/reducing fines											
Positive feedback to Court											
<b>Low &amp; Medium Responses PLUS:</b>											
Getting a job Completing a program Honesty Secure & maintain housing Case plan goal/objective completion Tattoo removal Taking prescription medication Display appreciation for others Express genuine remorse Membership in organization Self-sufficiency	High	Early discharge									
		Reduction to misdemeanor									
		Reduction to summary/informal									
		Reduction of community service									
		Modification of treatment									
		Modification of probation terms									
		Public Recognition									
		Gift cards - higher amount									

Napa County Probation Department Violation Response Grid		Criminal History	Education/Employ	Family/Marital	Leisure/Recreation	Companions	Alcohol/Drug	Attitude/Orientat	Pro-criminal	Antisocial Pattern	Control	
		Behavior	Suggested Responses									
LOW	Failure to comply with case plan											
	Failure to obtain/maintain employment/education											
	Failure to comply with PO directive											
	Failure to report new police contact											
	Travel Violation (County/State)											
	Failure to report /contact information											
	Failure to enroll/complete community service											
	Failure to enroll/complete program(DDP,Theft,Anger Mngt,cog)											
		Thinking Essay										
MEDIUM		Increased testing										
	Violation of stay away order(gang,victim,SO orders)	Verbal reprimand										
	AWOL/termination from treatment/work release	Written reprimand										
	Absconding	Letter of apology										
	Willful failure to pay restitution	Educational Class										
	Failure to register (gang,drug,SO,arson)	Increased reporting/testing										
	Fail to comply with taking medication	Victim Awareness Program										
	Employer Disclosure	Low Responses PLUS:										
	Failure to comply with electronic monitoring	Daily call-ins										
	Failure to surrender/remand	In person reporting										
	Positive UA/Failure to abstain/refusal to test/alteration	Modification of case plan										
	Failure to enroll in DV/SO program	LS/CMI re-assessment										
		Curfew restriction										
		GPS (Chief approval required)*										
HIGH		Referral to Tx(in/out/MH Court*)										
	New Crimes (Felony or Misdemeanor)	Deny Travel Permit										
	Possession of a firearm or other weapon	Referral to cog group										
		Skill practice with PO										
		Referral to CCSC										
		Community Service										
		Flash Incarceration*										
		BI Case Management meeting										
			Low & Medium Responses PLUS:									
			Increased searches									
	Flash Incarceration*											
	Probation Extension											
	Probation Modified DC, MH Court											
	Court Reprimand Revoke & Reinstate											
	Revocation report											
	Bench warrant											
	Jail											
	Prison											

\* Can only be used with PRCS cases currently and requires supervisor approval.

\* Court order necessary

**Appendix D:**

**SAN FRANCISCO ADULT PROBATION DEPARTMENT  
RESPONSE GRIDS**

General Caseload Management Standards: Rewards and Responses to Client Behavior

5.02.04

Table 2: Pro-Social Behaviors and Rewards Matrix

Behavior Level—Low	Risk Level → Reward Level	Reward Level—Low
<p><b>Conditions/External</b>                      Membership in professional organizations                      Keeping appointments</p> <p><b>Internal/Relationships</b>                      Displaying appreciation for others                      Diminishing use of profanity                      Identifying personal goals                      Self sufficiency</p> <p><b>Physical</b>                      Increasing sober time                      Improving physical health and hygiene</p>	<p>Low → Low Reward                      Medium → Low Reward                      High → Medium Reward</p>	<p><b>Miscellaneous Recognition</b>                      Storyboard—Wall of Fame                      Personal note card from DPO                      Public recognition                      Verbal affirmation                      Item from reward basket</p>
Behavior Level—Medium	Risk Level → Reward Level	Reward Level—Medium
<p><b>Conditions/External</b>                      Decreased severity or frequency of law-breaking behavior                      More positive contacts or reports                      Phasing up in program                      Enrolling in program or school                      Self-refer to program                      Decreased need for secure transportation                      Participation in mentorship program                      New pro-social activity                      Participation in program                      Application for benefits                      Paying taxes                      Paying child support                      Getting a driver's license                      Making restitution/fine payments                      Wearing gang-neutral colors                      Removing tattoos</p> <p><b>Internal/Relationships</b>                      Improved social skills (with law enforcement)                      Increased ability to identify own triggers                      Increased ability to express remorse                      Proactive communication                      Increased honesty                      Better coping skills                      Commitment to own rehabilitation                      More positive attitude                      Productively dealing with difficult situations                      Taking prescribed medications</p>	<p>Low → Low Reward                      Medium → Med. Reward                      High → Medium Reward</p>	<p><b>Changes in Supervision</b>                      Reduction in community service hours                      Decreased drug testing frequency                      Modification of terms and conditions                      Decreased frequency of reporting                      Modification of/less intensive treatment</p> <p><b>Miscellaneous Recognition</b>                      Treatment reward cards                      Certificate of accomplishment                      Gift cards/vouchers                      Letters of support                      Public transit tokens/tickets                      Tracking progress/successes                      Positive feedback from the Court                      Item from reward basket</p>
Behavior Level—High	Risk Level → Response Level	Reward Level—High
<p><b>Conditions/External</b>                      Completing a case plan goal                      Making court appearances                      Completing a program                      Violation free for a period of time                      High school diploma/GED                      Completing registration requirement                      Obtaining and keeping housing                      Getting a job</p> <p><b>Internal/Relationships</b>                      Associating with pro-social peers                      Engaging with family</p>	<p>Low → Medium Reward                      Medium → High Response                      High → High Response</p>	<p><b>Changes in Supervision</b>                      Lower supervision level                      Mail-in/Phone-in                      Reduction to informal probation                      Recommend reduction to misdemeanor                      Recommend earned discharge                      Recommend for dismissal</p> <p><b>Miscellaneous Recognition</b>                      Graduation ceremonies                      Program scholarships</p> <p><b>Other</b>                      Recommend waiving/reducing fines</p>

# 5.02.04

## General Caseload Management Standards: Rewards and Responses to Client Behavior

Table 3: Noncompliant Behaviors and Responses Matrix

Behavior Level—Low	Risk Level → Response Level	Response Level—Low
<ul style="list-style-type: none"> <li>Failing to report contact information</li> <li>Failing to comply with any DPO objective</li> <li>Failing to comply with case plan</li> <li>New crime—victimless, nonsexual, nonviolent, non-serious</li> <li>Failure to disclose conviction to employer when required</li> <li>AWOL from voluntary treatment or program</li> <li>Failing to maintain employment</li> <li>Positive drug test/Failure to abstain from substance use</li> <li>Failing to comply with taking psychiatric medications</li> </ul>	<p>Low → Low Response</p> <p>Medium → Low Response</p> <p>High → Medium Response</p>	<ul style="list-style-type: none"> <li>Conditions/Changes in Supervision</li> <li>Increased reporting</li> <li>Increased testing</li> <li>Community service hours</li> <li>Programs and Services</li> <li>Psychiatric evaluation</li> <li>Education classes (learning center)</li> <li>Counseling</li> <li>AA meetings</li> <li>Employment related activity</li> <li>Internal/Relationships</li> <li>Skill practice with DPO</li> <li>Thinking essay</li> <li>Proof of pro-social activity</li> <li>Letter of apology</li> <li>Other</li> <li>Verbal or written reprimand/discuss behavior</li> <li>Informal admonishment</li> </ul>
Behavior Level—Medium	Risk Level → Response Level	Response Level—Medium
<ul style="list-style-type: none"> <li>Willfully failing to pay victim restitution</li> <li>Failing to report new police contact</li> <li>Failing to report to or continue with DPO-ordered treatment, program, court, testing, office visit, community service</li> <li>Failing to comply with case plan</li> <li>New crime—felony/misdemeanor, victim/victimless, serious/non-serious, violent/nonviolent</li> <li>Violating a stay-away order from a location</li> <li>Failing to comply with taking psychiatric medication</li> </ul>	<p>Low → Low Response</p> <p>Medium → Med. Response</p> <p>High → Medium Response</p>	<ul style="list-style-type: none"> <li>Conditions/Changes in Supervision</li> <li>Increased searches</li> <li>Modification of case plan/reassessment</li> <li>Community service</li> <li>Home detention with electronic monitoring</li> <li>Flash incarceration, 1-10 days (PRCS only)</li> <li>Programs and Services</li> <li>Psychiatric evaluation</li> <li>Treatment out/in</li> <li>More intensive treatment/program</li> <li>Victim awareness program</li> <li>Thinking for a Change</li> <li>CBT targeting criminogenic needs</li> </ul>
Behavior Level—High	Risk Level → Response Level	Response Level—High
<ul style="list-style-type: none"> <li>Absconding</li> <li>Failing to comply with electronic monitoring</li> <li>S/A order violation—Victim/gang members</li> <li>Failing to register 290/11590/arson</li> <li>Failing to surrender</li> <li>Possessing firearms/deadly weapons</li> <li>Repeated, willful, unexcused failure to enroll or report to treatment, court, testing, office visit, community service, DUI school, DV school, anger management</li> <li>Failing to comply with case plan</li> <li>New crime/arrest—victim, serious, 290, 667.5(c), 1192.7(c)</li> <li>Failure to enroll in Court-ordered program/treatment</li> <li>AWOL from treatment/work release ordered by the Court in lieu of jail time</li> <li>Travel violation</li> <li>Failing to comply with taking psych. meds</li> </ul>	<p>Low → Medium Response</p> <p>Medium → High Response</p> <p>High → High Response</p>	<ul style="list-style-type: none"> <li>Conditions/Changes in Supervision</li> <li>Probation/1170(h)/PRCS extension/modification</li> <li>Transfer to higher-level supervision</li> <li>Programs and Services</li> <li>Psychiatric evaluation</li> <li>More intensive treatment/program</li> <li>Custody</li> <li>PO booking/arrest</li> <li>Court remand</li> <li>Revocation of supervision</li> <li>Home detention with electronic monitoring</li> <li>Flash incarceration, 1-10 days (PRCS only)</li> <li>Jail sanction, &lt;180 days</li> <li>Teletype hold/detainer</li> <li>Prison (eligible cases only)</li> <li>Other</li> <li>SWAP time</li> <li>S/A orders</li> <li>Violation report</li> <li>Bench warrant/PRCS warrant</li> <li>Court reprimand</li> <li>Probation/1170(h)/PRCS viol. w/ Court intervention</li> </ul>

## **Appendix E:**

### **SANTA CRUZ PROBATION DEPARTMENT RESPONSE GRIDS**

Santa Cruz County Probation Department – Adult Division  
 VIOLATION RESPONSE GRID – VIOLATION BEHAVIORS

Step 1: Identify Behavioral Level

BEHAVIOR LEVEL 1 (MINOR)	BEHAVIOR LEVEL 2 (MODERATE)	BEHAVIOR LEVEL 3 (SERIOUS)	BEHAVIOR LEVEL 4 (HIGHEST INTENSITY)
<p>a. Fails to report truthfully or notify Probation Officer as directed (report police contact, report personal contact information, travel violation change employment or residence, etc.)</p> <p>b. Failure to report as directed.</p> <p>c. Failure to maintain employment or schooling including failure to comply with work search requirements and failure to provide employment verification.</p> <p>d. Failure to pay victim restitution and/or fails to meet payment schedule ( Failure to meet financial obligations)</p> <p>e. Prohibited use of alcohol and/or drugs (1 or 2 times) or fails to submit to testing.</p> <p>f. Misses appointments/sessions (1 or 2 times) for treatment programs and/or Failure to enroll in required programming/treatment.</p> <p>g. Inappropriate dress during office visits (e.g., drug- related, gang-related attire).</p> <p>h. Failure to enroll in community service</p> <p>i. Failure to complete community service.</p> <p>j. Violation of geographic restrictions.</p> <p>k. Violation of travel restrictions.</p> <p>l. Curfew violation.</p> <p>m. Violation of electronic monitoring schedule, non victim related.</p>	<p>a. Fails to follow the directives of the Court and Probation Officer 3 or more times related to conditions of supervision not otherwise listed.</p> <p>b. Prohibited use of alcohol /or drugs or fails to submit to testing (3 or more times).</p> <p>c. Failure to meet programming or treatment requirements or expectations or negative termination from treatment or other programming.</p> <p>d. Takes prescribed psychotropic medications irregularly</p> <p>e. Failure to register (Controlled Substance Offender) 11590 HS.</p> <p>f. New Crimes that are non-persons and non-weapons misdemeanors.</p> <p>g. Willful failure to pay victim restitution</p> <p>h. Violation of stay away orders [gang members, associates, co-defendants].</p> <p>i. Abscond 1-2 times with no new crime.</p> <p>j. Electronic monitoring time violation for non-sex offender, non-DV, or non-intensive supervision client</p> <p>k. Violation of work release or custody alternatives requirements/rules.</p> <p>l. Association with gang members and/or felons and/or co-defendants (1-2 times).</p>	<p>a. Refusal to take prescribed psychotropic medications.</p> <p>b. Refusal to participate in or comply with conditions of prescribed treatment programs.</p> <p>c. Refuses to comply with imposed violation responses [sanctions].</p> <p>d. Failure to Register under PC 290, PC 457.1, and PC 186.22.</p> <p>e. Denying access to residence and/or searches.</p> <p>f. Failure to report at jail commitment or community corrections facility.</p> <p>g. Absconding 3 or more times</p> <p>h. Tampering with electronic monitoring equipment.</p> <p>i. Association with gang members and/or felons and/or co-defendants (3 or more times).</p> <p>j. Behavior related to sexual assault cycle.</p> <p>k. All New Property and Drug Felony Crimes (All Felony crimes not included in Behavioral Level 4).</p> <p>l. Refusal to engage in behavioral change strategies.</p> <p>m. Prohibited contact with minors, victims, potential victims, witnesses and/or survivors (1 to 2 times).</p> <p>n. Possession of a dangerous or deadly weapon.</p>	<p>a. Possession of dangerous or deadly weapons (2 or more times) or Use of dangerous or deadly weapons.</p> <p>b. All New Felony Crimes under PC 187-247, PC 261-269, Child Abuse, Domestic Violence, Arson, Kidnap and Felony Weapons]; All Misdemeanor Persons &amp; Weapons Crimes, Restraining Order/Stalking Order Violations.</p> <p>c. Absconding 3 or more times, with current abscond from residential treatment, or failure to surrender.</p> <p>d. AWOL from custody alternative program or Escape from custody.</p> <p>e. Prohibited contact with minors, victims, witnesses and/or survivors (3 or more times).</p> <p>f. 4 or more prior responses to violations have been imposed and interventions have not reduced high criminogenic needs and offender has not exhibited motivation to change pro-criminal behaviors.</p>
<p><b>Refusals:</b> Behavioral Level 3 violations of "refusal" (Items a, b, c and l) are defined by either of the following: 1) client stating they are refusing to engage, participate, or comply; or 2) there is repeat pattern (minimum of 2 previous times) of failing to engage, participate, or comply [which has been addressed with prior sanctions] and the client had been advised (and it has been documented) at the time of the previous sanction that further such violations would constitute a refusal for sanctioning purposes.</p> <p><b>New Crimes:</b> New crime violations speak to the behavior of new criminal activity the client is engaged in, not necessarily whether a conviction occurs or an arrest has been made by law enforcement.</p>			

		County of Santa Cruz Probation Department – Adult Division VIOLATION RESPONSE GRID – VIOLATION BEHAVIORS			
		BEHAVIOR LEVEL 1	BEHAVIOR LEVEL 2	BEHAVIOR LEVEL 3	BEHAVIOR LEVEL 4
<b>Assessed Risk Level</b>	<b>HIGH RISK</b>	Flash Incarceration – up to 3 days (A) Home Visit (A) Curfew (A) Daily Phone-Ins (A) Community Service (max 16 hours) (A) Increased Reporting and/or Testing (A) In-Person Reporting (A) Restrict Travel (A) → May select additional responses from Mod/BL1 and/or Low/BL1 Cells.	Flash Incarceration – up to 7 days (A) Pickup and Detain Court intervention - Custody time (A) Increase searches (A) Treatment Assessment or Referral GPS/Electronic Monitoring – up to 30 days (A) → May select additional responses from ALL BL1 & 2, Mod/BL2 and/or Low/BL3 Cells.	Flash Incarceration – up to 10 days (PRCS ONLY) (A) Pickup and Detain Court intervention - Custody time (A) Residential treatment /therapeutic community → May select additional responses from ALL BL 1 & 2 Cells and Mod/Low BL3 Cells.	<b>BEHAVIORAL LEVEL 4</b>
	<b>MOD (Med) RISK</b>	Flash Incarceration – up to 2 days (A) Office Visit - discussion about behavior (A & B) Engage in prosocial activity (B) Modification of Case Plan (B) Employment-related activity (B) Support Groups (B) Educational Classes (B) Cog Referral (B) Thinking Report (B) Skill practice/role play (modeling by PO) (B) Writing assignments (triggers, high risk situations) (B) Problem solving homework/practice (B) Parenting class (B) Relapse prevention homework (B) Vocational/Employment services referral.(B) Job log requirement (B) College exploration/visits (B) → May select additional responses from Low/BL1 Cell.	Flash Incarceration – up to 5 days (A) Pickup and Detain Treatment Assessment or Referral (B) Probation extension / modification (A) Court intervention/Reprimand (A) WRAP referral (B) Victim Awareness Program (B) Immediate Contact (in person or phone) (A) Daily Phone-Ins (A) GPS/Electronic Monitoring – up to 14 days (A) Curfew - Monitored (A) Increased Reporting and/or Testing (A) Relapse prevention plan (may be done incrementally) (B) Relapse prevention group (B) Refer to specialized program (B) Gang program and/or terms (B) Community Service (max 24 hours) (A) → May select additional responses from All BL1 Cells and/or Low/BL2 Cells.	Flash Incarceration – up to 7 days( PRCS ONLY) (A) Pickup and Detain Work Release (A) Court intervention - Custody time (A) Increase searches (A) Drug Court (A & B) GPS/Electronic Monitoring – up to 60 days (A) → May select additional responses from ALL BL1 & 2, and/or Low/BL3 Cells.	
<b>LOW RISK</b>	Letter of apology (A) Verbal Reprimand (A) Written Reprimand (A) Phone Contact (A) Deny Travel Permit (A) Send Comply Letter (A)	Verbal Reprimand (A) Written Reprimand (A) Deny Travel Permit (A) Immediate Contact (in person or phone) (A) Office Visit - discussion about behavior (A & B) Geographic restrictions (A) Restrict contact with peers (A) Vocational/Employment services referral.(B) → May select additional responses from Low/BL1 Cell.	Flash Incarceration – up to 5 days (PRCS ONLY) (A) Pickup and Detain Probation extension / modification (A) Court intervention/Reprimand (A) GPS/Electronic Monitoring – up to 14 days (A) Immediate Contact (in person (A) → May select additional responses from ALL BL1, and/or Low/BL2 Cells.	1. Revocation (A) 2. Court Intervention-Custody time (A)	

Step 3: Select Intervention

Step 2: Identify Risk

A = Accountability Response: Accountability Responses are designed to stress accountability and public protection.  
 B = Behavior Change Response: Behavior Change responses address criminogenic needs that are driving violation behavior.  
 → Flash Incarceration (PRCS only) and GPS/Electronic Monitoring requires Manager approval.  
 → Community Service response may require consent to modify / stipulated order or court intervention.  
 → Select the appropriate response(s) from the prescribed grid cell. As long as at least one of the response(s) selected is from the prescribed grid cell, lower level responses can also be selected to address the violation behavior. Primary Response outside prescribed grid cell is considered an override.



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