



Probation in California

What is Probation?

While probation officers are California peace officers pursuant to Penal Code 830.5, Probation Departments have a unique role in California because the probation infrastructure bridges the critical gaps between California courts, the communities we serve and both state and local corrections. Probation Departments are part of local county government, which allows for the hallmarks of probation - innovation, local responsiveness and targeted community engagement – to be possible. Yet Probation Departments are also responsible for implementing, and the community engagement of, state reforms such as Juvenile Justice Realignment, SB 678, AB 109, and most recently SB 10. Probation protects the community, supports the court, assists victims and helps rehabilitate clients.

As a criminal justice sanction, probation is a tool that holds people convicted of crimes accountable and helps oversee their rehabilitation using evidence-based rehabilitation strategies. Evidence-based practices are supported by scientific research to reduce recidivism. The goal of probation is to prevent crime and delinquency, reduce recidivism, restore victims and promote healthy families and communities. Probation's multi-dimensional approach to community safety includes:

- Preventing crime by changing criminal thinking.
- Objectively assessing the law and facts for individuals coming before the Court.
- Holding clients accountable through community supervision.
- Restoring victims and preventing future victimization.
- Rehabilitating our clients with evidence-informed strategies that change behavior.
- Ensuring secure and effective detention services and successful reentry.

Adult Probation

- Over the last 10 years, California has seen tremendous change and success with how it approaches individuals in our criminal justice system. In 2010, the passage of SB 678 (The Public Safety Performance Incentives Act) established the first ever system of performance-based funding for Probation Departments when they demonstrated success in reducing the number of adult felony probationers going to state prison.



- SB 678 was the first of its kind policy approach in California and made historic and lasting impacts on California's prison population and the public safety system as a whole. The success of the policy has helped not only impact the state system but also has helped lead the evolution in probation practices and culture.
- In 2011, the passage of Criminal Justice Realignment (AB 109) began to give Probation Departments the investment necessary to further build the framework and infrastructure for local services and supports to clients and greatly enhanced infrastructure for evidence-based practices.
- These historical state-level investments into local probation has built the foundations for a public safety system that safely invests in rehabilitation and helps decrease reliance on the state prison system.
- A distinctive of probation is our leadership and reliance on data, research and evidence-based practices to guide true and lasting public safety. While there is a role for graduated sanctions, we believe the best way to protect public safety is to help people returning to, and living in, our communities, to become healthy members of society through research-based rehabilitation strategies.
- Probation Departments are responsible for providing community-based supervision of adults convicted of felonies or misdemeanors either in lieu of incarceration or as a condition of release following incarceration. As a field of law enforcement, probation in California is distinguished by its commitment to a research-based approach to public safety that promotes positive behavior change.
- Since the passage of AB 109 in 2011, probation has the responsibility of supervising thousands of offenders from the state prison and parole systems, categorized as individuals either on post-release community supervision (PRCS) or on Mandatory Supervision. In our most recent data, probation supervises 40,017 PRCS offenders, 12,519 on Mandatory Supervision, and 255,836 on formal felony probation. There are approximately 355,000 adults supervised by probation throughout California.

Juvenile Probation

- Over the last decade, California has seen tremendous change and success with how it approaches youth in the juvenile justice system. In 2007, the passage of Juvenile Justice Realignment gave Probation Departments the resources necessary to expand investments into local rehabilitation services for youth and greatly enhance evidence-based practices. This had a significant impact and led to a precipitous

60% decline in juvenile detention rates and 73% decline in juvenile arrest rates. It also gave probation the opportunity to decrease reliance on institutions and improve assessments to determine who can be safely treated in the community. Approximately 40,700 youth are served by Probation Departments with roughly 90% of those youth being safely served in the community.

- Often youth on probation are dealing with multiple challenges. It is probation's duty to assess the youth's needs and make recommendations to the court. Probation's role is to prevent entry into the adult system by reducing juvenile recidivism; to heal and reconnect families; and to respond to youth behavior with interventions that reduce re-offense and teach youth healthy and positive tools for dealing with adversity.
- Probation Departments operate 112 juvenile halls, camps and/or ranches across the state, which can be found in 49 of the 58 counties. Approximately 4,600 youth are in these facilities.
- Probation offers a range of services to youth served in secure detention settings and in the community including multi-systemic therapy, cognitive behavioral therapy, wraparound services, aggression replacement training, referrals to mental health and/or substance use disorder treatment, and vocational and educational programming among others.

Major State Reforms Implemented by Probation

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

SB 678 sought to incentivize reduced revocations to state prison without implications for public safety and focus funding on local implementation of evidence-based practices in county Probation Departments. This legislation and incentive funding have tremendously improved probation services, specifically the use of, and infrastructure for, evidence-based programming. It has also improved longer-term changes to the way probation operates and how violations of probation are handled. Prior to SB 678, 40% of new admissions into California prisons – about 20,000 inmates – were offenders who had failed felony probation at the local level.

Improving outcomes for this population of offenders improves public safety and reduces the prison population. This legislation has not only had a positive impact on recidivism

but has also been a catalyst for lasting successful outcomes for offenders – the true way to safer communities. SB 678 has been hallmark legislation to show how state policy can use incentives to reduce revocations and spur positive change in diverse localities. SB 678 gave the needed resources to county Probation Departments to use evidence-based supervision practices to accomplish these goals.

AB 109: Criminal Justice Realignment

In 2011, Governor Brown signed AB 109 to realign certain responsibilities for lower-level offenders, and adult parolees, from state to local jurisdictions. Under Realignment, newly-convicted low-level offenders without current or prior serious or violent offenses stay in county jail to serve their sentence. Local Probation Departments took on the responsibility for monitoring these offenders upon release as well as offenders with certain offenses who are released from state prison. Overall, this resulted in a population decrease of about 25,000 in California state prisons.

The Chief Probation Officer is the Chair of each county's realignment committee that directs AB 109 funding within the county. Probation has been successful at leveraging these state dollars to improve the entire criminal justice system and building infrastructure needed to provide evidence-based rehabilitation and services.

SB 81: Juvenile Justice Realignment

Juvenile Justice Realignment in 2007 shifted the responsibility for 98% of juveniles to county Probation Departments. During this period, Probation Departments have worked hard to divert youth from our detention settings through a myriad of services and programs tailored for youth and/or their families and by partnering with community-based agencies. The result of successful diversion from detention facilities has led to the youth who are sent to our facilities being of the highest risk to public safety and/or to themselves and who have the highest needs. This effort reserved the state Division of Juvenile Justice (DJJ) for those youth who have been found to commit the most serious of offenses or require specialized programming like sex offender treatment.

Probation's Role with Foster Youth

County Probation Departments work diligently to keep youth with their families whenever possible and reserves recommendations for foster care for those situations wherein a youth does not need to be in a secure setting but they require the intensive services, supports and supervision that are able to be provided to the youth via a group home or Short-Term Residential Treatment Program (STRTP). There are additional

youth between the ages of 18 and 21 being served by Probation Departments in the Extended Foster Care Program also known as AB 12.

As part of our role with probation youth in foster care, CPOC has been implementing the Continuum of Care Reform (CCR). CCR emphasizes the importance of utilizing home-based family care when youth are placed into foster care and reserving placement into STRTPs in lieu of group homes. Further, it requires the creation of child and family teams in an effort to build lasting natural supports for the youth and family that will exist beyond the youth's involvement with the juvenile justice system.

SB 10 Implementation (Pending)

Senate Bill 10 (Hertzberg, Stats. 2018, Ch. 244) authorizes a change to California's pretrial release system from a money-based system to a risk-based release and detention system. SB 10 assumes that a person will be released on his or her own recognizance or supervised own recognizance with the least restrictive nonmonetary condition or combination of conditions that will reasonably assure public safety and the defendant's return to court.

As experts in assessing and mitigating risk, we believe SB 10 gives a good framework to a pre-trial system that will maximize public safety, maximize return to court and mitigate the highest risk.

SB 10 utilizes evidence-based validated risk assessments. Risk assessments are an additional tool in a series of considerations to allow the courts to make an educated decision on pre-trial release using a scientifically proven way to understand the risk factors of an individual rather than simply subjective opinions.

Probation has the experience and expertise in assessment that will be critical to make this reform good for public safety and allow as few disruptions to positive social engagement for low risk offenders.