



An Updated CPOC Adult Probation Business Model to Improve Criminal Justice Outcomes in California

(May 2014)

Introduction

Welcome to the second addition of the adult services business plan presented by the Chief Probation Officers of California (CPOC). The role of probation in California has changed drastically in recent years. The passage of the Community Corrections Performance Incentives Act, and subsequently Criminal Justice Realignment, has expanded the public safety mandate of probation agencies, and required more effective and efficient supervision practices. This document outlines CPOC's strategy for success in this new environment, as well as highlighting probation's successes to date.

The probation system in California in all but one county is overseen by a chief probation officer whose responsibility is the oversight of both adult and juvenile offenders who are involved in the criminal justice process at the local county level. This document represents only the adult component of the probation system.

Central to CPOC's business model is a collaborative, data-driven approach to offender supervision. As the statutory chairs of county Community Corrections Partnerships, Probation Chiefs are leading local efforts to respond to the increased volume of locally sentenced and supervised offenders. Across the state, Probation Departments are working together and leveraging resources to improve service provision, data collection, and training. Underscoring all of this work is a commitment to research-based policies and practices that are proven to reduce re-offending.

About CPOC

CPOC was established in 1960 as an association of county Chief Probation Officers, meeting annually upon the call of the Director of the California Youth Authority. Orange County Probation Chief David R. McMillan served as the first President of CPOC. Sixteen years later, in 1976, incorporation of the association was accomplished under the guidance of Chief Margaret Grier, also from Orange County. The new by-laws were signed by all the Chiefs.

Over the past 54 years the association has evolved from a loose-knit forum discussing mutual issues to a highly active, focused organization with full time executive staff and offices located across from the Capitol in Sacramento. Over the past decade CPOC has taken measured steps towards increased visibility and active involvement in legislative matters affecting fiscal, policy, resources and standards for the effective delivery of probation programs. Recognizing the importance of measuring offender outcomes, CPOC has established a policy in support of

research-based supervision strategies that reduce the drivers of criminal behavior for juvenile and adult offenders.

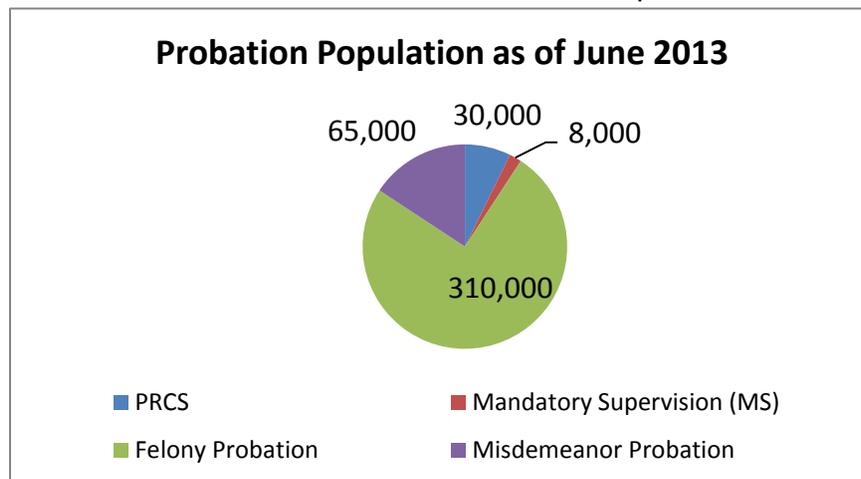
What is Adult Probation?

“Probation is a judicially imposed suspension of sentence that attempts to monitor and rehabilitate offenders while they remain in the community under the supervision of the probation department.”ⁱ

Probation occupies a unique and central position in the justice system. It links many diverse stakeholders, including: law enforcement; the courts; prosecutors; defense attorneys; community-based organizations; mental health, drug & alcohol and other service providers; the community; the victim; and the probationer. Probation’s leadership is now formalized through the Community Corrections Partnership.

Probation began in Massachusetts in 1841 as a means to provide a spectrum of punishment and rehabilitation services for offenders. Over time, the role of probation and the clients served by the system have evolved. By maximizing limited resources, probation provides numerous exemplary programs, many in partnerships with other county agencies, which set the stage for enhancing collaborations and maximizing resources.

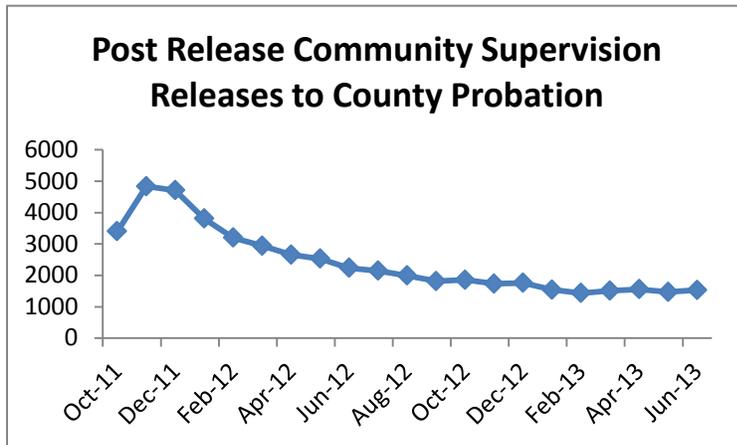
Probation supervises criminal offenders within local communities using a balance of supervision techniques involving offender accountability, enforcement and rehabilitation to reduce re-offending. By using these techniques, probation officers intervene and reduce the need to utilize prison and parole resources managed by the California Department of Corrections and Rehabilitation (CDCR), and are providing an effective local alternative under Criminal Justice Realignment. Probation is the most commonly used sanction within the criminal justice process. As cited in the 2009 report published by the Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation*ⁱⁱ: “...almost three-quarters of adult felon offenders convicted in



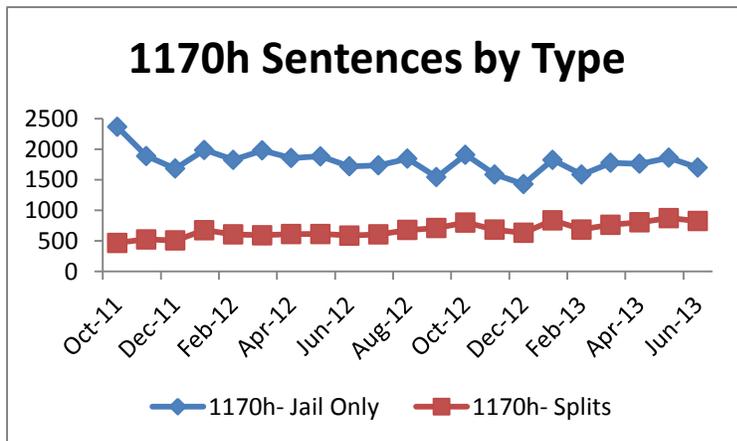
California in 2010—those eligible for a sentence to state prison—were actually sentenced to probation or a combination of probation and jail.”ⁱⁱⁱ Probation officers are supervising over 300,000 felony offenders, and 65,000 misdemeanor offenders as of June 2013. Resources to supervise these convicted criminal offenders have historically been woefully inadequate.

The statutory role of probation has changed significantly as a result of Criminal Justice Realignment. In addition to supervising offenders sentenced to local probation, probation departments are now responsible for Post-Release Community Supervision (PRCS) offenders returning from the custody of CDCR. These offenders, previously supervised by CDCR Parole, are now supervised by county probation for up to three years. By June 2013, there had been more than 50,000 PRCS releases across the state.^{iv} Probation’s role remains distinct from that

of state Parole; offenders with certain serious offenses or who are otherwise excluded by statute from PRCS continue to be supervised by Parole officers.



Local probation departments are also responsible for community supervision of local prison offenders sentenced under section 1170(h). These non-serious, non-violent, non-sex offenders are no longer eligible for state prison, and can be sentenced to local jail, felony probation, or a “split sentence” of jail time followed by probation supervision. By June 2013, more than 51,000 offenders were sentenced under 1170(h), and over 14,000 of those were split sentences.



Probation is rising to the challenge of its increased responsibilities, despite chronically insufficient resources. Using data driven methods, probation is achieving high quality results in the execution of its statutory mandates, and helping ensure protection of the public through the reduction of recidivism among the offenders under its care.

Mission Critical Services in Adult Probation

CPOC is committed to three mission critical services that serve as guiding core principals in shaping policy and legislative agendas. Through concerted strategic planning, CPOC has established action steps for implementing national standards of research-based practices. This updated version of the Adult Probation Business Plan provides our many readers and stakeholders with a clear view into the value of local probation services.

Critical Service #1: Services to the Courts

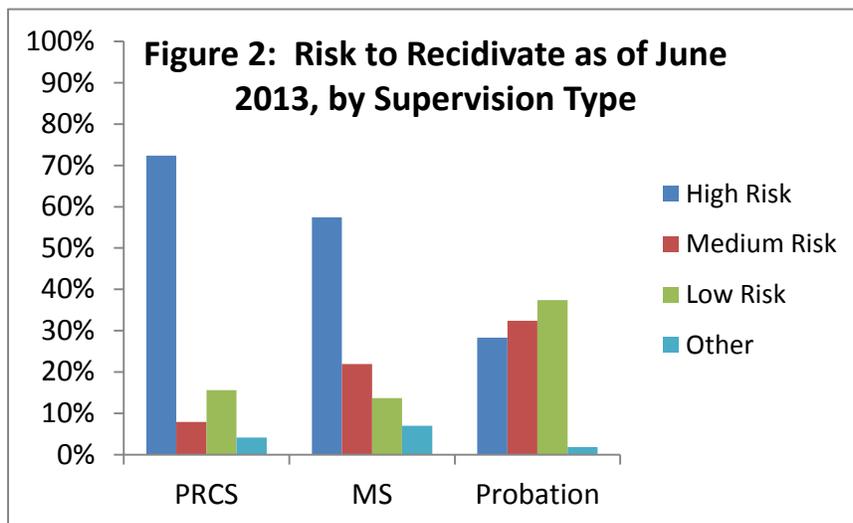
When adult defendants are convicted of law violations, probation conducts criminal investigations and provides information to the courts to assist in making sentencing decisions. Last year, probation officers completed over 240,000 reports for the court, including pre-sentence, post-sentence, and other supplemental reports which vary by the practices of each court.^v Included in this number were more than 100,000 pre-sentence investigation reports mandated by Section 1203 of the California Penal Code, and over 20,000 post-sentence reports. Thousands of other reports prepared by probation officers for the courts include pre-

plea reports, restitution reports and probation violation reports.

Probation officers are often assigned to the courts to provide timely on-site assistance, facilitate the transmission of the reports and provide other information requested by the bench. Probation officers provide this critical service to the courts statewide. In addition, several probation departments administer pretrial services, which includes conducting pretrial assessments to inform court decisions to release or detain, as well as supervising defendants who are released with conditions.

Critical Service #2: Supervision of Adult Offenders

A fundamental principle of supervision supported by research is assessing an offender's level of risk for re-offense. This information is a significant tool for probation officers to determine the type and level of supervision for the offender in the community. California probation departments use a formal risk assessment tool specifically designed to accomplish this and assign supervision based on the offender's risk level.



Supervision by risk level typically falls on a continuum from minimal contact for the lowest-risk offenders and increases in intensity as the offender's risk level increases, up to intensive supervision and surveillance for the highest-risk offenders. The lower-risk probationers are supervised via administrative or banked caseloads, which primarily involve monitoring the probationer's progress through written or verbal

self-report, periodic face-to-face contact and formal criminal record checks. Probationers posing a higher risk to the community are assigned to regular supervision, where there is routine in-person contact between the officer and probationer, as well as referrals to services and frequent follow-up to monitor progress. Supervision of probationers presenting the greatest risk to the community or those convicted of specific types of crimes is referred to as specialized supervision. These probationers receive more of the supervision activities provided for regular caseloads, with additional conditions associated with the probationer's crime and higher risk profile.

Due to limited resources and a growing population under supervision, probation departments have been forced to prioritize the allocation of supervision services. As stated above, most counties have implemented risk and needs assessments to assist in determining the level of supervision. However, since limited financial resources are an additional factor that influences the level of supervision counties are able to provide, probation chiefs must establish criteria to ensure that the most serious offenders are supervised. As of June 2013, nearly 50 percent of all offenders are high or medium risk, implying a need for higher level of supervision. However, the ratio of officers varies substantially between counties such that offenders who have been

“realigned”, such as mandatory supervision and PRCS, are often on lower caseload sizes. Over their probation supervision period, an offender can move either direction on the supervision and risk level continuum, though the goal of probation interventions are to reduce risk.

An investment in probation services that enables a department to deliver proven researched-based approaches is one of the best investments to combat recidivism. Probation has arguably the most potential to impact recidivism, given the fact that most felons are placed on probation, and probation provides an opportunity for longer-term intervention. While a law enforcement officer’s role is typically at the point of arrest, and a prosecutor’s role is typically swift, the probation officer is charged with the task to monitor behavior and develop a plan that reduces recidivism for three to five years for each offender.

While community supervision of adult offenders is essential to maintaining public safety, supervision, alone, does not prevent re-offense. The most effective way to reduce recidivism is to address criminogenic needs in higher risk offenders with treatment programs that have demonstrated effectiveness, such as cognitive behavioral therapies to change criminal thinking or drug and alcohol treatment programs. After administering a risk and needs assessment instrument, the probation officer then functions as case manager to support the offender through treatment by monitoring engagement, continually enhancing motivation, preventing drop-out, and sanctioning when appropriate for failure to comply with treatment requirements.

Despite the necessity for treatment, funding restrictions limit appropriate needs assessment, case planning, and treatment in many jurisdictions and for a large majority of the population for which it could be effective. Further limitations are evident throughout the state due to a lack of effective community resources and treatment programs available to meet the critical needs which are identified. Required programs are not only unavailable in many counties, but probation departments statewide lack the resources to effectively monitor and evaluate the effectiveness of those programs which do provide services to offenders.^{vi}

Critical Service #3: Services to Victims

Probation provides services to victims in several different ways. When there are victims involved in a crime, probation seeks their statements and presents their needs and interests to the court as part of the investigation reports. If the offender is placed on formal probation, probation officers provide information to the victims, offer support services, collect restitution and make referrals to resources. Under realignment, probation departments now notify victims of offenders’ release from custody and offer support services. Additionally, probation officers provide an increased level of safety to victims by monitoring the probationers’ activities.

The most documented service to victims is the collection of restitution owed to victims. Probation officers assist in collecting restitution from both adult and juvenile offenders on behalf of victims.

CPOC Strategic Planning History

In early 2000, the Judicial Council and the California State Association of Counties mutually concluded that a multidisciplinary task force was needed to examine probation services. Chief Justice Ronald George appointed an 18-member body composed of court, county and probation representatives in August. In 2003, the Probation Services Task Force report was issued and contained 18 recommendations. The principal findings cited probation as the linchpin of the

criminal justice system and reported probation was sorely under funded with a patchwork funding model comprised of unstable, short-lived grants. Despite the fiscal disadvantage, probation had demonstrated the ability to provide exemplary programs. The task force recommendations in the forefront then, which remain valid today, were critical in shaping the direction for CPOC's strategic planning efforts that began shortly after the task force report was released. The key recommendations are:

- Probation must have stable and adequate funding to protect the public, hold offenders accountable, and deliver rehabilitation.
- Probation should incorporate measurable outcomes in developing goals and objectives.
- Probation departments should develop a common statewide language, delivery of services and comparisons across jurisdictions.
- Probation should develop assessment and classification systems and tools.
- Probation should establish a graduated continuum of services and sanctions.

CPOC embarked on a strategic planning process in 2004 with technical assistance from the National Institute of Corrections. The first priority was to examine the growing body of research pertaining to proven practices in probation services. CPOC's vision emerged with crime reduction and prevention as core to its value and mission in public safety and the criminal justice system. Through the use of research-based approaches, probation outcomes are established and measured. Probation officer interventions and program resources are focused on the cases with the highest risk for recidivism based on high criminogenic needs. Reducing criminogenic needs is quickly becoming the strategy to reduce risk of recidivism. This approach has gained national recognition as "what works" in probation. It is a simple equation. Reducing recidivism enhances public safety. "What works" boils down to eight principals for the effective management of offenders.^{vii}

This business plan reflects a clear vision, set of values, and commitment to implementing effective probation practices. As a result, communities will be safer, offenders will be held accountable, programs will be tailored to address criminal thinking and behavior, and crime reduction will be at the core of every effort undertaken. The business plan for California probation is ambitious. However, as resources are invested in probation as the "linchpin" in a successful criminal justice system, outcomes will improve. Affirming the value of investing in probation was included in the 2009 Legislative Analyst's Office (LAO) report on *Achieving Better Outcomes for Adult Probation*. It contained two recommendations that are consistent with CPOC's strategic planning and vision for the future. The LAO stressed the need to implement the best practices identified by experts as critical for reducing recidivism rates and the need to reduce revocations to state prison.^{viii}

Through the strategic planning process, CPOC adopted the following initiatives aimed at achieving better outcomes in adult probation. The initiatives serve as a guide in developing statewide consistency and application of probation programs based upon the unique and diverse communities served by the 58 county probation departments.

- In 2009, CPOC sponsored SB 678, which was enacted to infuse probation with a state funding source to address adult caseloads with evidence-based practices. The ongoing stream of funding is intended to be from the savings to the state from reduced probation failures going to state prison.
- CPOC has chartered a standing research committee, which has successfully developed baseline measures for probation that are gathered and published as data dashboards on

realignment and split sentencing.^{ix}

A Commitment to Research-Based Supervision

In 2008, the concept of using research based proven practices in probation was gaining interest in California. That year an article titled, "Evidenced-Based Practice to Reduce Recidivism: Implications for State Judiciaries," authored by Roger Warren^x in cooperation with The Crime and Justice Institute at CRJ, National Institute of Corrections, and National Center for State Courts, was published. The article became the focus for the 2008 Summit for Judicial Leaders sponsored by the Administrative Office of the Courts and the Judicial Council held in Monterey, California. Over 200 participants attended the Summit including judges, court administrators, district attorneys, public defenders, probation chiefs and victim advocacy groups. These California justice system leaders were challenged by the two decades worth of data that has proven punishment, incarceration, and other sanctions alone do not reduce recidivism and, in fact can increase recidivism. The research data clearly revealed crime reduction and prevention was linked to offender recidivism. The skyrocketing cost of imprisonment has forced policy makers to find improved methods for achieving public safety goals through accountable and cost effective practices.

Recent legislative reforms have increased the need for research based approaches. Senator Mark Leno, sponsor of SB 678, was quoted in the Los Angeles Times on August 13, 2009 on the subject of prison crowding. "If we can keep offenders successful in their probation, we...keep them from coming back to state prison, thereby lowering the inmate population and saving the state money." Unchecked growth in incarceration is no longer an option, and communities demand that supervision agencies are smarter on crime. CPOC is prepared to lead county efforts toward a continuum of interventions that incorporate evidence-based practices, including probation officers assessing probationer risk and needs, and retooling incentives to promote positive offender change. The target outcome will be based on reducing recidivism.

These evidence-based practices are well documented and currently are the basis for much discussion as counties, states, and the federal system seek to find solutions to the out of control cost of prisons and the failed efforts of many corrections systems. Enforcement of probation conditions without addressing the criminogenic reasons criminals commit crime results creates a revolving door of new and returning prisoners. CPOC is committed to seeking and implementing programs that will impact the revolving door through the use of these proven methods.

To underscore its commitment, the CPOC membership adopted the following policy in support of research-based supervision strategies that reduce the drivers of criminal behavior for juvenile and adult offenders.

Specifically, that Probation Departments will:

- Utilize validated risk and needs assessment instruments to identify the drivers of individual criminal behavior, and assign appropriate levels of supervision and targeted treatment;
- Prioritize resources for interventions that have been proven through research to reduce recidivism;
- Use available data to monitor offender outcomes and guide business practices;

- Evaluate practices developed in the field of community corrections for effectiveness, and disseminate throughout the field;
- Build best practices in supervision into ongoing staff training.

Targeting efforts to achieve the greatest potential for recidivism reduction is the future of probation. The CPOC business plan provides a menu of evidence-based practices in adult probation that counties can use as a framework for strategic planning in their respective communities. The plan is flexible for phased implementation based upon budget and workforce resources and unique community needs.

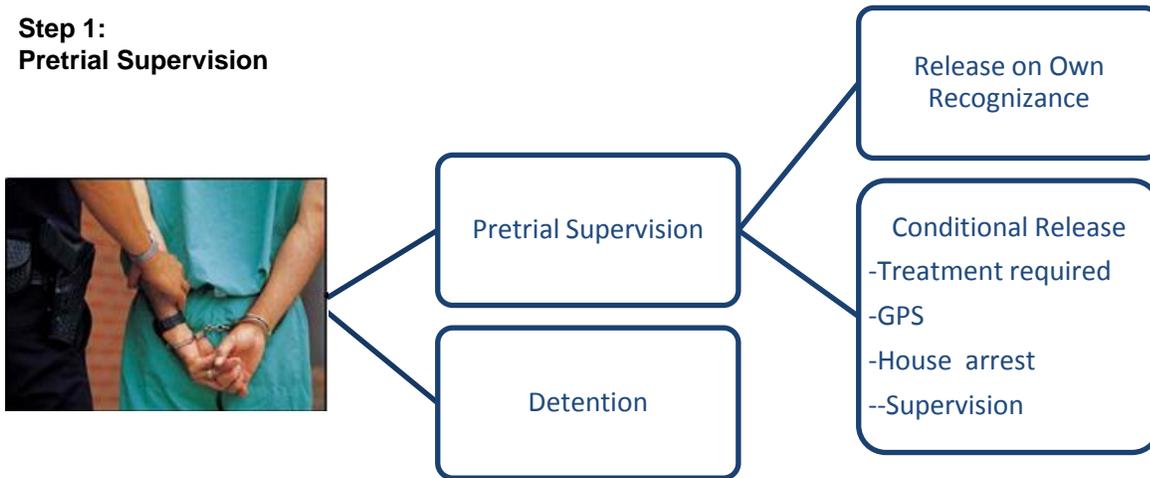
Using research-based approaches in probation is not a “soft on crime” approach. Rather, it serves to identify the risk of re-offending, provide supervision intensity and interventions that effectively reduce recidivism, hold offenders accountable, and reduce the churning of offenders in and out of very costly prison and jail systems.

Description of Probation Process and Interventions

Throughout the state, counties are unique and different in their use of and ability to implement evidence-based practices and components of a continuum of interventions. Based on differing needs and available resources, and by utilizing the evidence-based model approach as contained in this business plan, counties can identify and integrate pertinent elements from an array of nationally recognized evidence-based practices, allowing each county to best impact and reduce recidivism within their county.

The adult probation system offers an array of alternatives, services and modern risk assessments to determine the level and type of supervision, and intervention needed for individual offenders.

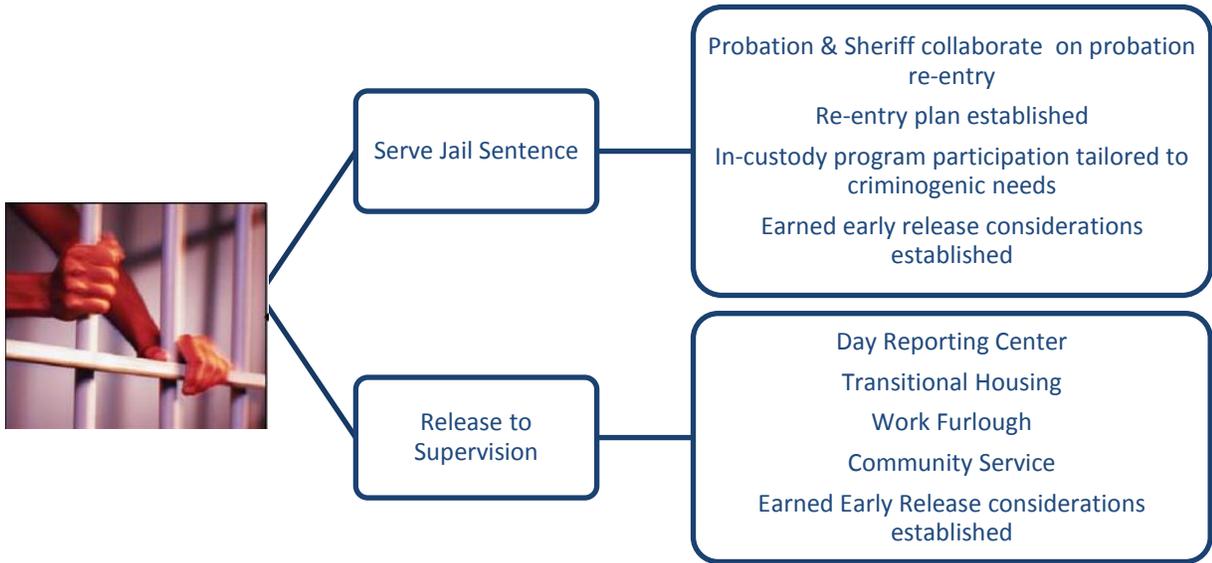
Step 1: Pretrial Supervision



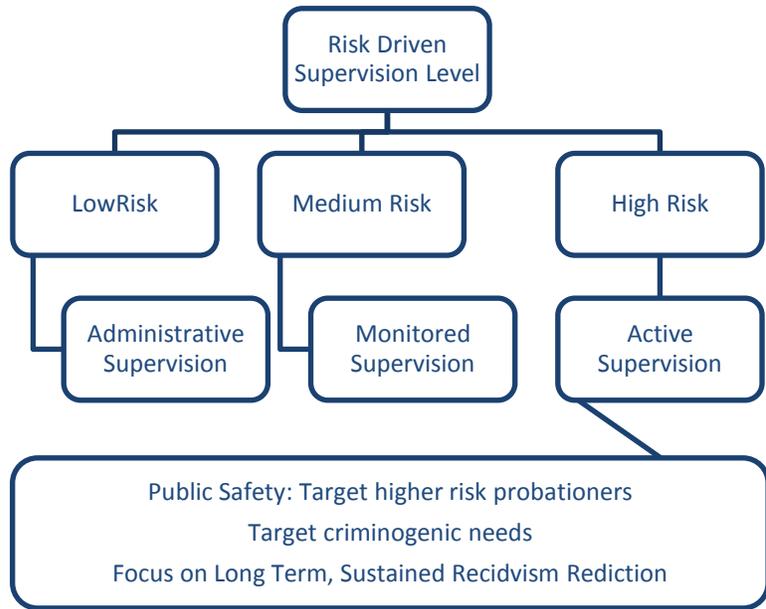
Step 2: Court Sentencing



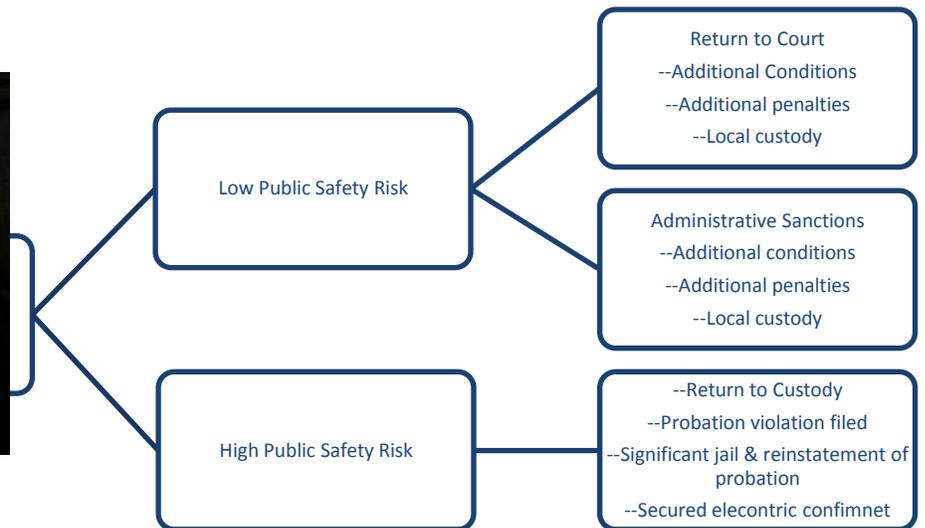
**Step 3:
Jail as Conditions of Probation or 1170(h) Split Sentences**



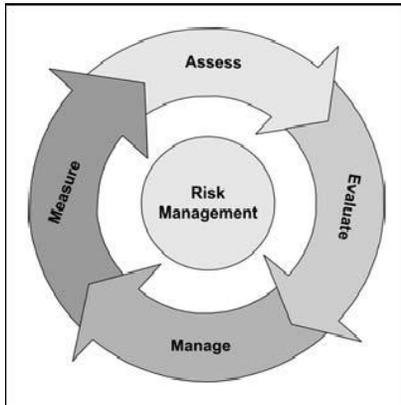
**Step 5:
Probation Community Supervision & Post Release Community Supervision**



**Step 6:
Probation and PRCS Violations**



**Step 7:
Risk & Needs Reassessment**



Measurement allows consistent feedback on outcomes

Continued High Risk Public Safety Concerns
 Supervision level high
 Engaging probationer
 Structured time and activities
 Accountable to progress
 Intensive interventions
 Monitor substance abuse

Reduced Risk to Public Safety
 Positive recidivism reduction indicators
 Improved family relations
 Reduced criminal thinking & criminal peers
 Increased law abiding, healthy activities and lifestyle
 Stable employment
 Completion of community service
 Positive outlook

**Step 8:
Outcomes of Probation Supervision & PRCS**



Continued High Risk Public Safety Concerns

- Reduced risk or recidivism
- Behavior & lifestyle changes
- Impact to victim reviewed & restitution paid
- Social support intact
- Extended tracking of probationer recidivism

Probation Outcomes

Central to evidence-based corrections is the use of data to guide practices toward the most effective and efficient use of resources resulting in the best outcomes. When CPOC initiated strategic planning in 2005, one of its first priorities was to develop uniform data reporting guidelines about probation activities and more importantly probation outcomes. Since 2006, two CPOC-sponsored groups, the Probation Business Managers Association (PBMA) and the Probation Performance Measure Committee (PPMC) have worked to establish a statewide probation reporting structure in which there is consistency across all agencies in how probation fiscal and program information is reported.

Now chartered at the research committee, CPOC has taken on a leadership role in the collection and reporting of public safety information related to realignment, as well as administering an annual survey of probation departments. A key outcome of interest is answering the question, "How many probationers terminate without committing a new crime while under supervision?" While this effort is still in the early stages, largely because departments vary widely in their capacity to gather and report common information on outcomes, CPOC is committed to looking into various ways to measure outcomes.

Next Steps for California's Community Corrections System

Building on the Chief Probation Officers of California's strategic initiative to advance evidence based practices and outcomes in California Probation Departments, the CPOC Adult Probation Business Model seeks to achieve four primary goals through the implementation of a more effective correctional management system of offenders in the community. Despite the new challenges and responsibilities facing probation, these goals remain the same, and are, specifically:

- To improve corrections outcomes, especially re-offending, with best practices informed by research
- To reduce victimization
- To prevent harm
- To target funding toward interventions that bring the greatest returns

Given an environment involving highly competitive and limited resources, it is increasingly difficult to justify the expenditure and utilization of resources and strategies that are ambiguous or unknown in their ability to produce positive outcomes, or worse yet, proven to be counterproductive. One-size does not fit all in the area of corrections; incarceration cannot be the corrections system's only recourse. By integrating evidence-based principles, the community corrections system can begin to set a baseline and ongoing statistical outcome measurements, which in turn can be used to create expectations involving deliverables and better accountability for improved recidivism reduction and public safety outcomes.

As a public safety system, community corrections is in a unique and effective position to assist in the reduction and prevention of victimization and/or harm to individuals and society by offenders within the system. Similar to the medical community's fundamental principle for emergency medical services of "first do no harm," community corrections must be equally vigilant of the totality of its impact on the whole of society, victims and offenders alike. Focusing on the system's ethical commitment and responsibility to do good for the public, the Adult Probation Business Model creates an opportunity for enhanced checks and balances aimed at community protection, recidivism reduction, and victims' assistance.

The final goal of creating a system that targets and directs funding toward statistically proven

interventions and effective corrections strategies is a critical step. An effective corrections system is one that creates positive returns on taxpayers' investments while simultaneously increasing the level of confidence in the system to appropriately meet the diverse needs of the population it services.

Conclusion

The Chief Probation Officers of California have engaged in an unprecedented effort to coalesce around a common vision to advance our profession. Advances in research-based interventions, and data on the unique needs of individual counties, have helped Probation Chiefs across the state develop a common script to lead probation for the future. These advances, combined with the strong and cohesive leadership among California Chiefs across the 58 California counties, has resulted in the business model summarized in this document.

Adult Probation has a growing responsibility for handling sentenced felons and many misdemeanants residing in California's counties, especially under Criminal Justice Realignment. Probation Officers make sentencing recommendations to judges. Probation officers also provide services aimed to repair the harm caused by crime to victims and the community by holding offenders accountable. Probation officers work with treatment professionals to deliver individualized interventions that rehabilitate offenders and build skills and competencies that make offenders less likely to repeat crime and more likely to become productive citizens.

Probation is the most commonly used sanction in the justice system with three quarters of all felons under the community supervision of a probation officer, in lieu of a prison sentence. Probation is not only a cost effective alternative to prison, at a fraction of the \$49,000 annual price of incarcerating one individual; it has greater potential to reduce recidivism by addressing the criminogenic risk factors associated with repeat offending. In recent years a growing body of research has informed probation practice on the best methods to reduce crime.

Unfortunately, in California, county probation departments remain underfunded, and while county probation delivers the best services possible under these conditions, we are currently unable to fulfill the promise of maximum crime reduction for those individuals most at risk of committing subsequent crime in the community. Currently, an average of 19,000 probation violators are sent to prison each year, comprising 40 percent of the annual admissions to prison from the courts. While probation chiefs are optimistic about the future of probation, a cooperative and continuing effort between state and local government, along with a dedicated funding stream is required in order to fully implement effective probation practices across California county probation departments. Increased community supervision has the potential to significantly improve public safety, but only if resources are available to successfully reduce offender risk.

Through the passage of SB678 and Realignment, the legislature has acknowledged that the prison and parole system was costly, overloaded, and broken, and that community supervision is a key solution to the problem. An investment in probation can lead to enhanced public safety, and a greater number of adult offenders redirected to productive futures free of crime.

ⁱ Administrative Office of the Courts and CA State Assoc. of Counties, *Probation Services Task for Force*, 2003

ⁱⁱ Taylor, M. (2009). *Achieving Better Outcomes For Adult Probation*, California Legislative Analyst's Office.

ⁱⁱⁱ Judicial Council of California, *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant*, 2012

^{iv} CPOC *California Realignment Dashboard*. Available at <http://www.cpoc.org/assets/Realignment/dashboard.swf>.

^v Judicial Council of California, Report on Year 2 of SB678, 2013

^{vi} Taylor, M. (2009). *Achieving Better Outcomes For Adult Probation*, California Legislative Analyst's Office.

^{vii} Crime and Justice Institute at Community Resources for Justice (2009). *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. Washington, DC: National Institute of Corrections.

^{viii} Taylor, M. (2009). *Achieving Better Outcomes For Adult Probation*, California Legislative Analyst's Office.

^{ix} CPOC Research and Data webpage: <http://www.cpoc.org/research-data>

^x Warren, R., and Crime and Justice Institute. 2007. *Evidence-Based Practice to Reduce Recidivism: Implications for State Judiciaries*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.



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