

SB678 Year 1 Report

Implementation of the California Community Corrections
Performance Incentive Act

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ADMINISTRATIVE OFFICE
OF THE COURTS

Introduction

SB 678 was enacted in 2009 to support more successful probation supervision practices for felony offenders. The legislation established a system of performance-based funding for county probation departments to implement and maintain evidence-based practices in adult felony probation supervision. The 2009-10 Budget Act appropriated \$45 million from federal Edward Byrne Memorial Justice Assistance Grant program funding provided through the American Recovery and Reinvestment Act (ARRA) of 2009 for county probation departments to use as seed money to implement SB 678. Overall, SB 678 is structured to save state General Fund monies while reducing criminal behavior and alleviating state prison overcrowding.

This report examines the first year of implementation of SB 678. It includes data regarding the success of county probation departments in supervising adult felony probationers, examines corresponding crime rates for the year, and describes the use of ARRA funds by probation departments as well as the role of the Community Corrections Program of the Administrative Office of the Courts.

SB 678

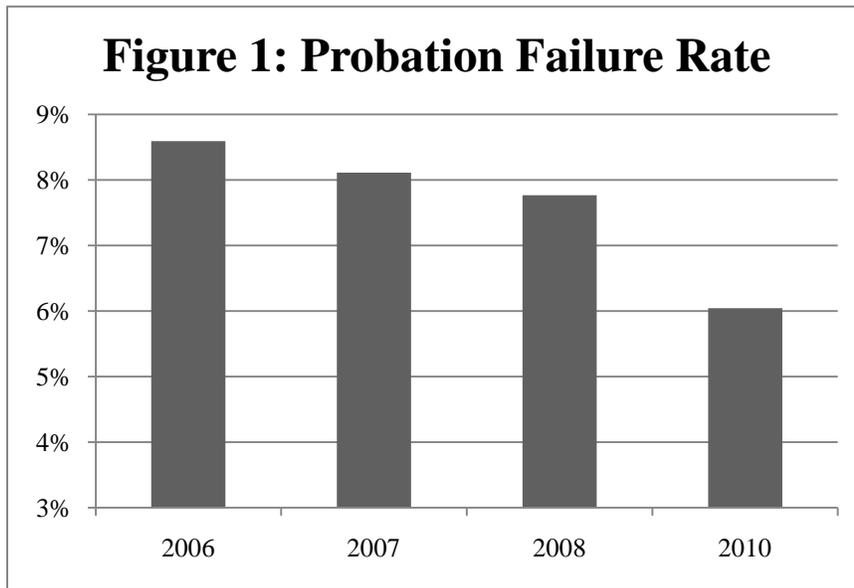
How SB 678 Works

At the end of every calendar year, beginning December 2010, the Department of Finance (DOF) determines statewide and county specific probation failure rates. A probation failure rate is measured by the number of revocations to state prison divided by the adult felony probation population. DOF compares the current probation failure rate in each county to its baseline failure rate, determined by a weighted average of the failure rate from calendar years 2006-08. Counties whose probation failure rates have dropped from the baseline years are eligible for a performance incentive grant.

DOF calculates the dollar amounts of performance incentive grants by multiplying the number of felony probationers diverted from prison by a percentage of the state's marginal cost to incarcerate and supervise a revoked probationer on parole (approximately \$36,000 per person). Counties with failure rates that are more than 50% below the statewide average are also eligible for a high performance grant. Counties that are eligible for both must choose to receive either a performance incentive grant or a high performance grant.

2010 Results

6,182 fewer adult felony probationers were sent to state prison in calendar year 2010 compared to the baseline years of 2006-08. The rate of probation failure declined to 6.1% from 7.9% in the baseline period, a 23% reduction (Figure 1).¹



Note: Data on 2009 probation failures are not available. SB 678 requires collection of baseline data from 2006-2008 and ongoing data beginning in 2010.

47 of California's 58 counties saw a reduction of probation failures to state prison both in terms of absolute numbers and as a rate of their adult felony probation population, with 88% of the statewide reduction coming from the state's 15 largest counties. Fourteen counties qualified for high performance grants because their probation failure rates were lower than 3.0%, or less than 50% of the statewide average.

During this time period the statewide adult felony probation population remained relatively stable at approximately 330,000.

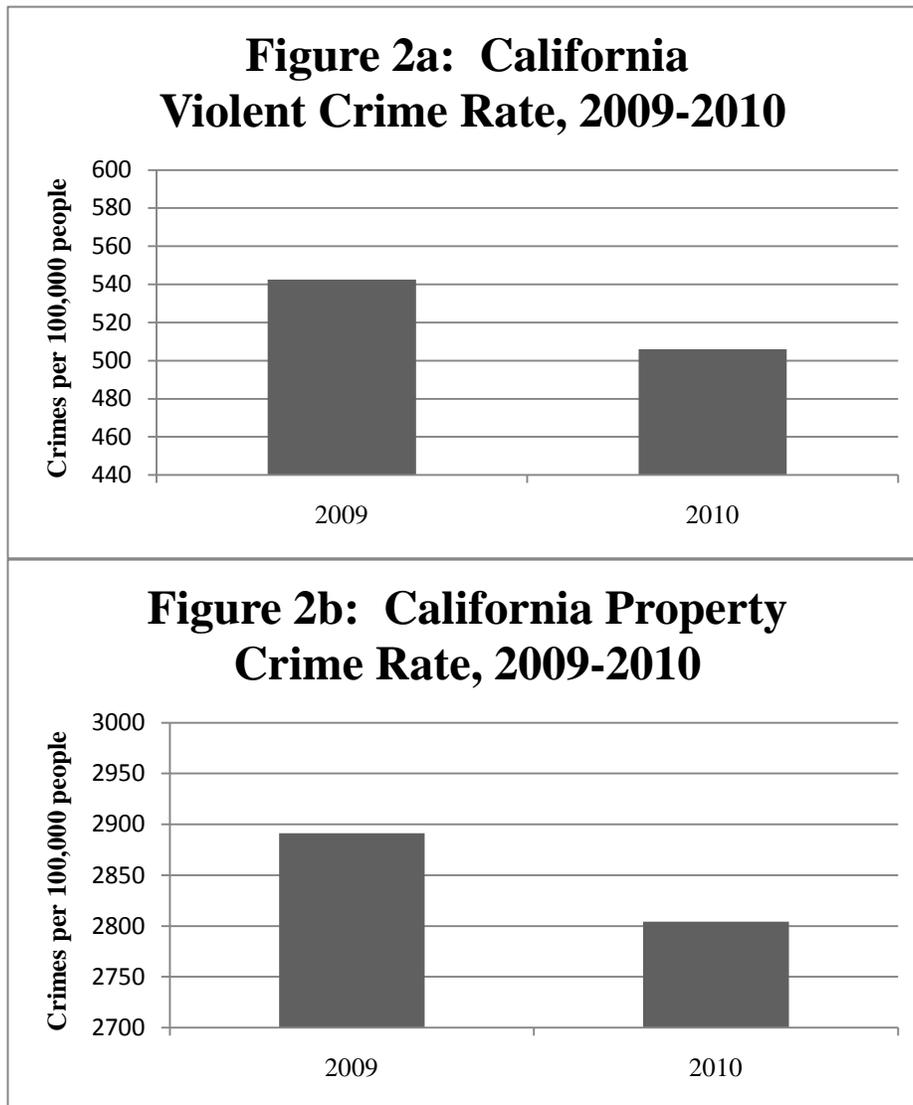
2010 State Savings and Funding to County Probation Departments

The success of county probation departments in implementing SB 678 resulted in a savings to the state of \$179 million. Of this amount, \$87.5 million is included in the Governor's May Revision to be shared with counties that either reduced their probation failure rates compared to the 2006-2008 baselines or whose prison commitment rates were more than 50% below the state's average probation failure rate.

¹ Of the 6.1% of probationers sent to state prison, 1.1% were sent for a new crime while 5% were sent for a violation of probation. (This breakout is based upon Quarters 3 and 4 of 2010. Comparable data were not available for the baseline period or for Quarters 1 and 2 of 2010.)

National and California Crime Trends

The results in the first year of implementation of SB 678 coincide with systemic downward trends in crime nationally and statewide. Compared to 2009, California's 2010 arrests for violent and property crime in urban areas declined 7% and 3% respectively (Figure 2a and b).² This is in line with a 6% reduction in violent crimes and a 3% reduction in property crimes at the national level over the same period. Both California and national crimes rates have been steadily declining approximately 5% per year since the mid-1990s.³



² Crime rates are from the FBI's Uniform Crime Reports and based on urban areas only. Full-state FBI crime rates for 2010 will be available in 2012. The California Attorney General published 2010 preliminary California crime rate data on May 24, and reported a 6.6% drop in violent crime, and 2.2% drop in property crime. The report is available at: http://oag.ca.gov/news/press_release?id=2091.

³ FBI Uniform Crime Reports.

Probation Use of American Recovery and Reinvestment Act (ARRA) Funding to Implement Evidence-Based Practices

The Budget Act of 2009 provided a \$45 million appropriation of federal Edward Byrne Memorial Justice Assistance Grant program funding provided through the American Recovery and Reinvestment Act (ARRA) of 2009 to be distributed over three years to all 58 California adult probation departments. These funds were allocated by the Legislature in order to provide seed money to counties as they began their efforts to implement SB 678. Like SB 678 funds, the ARRA funding was to be used to effectively supervise adult felony probationers using evidence-based practices, thereby reducing the number of felony probationers sent to state prison.

As defined in SB 678, evidence-based practices (EBP) refer to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or post-release supervision. The Administrative Office of the Courts reviewed probation department grant applications to determine how these ARRA funds were to be spent. The following are some of those findings:

- One of the main objectives of the federal ARRA funding was workforce reinvestment and retention. 84% of probation departments expended at least some of their funding on personnel. This money was often earmarked to support probation officers to run specialized evidence-based caseloads, or to allow the department to restructure its caseloads to better focus on high-risk probationers.
- 95% of departments planned to implement a risk and needs assessment instrument, up from 40% in 2009.
- 79% of departments planned to offer training to their probation officers in areas such as motivational interviewing, cognitive behavioral therapy, and case planning.
- 74% of departments planned to offer increased rehabilitation services to probationers, including cognitive behavioral therapy, substance abuse treatment, and employment services.

Role of the Administrative Office of the Courts

The Community Corrections Program was established by the Administrative Office of the Courts (AOC) in January 2010 to manage court-related initiatives designed to promote public safety by reducing recidivism among adult felony probationers and parolees. The program focuses on projects in which the California judicial branch collaborates with other branches of government and justice partners to improve public safety. Central to the program's mission is the promotion of the principles of evidence-based practice in community corrections.

Pursuant to SB 678, the AOC is charged with working collaboratively with county probation departments, the California Department of Corrections and Rehabilitation (CDCR), and the Department of Finance (DOF) to ensure the accuracy and reliability of the data used to determine the funding for county probation departments. To carry out this charge, the AOC has pursued multiple efforts including developing uniform data definitions throughout the state, working

closely with county probation departments to ensure the quality of the underlying data, matching records of probation departments to those of CDCR, and developing systems to collect, report, and communicate information about the work of probation departments in reducing their reliance on state prison.

The AOC is also charged with providing reports to the Legislature that evaluate SB 678 and make recommendations regarding the legislation. The first report is due 18 months after the first SB 678 payments are made to counties. In anticipation of that report, the Community Corrections Program has developed and validated a survey of programs, practices, and policies that will be used to assess each county probation department's progress toward becoming evidence-based.

The Community Corrections Program also launched a state-wide judicial education and training program on SB 678 and evidence-based practices. Using outside grant funding, three regional trainings throughout the state brought Presiding Judges and Chief Probation Officers together to learn about EBP and discuss county-specific implementation plans. As a follow-up to these trainings, the AOC developed several curricula on SB 678 and evidence-based practices that are now being presented to judges throughout the state at the request of local trial courts. SB 678 requires the Judicial Council to consider the adoption of modifications to the Criminal Rules of Court and other judicial branch policies, procedures, and programs to support the implementation of SB 678. This work is being spearheaded by the Judicial Council's Criminal Law Advisory Committee in collaboration with the Community Corrections Program.

Conclusion

In its May Revision, the Department of Finance stated: "As such, it is fair to say that SB 678, and specifically the efforts underway within California's probation departments to stem the flow of felony probationers coming into state prison is having a positive impact on the state's prison population."

In 2010 California probation departments successfully diverted over 6,000 offenders from going to state prison without any apparent adverse impact on California crime rates. As part of the report that will be provided to the Legislature 18 months after the first funding is made available, the AOC's Community Corrections Program will report on the crime rates of the adult felony probation population.

The Governor's Public Safety Realignment provides an opportunity for counties to build upon the success of SB 678. If the proposal is funded and goes into effect, changes to the SB 678 incentive formula will be necessary. Because certain offenders will no longer be subject to revocation to state prison, the formula now used to determine county success rates must be changed in order to accurately capture the continuing impact of probation department efforts to decrease recidivism and increase public safety.