



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. MARSHA G. SLOUGH  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Judicial Branch Budget Committee*  
*Chair, Litigation Management Committee*

HON. MARLA O. ANDERSON  
*Chair, Legislation Committee*

HON. CARIN T. FUJISAKI  
*Chair, Rules Committee*

HON. KYLE S. BRODIE  
*Chair, Technology Committee*

*Hon. Richard Bloom*  
*Hon. C. Todd Bottke*  
*Hon. Stacy Boulware Eurie*  
*Hon. Kevin C. Brazile*  
*Hon. Jonathan B. Conklin*  
*Hon. Carol A. Corrigan*  
*Hon. Samuel K. Feng*  
*Mr. David D. Fu*  
*Hon. Brad R. Hill*  
*Ms. Rachel W. Hill*  
*Hon. Harold W. Hopp*  
*Hon. Dalila Corral Lyons*  
*Ms. Gretchen Nelson*  
*Mr. Maxwell V. Pritt*  
*Hon. Thomas J. Umberg*

#### ADVISORY MEMBERS

*Hon. Rupert A. Byrdsong*  
*Ms. Rebecca J. Fleming*  
*Mr. Kevin Harrigan*  
*Mr. Shawn C. Landry*  
*Hon. Glenn Mondo*  
*Hon. Ann C. Moorman*  
*Hon. Theodore C. Zayner*

MR. MARTIN HOSHINO  
*Administrative Director*  
*Judicial Council*

July 14, 2022

Ms. Cara L. Jenkins  
Legislative Counsel  
1021 O Street, Suite 3210  
Sacramento, California 95814

Ms. Erika Contreras  
Secretary of the Senate  
State Capitol, Room 305  
Sacramento, California 95814

Ms. Sue Parker  
Chief Clerk of the Assembly  
State Capitol, Room 319  
Sacramento, California 95814

*Re: Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2022), as required under Penal Code section 1232*

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Under Penal Code section 1232, the Judicial Council is submitting the *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2022)* on Senate Bill 678.

If you have questions related to this report, please contact Francine Byrne, Director, Criminal Justice Services, at 415-865-8069.

Sincerely,

Martin Hoshino  
Administrative Director  
Judicial Council

July 14, 2022

Page 2

MH/FB/rl

Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins  
Alf Brandt, General Counsel, Office of Assembly Speaker Anthony Rendon  
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Anthony Rendon  
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office  
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office  
Jessie Romine, Budget Analyst, Department of Finance  
Margie Estrada, Chief Counsel, Senate Judiciary Committee  
Mary Kennedy, Chief Counsel, Senate Public Safety Committee  
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee  
Matthew Fleming, Consultant, Senate Appropriations Committee  
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee  
Eric Csizmar, Consultant, Senate Republican Policy Office  
Matt Osterli, Consultant, Senate Republican Fiscal Office  
Morgan Branch, Consultant, Senate Republican Policy Office  
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee  
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee  
Jennifer Kim, Consultant, Assembly Budget Committee  
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee  
Kimberly Horiuchi, Principal Consultant, Assembly Appropriations Committee  
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget  
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget  
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget  
Amy Leach, Minute Clerk, Office of Assembly Chief Clerk  
Francine Byrne, Director, Criminal Justice Services, Judicial Council  
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council  
Fran Mueller, Deputy Director, Budget Services, Judicial Council  
Zlatko Theodorovic, Deputy Director, Budget Services, Judicial Council  
Jenniffer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council



# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue  
San Francisco, CA 94102-3688  
Tel 415-865-4200  
TDD 415-865-4272  
Fax 415-865-4205  
[www.courts.ca.gov](http://www.courts.ca.gov)

HON. TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

HON. MARSHA G. SLOUGH  
*Chair, Executive and Planning Committee*

HON. DAVID M. RUBIN  
*Chair, Judicial Branch Budget Committee*  
*Chair, Litigation Management Committee*

HON. MARLA O. ANDERSON  
*Chair, Legislation Committee*

HON. CARIN T. FUJISAKI  
*Chair, Rules Committee*

HON. KYLE S. BRODIE  
*Chair, Technology Committee*

*Hon. Richard Bloom*  
*Hon. C. Todd Bottke*  
*Hon. Stacy Boulware Eurie*  
*Hon. Kevin C. Brazile*  
*Hon. Jonathan B. Conklin*  
*Hon. Carol A. Corrigan*  
*Hon. Samuel K. Feng*  
*Mr. David D. Fu*  
*Hon. Brad R. Hill*  
*Ms. Rachel W. Hill*  
*Hon. Harold W. Hopp*  
*Hon. Dalila Corral Lyons*  
*Ms. Gretchen Nelson*  
*Mr. Maxwell V. Pritt*  
*Hon. Thomas J. Umberg*

#### ADVISORY MEMBERS

*Hon. Rupert A. Byrdson*  
*Ms. Rebecca J. Fleming*  
*Mr. Kevin Harrigan*  
*Mr. Shawn C. Landry*  
*Hon. Glenn Mondo*  
*Hon. Ann C. Moorman*  
*Hon. Theodore C. Zayner*

MR. MARTIN HOSHINO  
*Administrative Director*  
*Judicial Council*

Report title: *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2022)*

Statutory citation: Penal Code section 1232

Date of report: September 20, 2022

The Judicial Council has submitted a report to the Legislature in accordance with Penal Code section 1232.

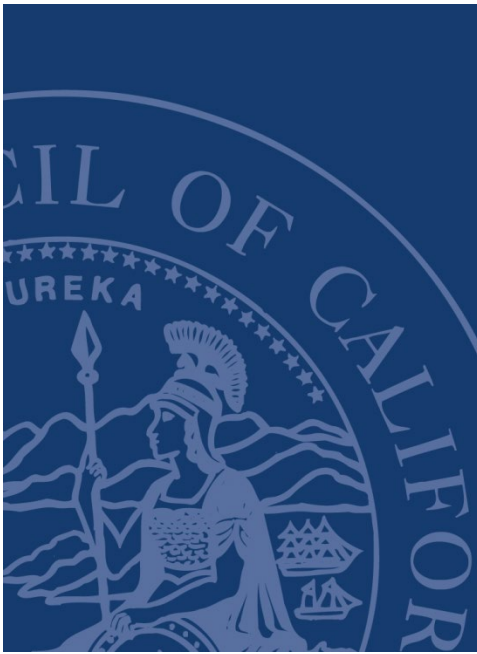
The following summary of the report is provided under the requirements of Government Code section 9795.

The Judicial Council is required to submit a comprehensive report to the Legislature and Governor on the implementation of Senate Bill 678, including information on the effectiveness of the SB 678 program and specific recommendations regarding resource allocations and additional collaboration. This year's report provides background on the SB 678 program, summarizes program results, and provides specific recommendations designed to improve future implementation of the SB 678 program. The report also describes the Judicial Council's role in the collection, monitoring, and reporting of program outcome and implementation data.

The report includes two recommendations for the Governor and Legislature to consider for improvements under the act: (1) periodically reevaluate the data elements that probation departments are required to submit and the funding formula used for the SB 678 program, and (2) build on technological advancements to improve data exchanges and data quality.

The full report can be accessed at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

A printed copy of the report may be obtained by calling 415-865-8994.



# **Report on the California Community Corrections Performance Incentives Act of 2009**

---

FINDINGS FROM THE SB 678 PROGRAM  
(2022)



JUDICIAL COUNCIL  
OF CALIFORNIA

---

OPERATIONS AND PROGRAMS DIVISION  
CRIMINAL JUSTICE SERVICES

## **JUDICIAL COUNCIL OF CALIFORNIA**

**Hon. Tani G. Cantil-Sakauye**  
*Chief Justice of California and  
Chair of the Judicial Council*

**Martin Hoshino**  
*Administrative Director  
Judicial Council*

## **OPERATIONS AND PROGRAMS DIVISION**

**Robert Oyung**  
*Chief Operating Officer*

## **CRIMINAL JUSTICE SERVICES**

**Francine Byrne**  
*Director*

**Robert Lower**  
*Senior Research Analyst and  
Primary Author of Report*

## Table of Contents

|  |           |
|--|-----------|
| <b>Executive Summary</b> .....   | <b>1</b>  |
| <b>Introduction</b> .....  | <b>3</b>  |
| <b>I. SB 678 Background</b> .....  | <b>4</b>  |
| A. Origin and Evolution of the SB 678 Program.....   | 4         |
| B. Impact of Proposition 47 on the SB 678 Program .....  | 6         |
| C. Impact of COVID-19 and AB 1950 on the SB 678 Program.....   | 8         |
| <b>II. Program Results</b> .....   | <b>13</b> |
| A. SB 678 Program Impact on Revocation Rates and Public Safety Outcomes .....  | 13        |
| B. Allocation of State Savings to County Probation Departments;<br>Reported Use of Funds for Evidence-Based Practices and Evaluation ..... | 19        |
| C. Implementation of Evidence-Based Practices .....  | 21        |
| <b>III. Recommendations for the SB 678 Program</b> .....   | <b>23</b> |
| <b>Conclusion</b> .....  | <b>24</b> |
| <b>Appendix A: Percentage of Failure/Return-to-Prison Rates by County, 2017–2021</b> .....   | <b>25</b> |
| <b>Appendix B: SB 678 Funding Methodology</b> .....  | <b>28</b> |
| Background.....  | 28        |
| Revised funding methodology, FY 2015–16 .....  | 28        |
| <b>Appendix C: SB 678 Allocation Payments, FY 2014–15 to FY 2021–22</b> .....  | <b>30</b> |
| <b>Appendix D: SB 678 Monitoring, Reporting, and EBP Implementation</b> .....  | <b>32</b> |
| Validated risk and needs assessments .....   | 34        |
| Evidence-based supervision practices .....   | 35        |
| Programs/treatment/services and targeted intervention.....   | 35        |
| Collaboration among justice system partners .....  | 36        |
| Management and administrative practices.....   | 37        |
| <b>Appendix E: Performance Outcome Measures for the SB 678 Program</b> .....   | <b>39</b> |

## Executive Summary

The California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678)<sup>1</sup> was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison—and to meet these objectives without compromising public safety. The Senate Bill 678 program allocates a portion of state savings from reduced prison costs to county probation departments that implement evidence-based supervision practices and achieve a reduction in the number of locally supervised felony offenders revoked to state prison. The program has been successful in supporting probation departments' increased use of evidence-based practices (EBPs) and lowering the percentage of individuals returned to custody without evident negative impact to public safety.

By lowering the number of supervised offenders sent to state prison through the SB 678 performance-based funding mechanism, the program has resulted in allocations to county probation departments ranging from \$88.6 million to \$138.3 million per fiscal year (FY), for a total of \$1.18 billion—including \$122.8 million in FY 2021–22 alone. In addition, in each of the years since the start of the SB 678 program, the state's overall revocation rate has been lower than the original baseline rate of 7.9 percent. And although the number of offenders revoked has decreased, California's crime rates have remained below the 2008 baseline levels, with no evidence to suggest that public safety has been negatively affected by the SB 678 program.

A fundamental component of SB 678 is the implementation of evidence-based practices by county probation departments. SB 678 defines evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.”<sup>2</sup> Although no probation department in the state has fully implemented EBPs in all facets of supervision, findings from an annual survey indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state. All components of EBPs measured in the survey are substantially higher than they were at baseline. The most significant advancements in EBP implementation occurred in the earliest stages of the program and have stabilized over time. Given these positive outcomes, the state and the counties have an interest in sustaining and expanding on the effectiveness of the SB 678 program.

California has made significant changes in criminal justice policies since SB 678 was passed in 2009. Notably, the 2011 Public Saftre Realignment Act addressing public safety reduced the number of probationers “eligible” for revocation to state prison and created two new supervision classifications: mandatory supervision and postrelease community supervision. The funding methodology for SB 678 was modified as a result of these changes. A trailer bill to the FY 2015–

---

<sup>1</sup> Sen. Bill 678 (Stats. 2009, ch. 608), [www.courts.ca.gov/documents/sb678.pdf](http://www.courts.ca.gov/documents/sb678.pdf).

<sup>2</sup> *Id.* at § 1.

16 State Budget revised the SB 678 funding formula and created a funding methodology intended to serve as a long-term formula.

Calendar year 2021 saw two notable changes, both established in statute, to how SB 678 incentive payments and probation term lengths are determined:

1. A departure from the funding formula used since FY 2015–16 for the FY 2021–22 SB 678 incentive payments to departments, and
2. Assembly Bill 1950 (Stats. 2020, ch. 328), which limits the lengths of sentences to probation that courts may impose at conviction.

The COVID-19 pandemic substantially affected the practices measured by the data used in calculating SB 678 allocations according to the funding formula used from FY 2015–16 through FY 2020–21. As a result, the FY 2021–22 budget trailer bill, Assembly Bill 145 (Stats. 2021, ch. 80), allocated SB 678 funding to probation departments based on a schedule written into statute. Each department received an allocation equal to the highest amount allocated to them over the previous three fiscal years (FY 2018–19 through FY 2020–21).

AB 1950, which went into effect on January 1, 2021, reduced the length of probation terms for most felony convictions courts are authorized to impose to no more than two years. Though the statute did not specify how these reduced sentences apply to individuals previously sentenced to felony probation terms longer than that, data reported by probation departments clearly show that a significant uptick in felony probation term completions coincided with that date.

Since its inception in 2009, SB 678 has matured from a program that focused on implementing EBPs to one that focuses on their sustainability and expansion. Many of the recommendations made by the Judicial Council in previous years, including the implementation of a stable funding formula, have been realized. The Judicial Council continues to support the adoption of additional recommendations through continued or expanded research and will work with probation departments and the Chief Probation Officers of California to update the annual assessment and evaluation process. Finally, the Judicial Council recommends that the state build on the success of this carefully designed program by considering opportunities for replication of the SB 678 model to address other challenges facing the criminal justice system.



## **Introduction**

The California Community Corrections Performance Incentives Act of 2009 (implementation of which is hereafter referred to as the “SB 678 program”) is designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of county-supervised adult felony offenders sent to state prison for committing new crimes or violating the terms of their supervision, 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 to state prison or sent to state prison on a new charge.

Through the SB 678 performance-based funding mechanism, county probation departments have received over \$1.18 billion since program inception, including allocations totaling \$122.8 million in FY 2021–22. Allocations to county probation departments have ranged from \$88.6 million to \$138.3 million per fiscal year.

The Judicial Council was charged by the Legislature to report annually on the implementation and outcomes of the SB 678 program. This report:

- Presents a brief background on the SB 678 program and documents changes made to the program as a result of public safety realignment, the enactment of Proposition 47, and the COVID-19 pandemic;
- Provides results from the first 12 years of the program, including the impact of the SB 678 program on revocation rates, the amount of state savings from the reduction in revocations to prison, and funding allocations to the counties;
- Provides information on trends in public safety, county probation departments’ reported use of funds, and implementation of evidence-based practices; and
- Describes progress in implementing past recommendations and presents additional recommendations for the enhancement and improvement of the program.

## I. SB 678 Background

### A. Origin and Evolution of the SB 678 Program

Courts have the authority to order defendants to be placed on probation (a judicially imposed suspension of sentence and a form of community supervision) in lieu of a long-term jail or prison sentence.<sup>3</sup> Before 2021, the typical adult felony probation term was approximately three years.<sup>4</sup> If an individual successfully completes probation without a violation or a new charge, the probationer will not be required to serve any further custody time in jail or prison. If the individual violates the conditions of supervision or commits a new offense, supervision may be “revoked” and the individual sent to state prison or county jail, resulting in incarceration costs to the state or county.

Each of California’s 58 counties administers its own adult felony probation system.<sup>5</sup> In a 2009 report, the Legislative Analyst’s Office (LAO) estimated that 40 percent of new prison admissions from the courts were the result of probation revocations.<sup>6</sup> The report also noted that, in the preceding years, many county probation departments had insufficient resources to implement evidence-based probation supervision practices that could help reduce probation failures.<sup>7</sup> The LAO recommended creation of a program to provide counties with a financial incentive to improve their community corrections practices and lower their probation failure rates.

Also in 2009, the Legislature enacted the California Community Corrections Performance Incentives Act (SB 678) with bipartisan support. This legislation created an incentive program designed to improve public safety, alleviate state prison overcrowding, and save state General Fund monies by supporting effective supervision practices and reducing the number of adult felony probationers sent to state prison for committing new crimes or violating the terms of probation.

---

<sup>3</sup> Pen. Code, § 1228(c): “Probation is a judicially imposed suspension of sentence that attempts to supervise, treat, and rehabilitate offenders while they remain in the community under the supervision of the probation department. Probation is a linchpin of the criminal justice system, closely aligned with the courts, and plays a central role in promoting public safety in California’s communities.”

<sup>4</sup> On January 1, 2021, Assembly Bill 1950, which limits the probation term lengths imposed for most felony convictions to two years, went into effect.

<sup>5</sup> Probation differs from parole, which is a form of supervision that takes place upon release from prison for specified offenders and is administered by the California Department of Corrections and Rehabilitation (CDCR).

<sup>6</sup> Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (May 2009), pp. 19–20, [www.lao.ca.gov/2009/crim/Probation/probation\\_052909.pdf](http://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf).

<sup>7</sup> Evidence-based practices are defined as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.” (Pen. Code, § 1229(d).)

## **Implementation of the SB 678 program and the incentive-based funding formula**

Implementation of the SB 678 program began in FY 2009–10 when the state Legislature appropriated \$45 million in federal American Recovery and Reinvestment Act of 2009 (ARRA) stimulus funds as seed money for county probation departments to begin expanding the use of evidence-based practices with adult felony probationers.<sup>8</sup> After the first year of the program, the SB 678 state funding mechanism was activated. As originally designed, probation departments received a portion of the state’s savings attributed to avoided incarceration costs resulting from a reduction in the probation failure rate (PFR) compared to a baseline PFR.<sup>9</sup> The PFR was initially defined in statute as the number of adult felony probationers revoked to state prison in a year as a percentage of the average probation population during the same year.

The amount of savings the state shared with probation departments each year was *originally* determined by each county’s improvement in its PFR, as compared to its 2006–2008 baseline rate.<sup>10</sup> A county that sent fewer individuals to prison than would be expected (applying their baseline rate to the current year’s felony probation population) would receive a share of the state savings from reduced incarceration costs. Depending on how a county’s PFR compared to the statewide average, a county received either 40 or 45 percent of the state savings.<sup>11</sup> Counties that were unsuccessful in reducing their PFRs were also provided with a small amount of funding to bolster their efforts to implement evidence-based practices and reduce recidivism. The SB 678 program also included a provision for high-performance awards to counties with very low probation failure rates. These awards supported the ongoing use of evidence-based practices in counties with probation failure rates more than 50 percent below the statewide average.<sup>12</sup>

## **2011 Realignment and the SB 678 program**

Two years after the SB 678 program went into effect, the California Legislature enacted the 2011 Realignment Legislation addressing public safety, which shifted certain responsibilities and

---

<sup>8</sup> The ARRA appropriation was based on a one-time expansion of the Edward Byrne Memorial Justice Assistance Grant Program (34 U.S.C. § 10151 et seq.).

<sup>9</sup> Pen. Code, § 1233.1(a).

<sup>10</sup> The baseline probation failure rate is a weighted average of the PFR in 2006, 2007, and 2008. After the conclusion of each calendar year, the Director of Finance (DOF)—in consultation with the CDCR, Joint Legislative Budget Committee, Chief Probation Officers of California, and Judicial Council—calculates for that calendar year an estimate of the number of adult felony offenders, supervised by probation, that each county successfully prevented from being sent to prison (or to jail, following realignment) based on the reduction in the county’s return-to-prison rate. In making this estimate, the DOF is required to adjust the calculations to account for changes in each county’s adult felony caseload in the most recently completed calendar year, as compared to the county’s adult felony population during the baseline period. (Pen. Code, § 1233.1(c), (d).)

<sup>11</sup> Counties with a PFR no more than 25 percent above the statewide PFR received 45 percent of the state savings. Counties with a PFR greater than 25 percent above the statewide PFR received 40 percent of the state savings.

<sup>12</sup> From FY 2010–11 to FY 2014–15, these awards were funded with 5 percent of the overall savings to the state. A county could receive an award based on state incarceration cost savings *or* a high-performance grant payment but not both; the county could choose which award to receive in a year when it qualified for both.

funds from the state to the counties.<sup>13</sup> Realignment affected the SB 678 program by significantly reducing the number of probationers “eligible” for incarceration in state prison when they fail on probation, mandating that they be revoked to county jail instead. Public safety realignment also created new categories of offenders who are supervised by probation departments—postrelease community supervision<sup>14</sup> and mandatory supervision<sup>15</sup>—and similarly limited these offenders’ eligibility for incarceration in state prison when they fail under supervision.

Following the implementation of realignment legislation, approximately half of all revoked probationers served their time in county jail instead of state prison, which resulted in the need to modify the SB 678 funding formula. A transitional funding formula was used during FY 2014–15.<sup>16</sup>

The FY 2015–16 State Budget updated the SB 678 funding formula to include all types of local felony supervision: felony probation, mandatory supervision, and postrelease community supervision. It also omitted county jail revocations from the formula, refocusing the grant on local supervision admissions to prison. To reflect this new focus, the term *probation failure rate* was changed to *return-to-prison rate* (RPR).<sup>17</sup> Return-to-prison rates from 2014 to 2021 are reported in Appendix A. The formula now measures each county’s performance against statewide returns to prison. These changes are summarized in Section II.B, and a more detailed explanation of the current funding formula is included as Appendix B.

## **B. Impact of Proposition 47 on the SB 678 Program**

On November 4, 2014, California voters enacted Proposition 47, the Safe Neighborhoods and Schools Act, which made three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from potential felonies to misdemeanors. Second, it authorized defendants already serving sentences for specified felony offenses to petition courts for resentencing under the new misdemeanor provisions. Third, it authorized defendants who had completed their sentences for specified felony convictions to apply for reclassification of the

---

<sup>13</sup> Realignment legislation from 2011 addressing public safety, also known as the 2011 Realignment (Assem. Bill 109 (Stats. 2011, ch. 15); Assem. Bill 117 (Stats. 2011, ch. 39)). Details of the major provisions of the act are available at [www.courts.ca.gov/partners/894.htm](http://www.courts.ca.gov/partners/894.htm).

<sup>14</sup> Offenders exiting state prison are now released to postrelease community supervision (PRCS) except for those who have been sent to prison for a serious or violent felony (any “strike”) or a crime punished as a third-strike offense, persons classified as “high risk” sex offenders, and persons who require treatment by the California Department of State Hospitals. After serving their sentences, postrelease community supervision offenders are placed under the authority of county probation departments rather than being supervised by state parole.

<sup>15</sup> For the new county jail–eligible felony offenses, under Penal Code section 1170(h)(5) courts are authorized to impose either a straight term of custody in the county jail or a “split” sentence, a portion of which is served in county jail and the remainder in the community on “mandatory supervision.”

<sup>16</sup> Sen. Bill 75 (Stats. 2013, ch. 31), [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140SB75](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB75).

<sup>17</sup> Although the term “return to prison” implies that the offender has previously been incarcerated in the state prison system, many individuals supervised by probation departments have never been in prison custody.

convictions to misdemeanors. These changes resulted in a decrease in new felony probation grants (Figure 1), leading to an overall decrease in the size of the felony supervised population.

Whereas new probation grants averaged approximately 80,000 annually before Prop. 47 (2010 through 2014), they dropped to approximately 60,000 annually from 2015 to 2019, a decrease of 25 percent (Figure 1).<sup>18</sup>

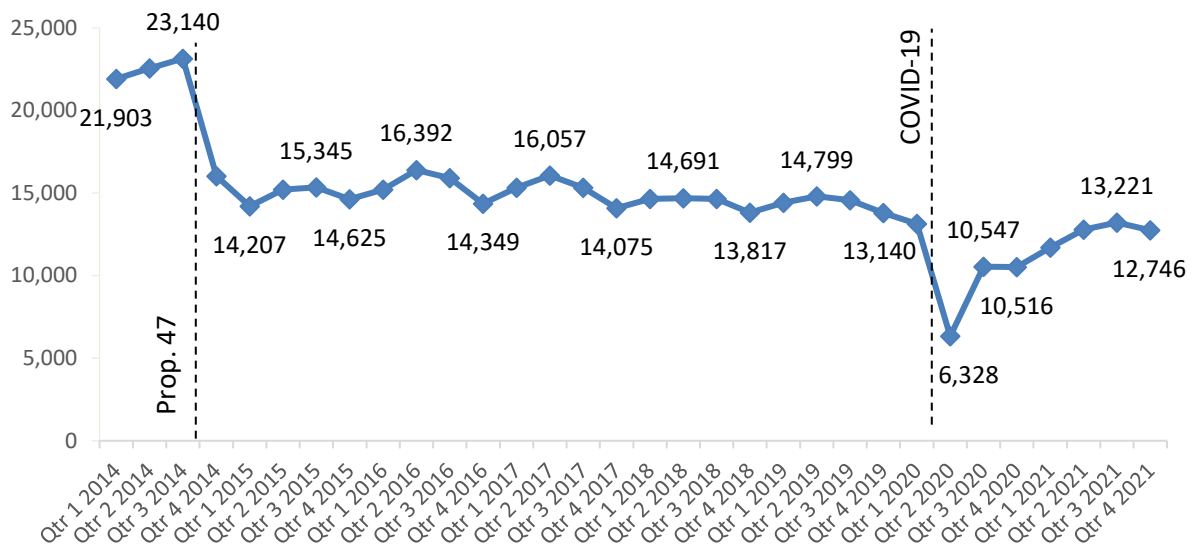
When Prop. 47 was implemented in the fourth quarter of 2014, the Judicial Council also began collecting data on terminations from supervision and reductions in supervision level resulting from Prop. 47 resentencing.<sup>19</sup> In the initial years after the passage of Prop. 47, thousands of probation terminations because of this provision were reported annually to the Judicial Council. The number of terminations from felony supervision due to Prop. 47 resentencing peaked in the first quarter of 2015, with 8,955 terminations reported statewide. This reported total then declined each of the following quarters, and in all of 2021, departments reported only 72 of these terminations, down from even the much lower total seen in 2020 (106). Statewide, 32,835 terminations resulting from Prop. 47 have been reported overall since the law's enactment in 2014.

---

<sup>18</sup> Annual total estimates represent the sum of quarterly totals shown for each calendar year. New mandatory supervision and PRCS cases have also decreased since Prop 47.

<sup>19</sup> The two additional quarterly data points are (1) "Prop. 47 Terminations," defined as a count of all supervised individuals who have been resentenced under Prop. 47 during the quarter and, as a result of the resentencing, have been completely terminated from all forms of felony supervision (jurisdictions are instructed to count individuals only if they are no longer under any form of felony supervision by the probation department); and (2) "Prop. 47 Reductions," defined as a count of all supervised individuals who have been resentenced under Prop. 47 during the quarter but remain on misdemeanor supervision by the probation department.

**FIGURE 1. DECLINE OF NEW FELONY PROBATION GRANTS AFTER PROP. 47, COVID-19**



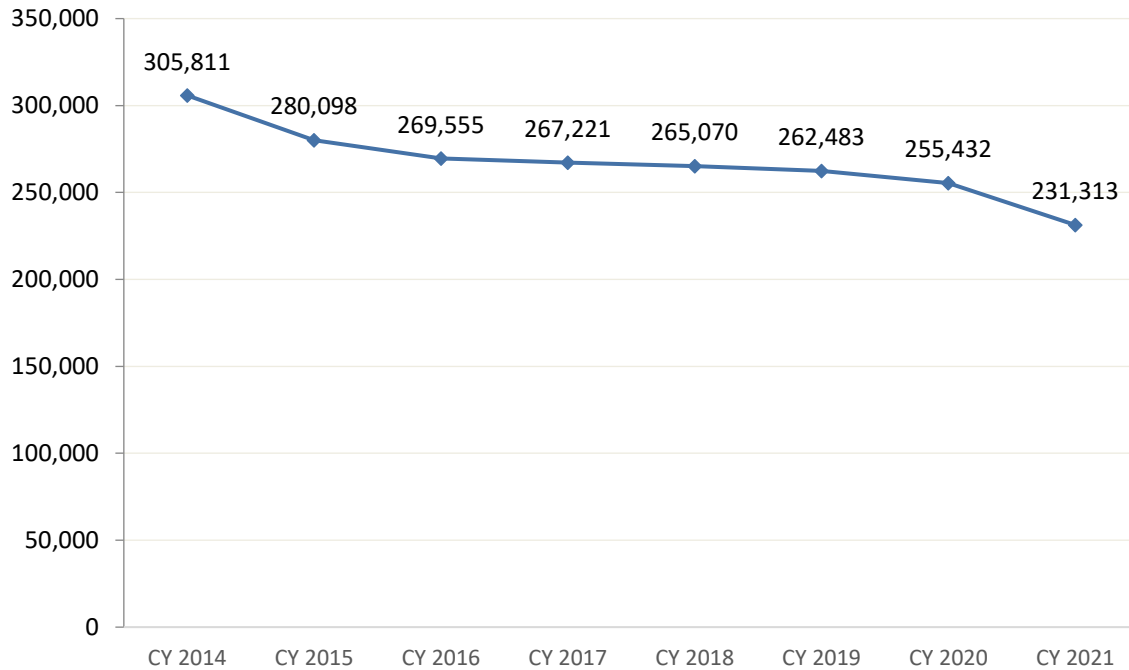
Source: New felony probation grants reported by probation departments to the Judicial Council.  
 Note: New felony probation grants expressed as statewide quarterly totals.

**C. Impact of COVID-19 and AB 1950 on the SB 678 Program**

As seen in Figure 1, above, new felony probation grants declined abruptly after the passage of Prop. 47, declined slightly overall for the subsequent five-and-a-half years, and then saw another sharp downturn in quarter 2 of 2020, coinciding with California’s implementation of emergency measures in response to the COVID-19 global pandemic. The annual total for new felony probation grants in 2020 was the lowest reported since the introduction of the SB 678 program (40,531, a 30 percent reduction from 2019). Though new felony probation grants were up 25 percent from 2020 in 2021, at 50,445, this figure remains below any previous year’s except 2020.

The statewide average annual felony probation population continued to decline in 2021, as in previous years, and did so at an even higher rate than in 2020, with a 9.4 percent reduction in population (see Figure 2). This one-year percentage change exceeds even that of 2014 to 2015 (down 8.4 percent), when Proposition 47 took effect.

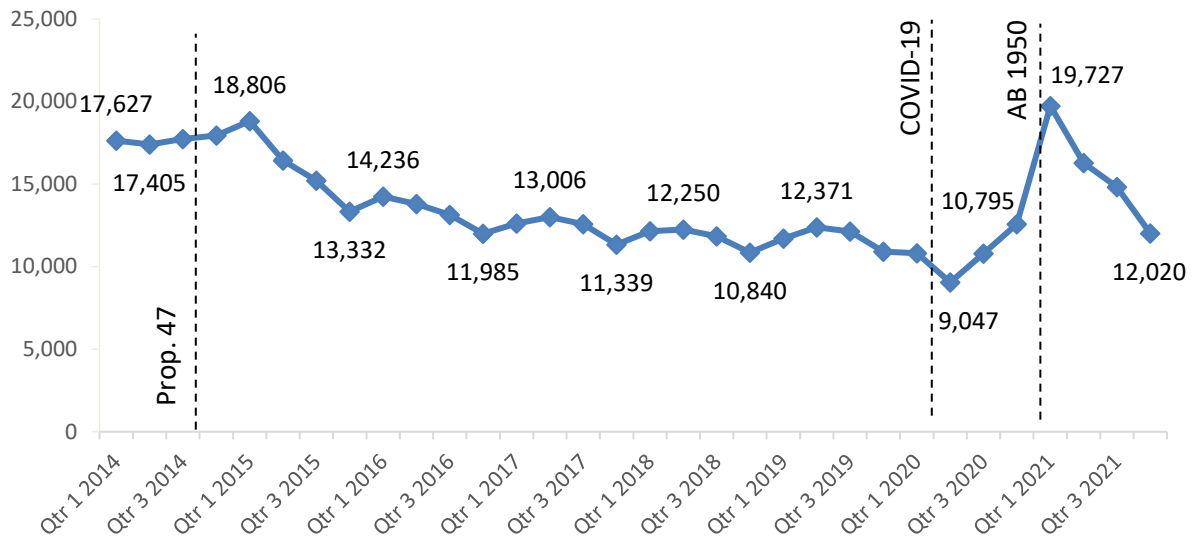
**FIGURE 2. STATEWIDE AVERAGE FELONY PROBATION POPULATION, 2014–2021**



Source: Quarterly felony probation population counts reported by probation departments to the Judicial Council.

This large decline in average population seen in 2021, without the corresponding drop in new grants seen from 2014 to 2015 and 2019 to 2020 (Figure 1), is the result of a large increase in the number of felony probation completions in 2021, especially in the first quarter of that year (Figure 3). This spike in completions, the highest one-quarter count to date, was attributable to AB 1950, a law limiting the length of probation terms, which took effect on January 1, 2021.

**FIGURE 3: FELONY PROBATION COMPLETIONS, BY QUARTER**

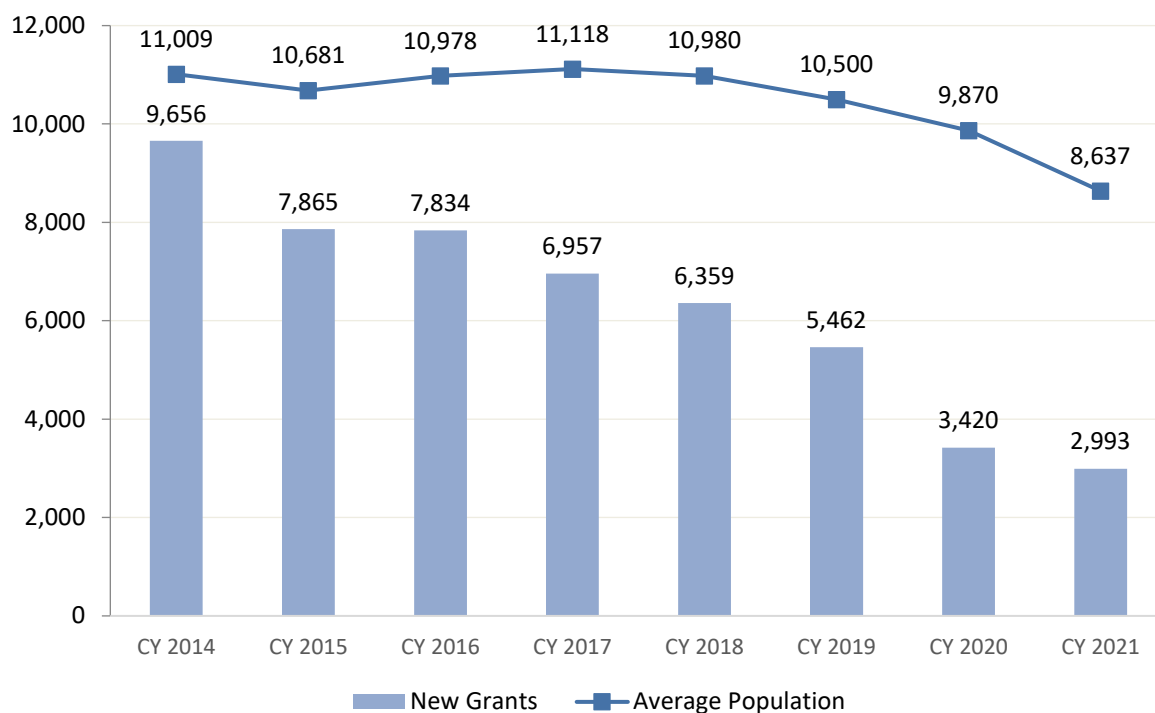


Source: Felony Probation completions reported by probation departments to the Judicial Council.

The statewide average mandatory supervision population (8,637) continued to decline in 2021 for the fourth straight year, down 22 percent from its peak in 2017. New mandatory supervision grants also continued to decline, dropping below 3,000 annually for the first time since probation departments have been reporting these data, with less than a third of the 2014 total (9,656) (Figure 4).



**FIGURE 4. STATEWIDE AVERAGE MANDATORY SUPERVISION POPULATION AND NEW GRANTS, 2014–2021**

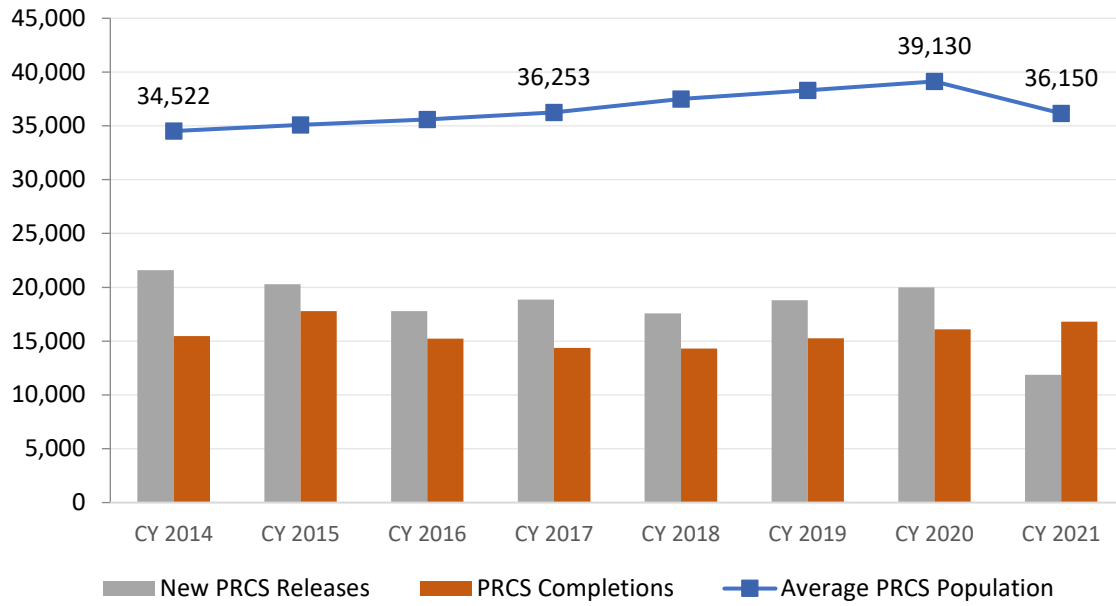


Source: Quarterly mandatory supervision population counts and new mandatory supervision grants reported by probation departments to the Judicial Council.

The statewide average population on postrelease community supervision declined from 2020 to 2021 after increasing each of the previous six calendar years (see Figure 5). This supervision type saw a one-year decline of over 40 percent in the number of new releases to it, following the CDCR’s June 2020 decision to begin releasing individuals from state prison ahead of their scheduled release dates in the second half of that calendar year.<sup>20</sup> In addition, PRCS populations saw an increase in completions in 2021, particularly in July through September, a year after CDCR’s introduction of the accelerated release schedule.

<sup>20</sup> Cal. Dep. of Corrections & Rehab, “CDCR Announces Community Supervision Program to Further Protect Inmates and Staff from the Spread of COVID-19, news release, June 16, 2020, [www.cdcr.ca.gov/news/2020/06/16/cdcr-announces-community-supervision-program-to-further-protect-inmates-and-staff-from-the-spread-of-covid-19/](http://www.cdcr.ca.gov/news/2020/06/16/cdcr-announces-community-supervision-program-to-further-protect-inmates-and-staff-from-the-spread-of-covid-19/).

**FIGURE 5. STATEWIDE AVERAGE PRCS POPULATIONS, NEW RELEASES TO PRCS, AND PRCS COMPLETIONS, 2014–2021**



Source: Quarterly postrelease community supervision population counts and new releases to PRCS reported by probation departments to the Judicial Council.

## II. Program Results

The analysis of SB 678's effectiveness is guided by the Legislature's stated intent<sup>21</sup> and summarized in three overarching questions:

- How did the SB 678 program affect revocation rates, and what was the effect on public safety?
- Did the state save money as a result of reductions in locally supervised populations sent to state prison, and was a portion of these savings directed to county probation departments to implement evidence-based practices?
- Did county probation departments implement evidence-based practices, and how did these practices affect the outcomes of locally supervised populations?

### A. SB 678 Program Impact on Revocation Rates and Public Safety Outcomes

#### Revocation rates during the SB 678 program

As stated previously, the SB 678 program and funding formula have seen a number of changes, thereby altering the way effectiveness is measured.<sup>22</sup> The following analysis focuses mainly on the adult felony probation population because data on this group have been tracked since the project inception; however, some data on the supervised populations created postrealignment are also displayed.

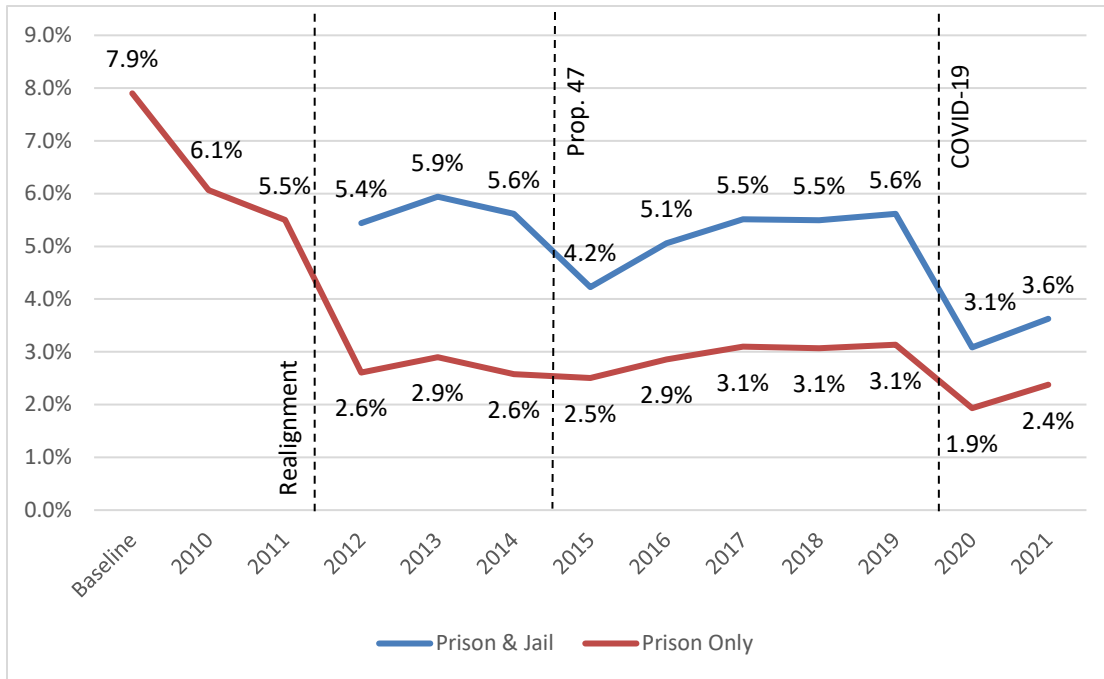
Because of the COVID-19 pandemic and its effect on supervision and correction practices, statewide rates of revocation to prison and revocation to jail declined significantly in 2020. Though this figure did revert upward slightly in 2021, it still remains lower, at 2.4 percent, than for any year other than 2020, but similar to the next-lowest rate (2015's 2.5 percent) (Figure 6). The statewide revocation-to-jail rate followed a similar pattern: up slightly from 2020's low of 1.1 percent to 1.3 percent, but below what was reported in previous years.

---

<sup>21</sup> "Providing sustainable funding for improved, evidence-based probation supervision practices and capacities will improve public safety outcomes among adult felons who are on probation. Improving felony probation performance, measured by a reduction in felony probationers who are sent to prison because they were revoked on probation or convicted of another crime while on probation, will reduce the number of new admissions to state prison, saving taxpayer dollars and allowing a portion of those state savings to be redirected to probation for investing in community corrections programs." (Pen. Code, § 1228(d).)

<sup>22</sup> The SB 678 program's effectiveness was originally measured annually by comparing each probation department's probation failure rate (the percentage of felony probationers sent to prison) to a baseline period before the program was implemented (a weighted average of the PFR in 2006, 2007, and 2008). The return-to-prison rate was initially calculated as the total number of adult felony probationers sent to prison in the year as a percentage of the average statewide adult felony probation population for that year. (Pen. Code, § 1233.1(b)(1).) Penal Code section 1233.1(b) was revised by Senate Bill 105 (Stats. 2013, ch. 310) to include subdivision (b)(2), adding commitments to county jail under section 1170(h) and to place this formula in effect each year, beginning with calendar year 2013. Section 1233.1(c) was also revised by SB 105 to include felony probationers sent to state prison or county jail, and to place this revised county probation failure rate formula in effect each year, beginning with calendar year 2013.

**FIGURE 6. PERCENTAGE OF FELONY PROBATION INCARCERATION RATES**

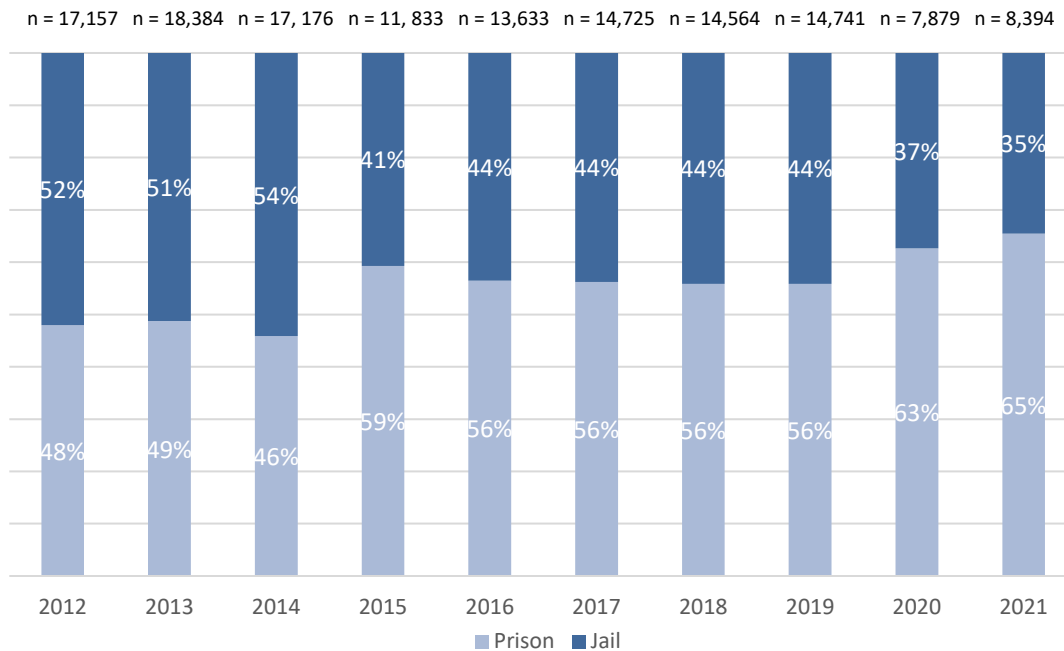


Source: Probation revocation data reported by probation departments to the Judicial Council.

Note: Incarceration rate includes only those supervised under adult felony probation.

The proportion of revocations to incarceration that were to prison rather than to jail was even larger in 2021 than it had been in 2020, when it saw a jump. (In Figure 7, note the much lower overall instances of these revocations for 2020 and 2021 than for previous years).

**FIGURE 7. PERCENTAGE OF FELONY PROBATION FAILURES TO JAIL AND PRISON**



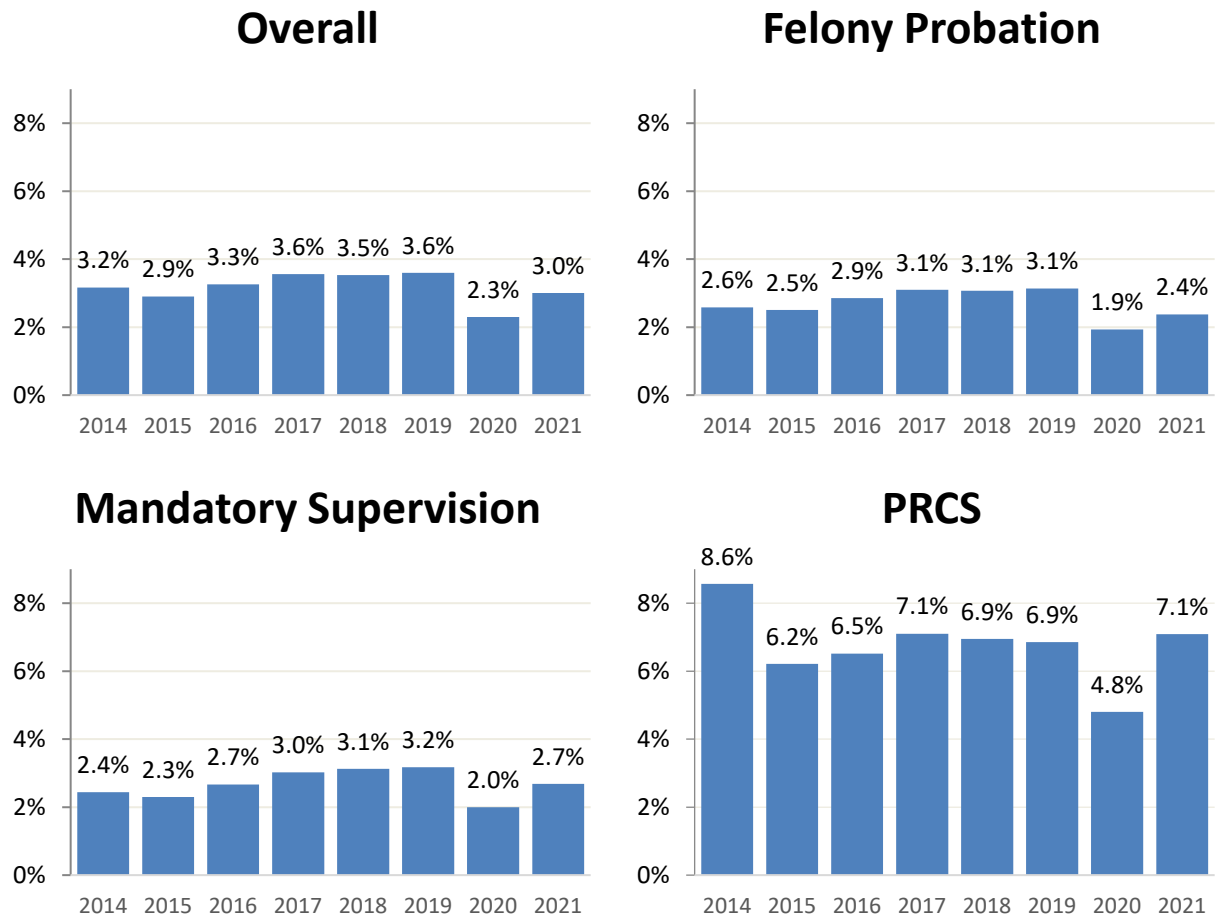
Source: Revocation data reported by probation departments to the Judicial Council.

Note: Chart includes only those supervised under adult felony probation.

Following realignment, Senate Bill 85 (Stats. 2015, ch. 26) revised the SB 678 program to include all supervised felony populations—under felony probation, postrelease community supervision, and mandatory supervision—and to focus exclusively on revocations to state prison. These additional supervision categories were added to the quarterly data reported by probation departments. Return-to-prison rates for all supervision types are shown in Figure 8.

When reporting on all felony supervision types began in 2013, the combined return-to-prison rate (including all supervision types) averaged 3.2 percent. From 2015 to 2019 there had been an uptick in return-to-prison rates across all supervision types, with the overall rate approaching 3.6 percent of the average felony supervision population. Since the onset of the COVID-19 pandemic, the overall rate declined to its lowest level in 2020 and then, in 2021, saw a reversion as it increased somewhat from the year before, but only to the level seen in 2015, the previous low. Felony probation and mandatory supervision rates showed a similar pattern to the overall trend in 2020, while PRCS rates increased further in 2021 to above the 2019 level.

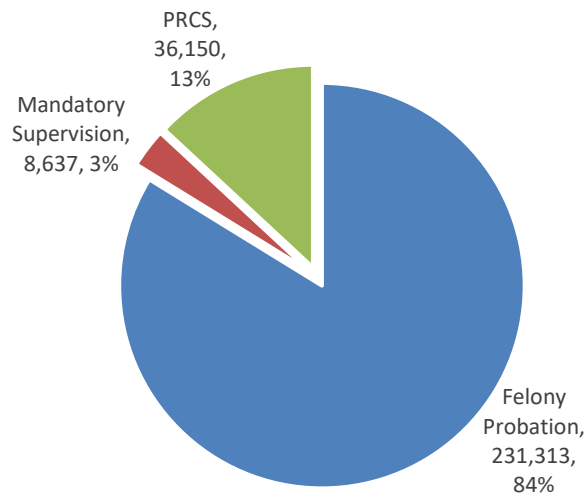
**FIGURE 8. PERCENTAGE OF FELONY SUPERVISION PRISON RETURN RATES**



Source: Revocation data reported by probation departments to the Judicial Council.  
 PRCS = postrelease community supervision.

The average population distribution by supervision type in 2021 did not differ significantly from that in 2020 because all three average populations declined from the previous year (Figure 9).

**FIGURE 9. AVERAGE POPULATION DISTRIBUTION BY SUPERVISION TYPE, 2021**



Source: Quarterly population data reported by probation departments to the Judicial Council.

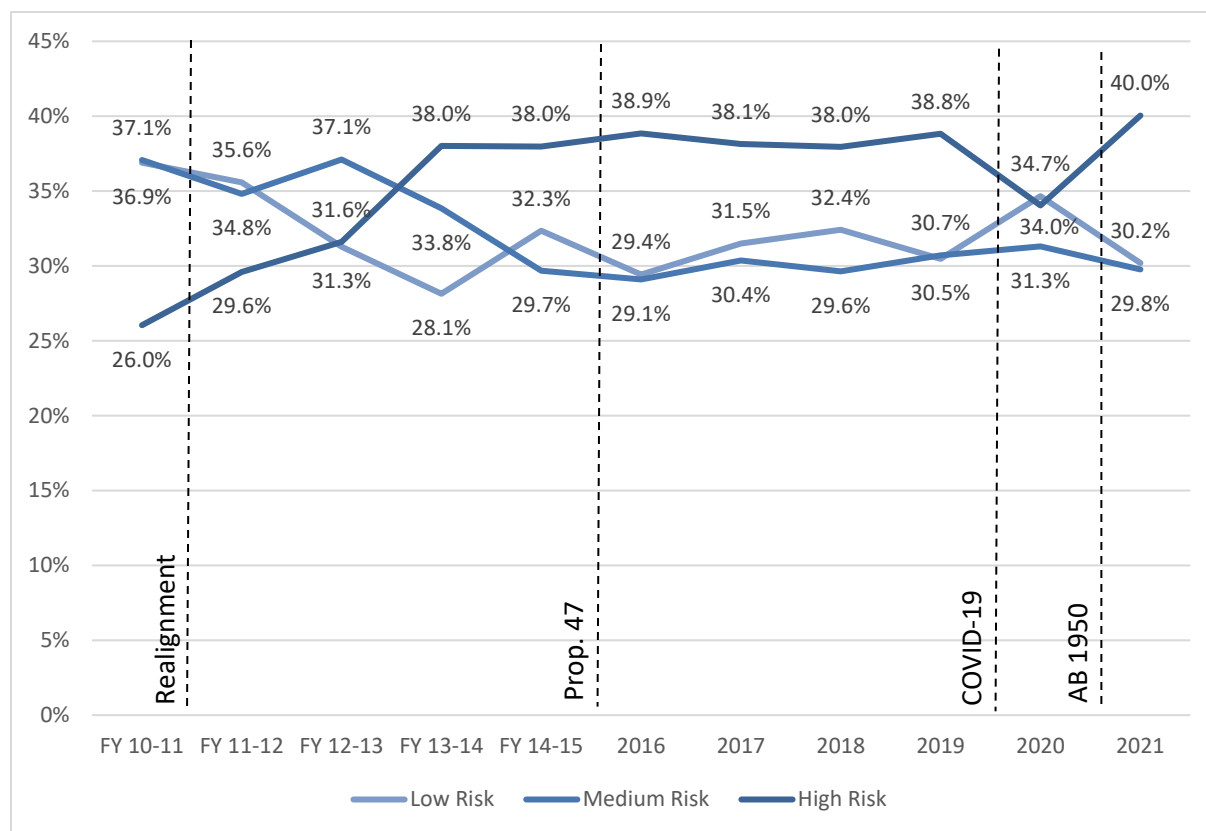
### **Risk level of locally supervised populations**

An important tenet of EBPs in probation relates to ensuring that a probationer’s assessed risk level informs supervision practices, with the highest-risk individuals receiving the most intensive supervision. After seeing a reversal of recent trends in risk level distribution in 2020, 2021 had a reported distribution of risk levels much closer to that reported by probation departments for 2019 and prior, with individuals assessed to be high risk again being the mode and, for the first time, surpassing two-fifths of those supervised (Figure 10). As with 2020, these reported figures represent all 58 counties for 2021.<sup>23</sup>

---

<sup>23</sup> See notes at the bottom of Table 1, below, for a list of which county probation departments were missing survey responses for each of the past nine years.

**FIGURE 10. PERCENTAGE OF SUPERVISED CASELOAD BY RISK LEVEL**



Source: *Implementation of Evidence-Based Practices: Annual Assessment Survey* data reported by probation departments to the Judicial Council.

Notes: Percentages represent statewide averages. Caseload includes those supervised under felony probation, mandatory supervision, and postrelease community supervision.

### **SB 678 program and public safety outcomes**

The Legislature designed the SB 678 program to save state funds and improve the effectiveness of community supervision practices without compromising public safety.<sup>24</sup> Although no causal claims are made about the impact of the SB 678 program on crime, these data suggest that public safety has not been compromised as a result of the program.

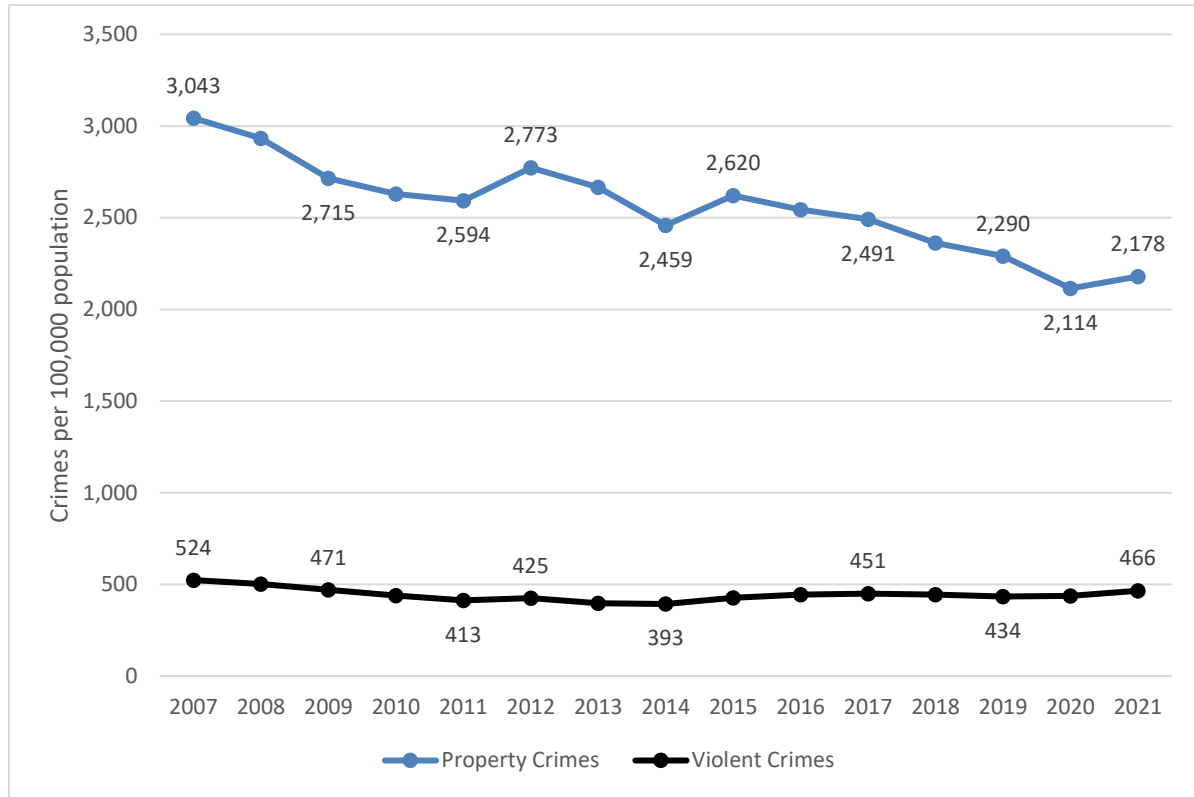
The reported annual violent crime rate increased in 2021 for the first time since 2015, but remained below the rate reported in 2019. The property crime rate also increased, to its highest level since 2009 (Figure 11). The sweeping changes to the criminal justice system that resulted from realignment, Prop. 47, and the COVID-19 pandemic make isolating and measuring the impact of the SB 678 program on public safety difficult. In the first years following the implementation of SB 678, crime rates in California generally continued the downward trend of

<sup>24</sup> Pen. Code, §§ 1228(c), 1229(c)(1).



the past decade and have remained relatively flat, with slight fluctuations up and down since 2012.

**FIGURE 11. PROPERTY AND VIOLENT CRIME RATES IN CALIFORNIA**



Source: California Dept. of Justice, Office of the Attorney General, *Crime in California, 2021* (Table 1).

## **B. Allocation of State Savings to County Probation Departments; Reported Use of Funds for Evidence-Based Practices and Evaluation**

### **State savings and allocation to county probation departments**

The SB 678 program has been effective in saving state General Fund monies. The evolution of the funding formula to its current methodology has been outlined in detail in previous reports to the Legislature.<sup>25</sup> The SB 678 funding formula used through FY 2020–21 has three funding components and is discussed in greater detail in Appendix B.

As previously stated, the COVID-19 pandemic had a large impact on the practices measured by the data used in calculating SB 678 allocations, and as a result, the Legislature chose to implement a different funding formula for FY 2021–22. Budget trailer bill AB 145 allocated SB

<sup>25</sup> Previous reports are available at the “Community Corrections (SB 678)” webpage on the California Courts website at [www.courts.ca.gov/programs-communitycorrections.htm](http://www.courts.ca.gov/programs-communitycorrections.htm).

678 funding to probation departments based on a schedule written into statute,<sup>26</sup> in which each department received an allocation equal to the highest amount allocated to them over the previous three fiscal years (FY 2018–19 through FY 2020–21).<sup>27</sup>

Since its inception, the SB 678 program has:

- Generated an estimated \$1 billion in state savings; and
- Allocated \$1.18 billion to county probation departments (through FY 2021–22).<sup>28</sup>

### **Probation departments’ reported use of funds for evidence-based practices and evaluation**

Although not charged with conducting a formal accounting of funds received through the SB 678 program, the Judicial Council incorporates a limited number of funding questions in the *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment).<sup>29</sup> County probation departments across California reported using SB 678 program funds to implement a variety of evidence-based practices (Table 1).<sup>30</sup> The Judicial Council uses the probation departments’ self-reported information to provide context for the ways in which resources are allocated.

---

<sup>26</sup> Pen. Code, §1233.1.

<sup>27</sup> See Appendix C: SB 678 Allocation Payments, FY 2014–15 to FY 2021–22 for these amounts.

<sup>28</sup> Statewide and county-by-county allocations are reported in Appendix C.

<sup>29</sup> The SB 678 Annual Assessment is an annual survey of each probation department to measure its current level of implementation of evidence-based practices, as well as the programs and practices used or funded during the previous fiscal year. The Annual Assessment is used to satisfy the outcome-based reporting requirements outlined in SB 678. (See Pen. Code, § 1231(b).) This survey also fulfills the requirement in Penal Code section 1231(c) that counties provide an annual written report to the Judicial Council. The Annual Assessment has been administered each year beginning in FY 2010–11. In 2016, the report time frame was revised to the calendar year, rather than fiscal year.

<sup>30</sup> Caution is advised when interpreting these results. Spending categories are neither mutually exclusive nor exhaustive. For example, funds for support of officers may be used for training or for the improvement of data collection because case-carrying officers often perform these data collection functions. Reported proportions are representative of the SB 678 funds *spent* on the implementation of EBPs, not the amount of funds received.

**TABLE 1. REPORTED USE OF FUNDS FOR EVIDENCE-BASED PRACTICES**

| Spending Category   | Average Percentage Spent, per Calendar Year <sup>a</sup> |                |                |                |                |                |
|---|--|----------------|----------------|----------------|----------------|----------------|
|   | 2016<br>(N=54)   | 2017<br>(N=55) | 2018<br>(N=52) | 2019<br>(N=49) | 2020<br>(N=58) | 2021<br>(N=58) |
| Hiring, support, and/or retention of case-carrying officers/supervisors | 63%  | 63%            | 59%            | 57%            | 63%            | 60%            |
| Evidence-based treatment programs                                       | 19   | 18             | 18             | 17             | 16             | 16             |
| Improvement of data collection and use                                  | 8  | 3              | 4              | 5              | 4              | 5              |
| Use of risk and needs assessment  | 3  | 4              | 6              | 6              | 4              | 6              |
| Use/implementation of intermediate sanctions                            | 3  | 2              | 3              | 4              | 3              | 5              |
| EBP training for officers/supervisors                                   | 3  | 4              | 3              | 4              | 3              | 3              |
| Other evidence-based practices <sup>b</sup>                             | 1  | 5              | 7              | 8              | 7              | 6              |

<sup>a</sup> The following counties provided incomplete or invalid responses to these questions and were excluded from these analyses:

**CY 2016**—Amador, Del Norte, Santa Clara, Tehama

**CY 2017**—Alameda, Del Norte, Mendocino

**CY 2018**—El Dorado, Glenn, Los Angeles, Mendocino, Stanislaus, Tehama

**CY 2019**—Del Norte, El Dorado, Glenn, Inyo, Kings, Los Angeles, Modoc, San Diego, Santa Cruz

<sup>b</sup> Includes operational costs, administration and clerical support, materials, incentives, and associated startup costs. A number of counties reported placing some funds in a reserve account for program maintenance, additional positions, and services related to their SB 678 program.

Probation departments have consistently reported using the majority of their SB 678 funds on the hiring, retention, and training of probation officers to supervise medium- and high-risk probationers consistent with evidence-based practices. Probation departments also report using a sizable proportion of their SB 678 funds on evidence-based treatment programs and services. The departments reported spending funds on five major categories of treatment programs and services: (1) cognitive behavioral therapy, (2) outpatient substance abuse treatment programs, (3) day reporting centers, (4) vocational training/job readiness programs, and (5) other treatment programs/services.

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

The SB 678 program was designed specifically to improve the effectiveness of probation departments’ supervision practices through increased use of evidence-based practices. The SB 678 program recognizes five areas of EBP as most critical for implementation for county probation departments:

1. Use of risk and needs assessment;
2. Effective supervision practices;
3. Collaboration with justice partners;
4. Effective management and supervision; and
5. Effective treatment and intervention.

To measure probation departments' self-reported EBP implementation levels<sup>31</sup> and changes in EBP implementation over time,<sup>32</sup> the Judicial Council created the *Implementation of Evidence-Based Practices: Annual Assessment Survey*.<sup>33</sup> Each probation department is required to provide assessment results annually to the Judicial Council. Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (see Appendix D). All components of EBP measured in the survey are indicative of substantially higher rates of implementation of EBPs than at baseline, and, with the exception of 2020 and the effect of the COVID-19 pandemic on county practices, 2021 survey responses show continuing incremental gains in the implementation seen in 2019 and prior. The Judicial Council continues to evaluate whether a revised Annual Assessment is necessary to more fully capture continued EBP adoption by probation departments.

---

<sup>31</sup> The Annual Assessment includes 41 scaled items designed to measure the level in which specific EBP focus areas have been implemented by probation departments. Scaled items are scored on a four-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department's responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department's scores across the five EBP categories.

<sup>32</sup> Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment's scoring scheme. It may be challenging for counties to achieve the highest/gold standard rating across multiple items and multiple categories. As a result, increases in the percentage change in EBP implementation in the future may be smaller than those reported in the current or previous years.

<sup>33</sup> Because the survey was developed before realignment, it initially focused solely on the felony probation supervision population. Beginning in 2014, probation departments were asked about their use of evidence-based practices in supervising all felony populations, including individuals on mandatory supervision and PRCS.

### **III. Recommendations for the SB 678 Program**

Penal Code section 1232(e) requires the Judicial Council to report on the effectiveness of the SB 678 program and provide recommendations for resource allocation and additional collaboration to improve the program. The Judicial Council has made 10 recommendations regarding SB 678 in these annual reports since it began reporting in 2013.

The previous recommendations focused on three general areas: program sustainability and stabilization; program evaluation and research; and program improvement, expansion, and replication. Program sustainability recommendations have largely been implemented. Program evaluation and research recommendations focused on enhancing data collection and quality. The number and scope of changes to the criminal justice system in the decade since SB 678 passed indicate that such research would be inefficient and no longer particularly relevant. For these reasons, the recommendations included in this report focus on establishing continuous reexamination of the program and building on technological advancements and the foundation laid by the SB 678 program to promote data exchanges and data quality improvements.

The Judicial Council recommends the following:

1. Periodically reevaluate the data elements that probation departments are required to submit on a quarterly basis. For example, Prop. 47 terminations are no longer significant drivers of probation population or policy because the number of terminations reported have plummeted and other reforms have taken effect since these data began to be collected. Accordingly, the SB 678 funding formula may also need to be reevaluated.
2. Build on technological advancements to improve data exchanges and data quality. Improved case management software in use by some probation departments allows for more sophisticated data collection and easier access to data, potentially allowing more detailed information to be reported or made available to the Judicial Council. This improved data collection, in turn, would expand the Judicial Council's capacity to identify patterns in, for example, the types of revocations or conditions that supervisees are subject to and how they affect outcomes.

## **Conclusion**

It has been 13 years since the California Community Corrections Performance Incentives Act (SB 678) passed. Thirteen years of data have shown this to be an effective incentive program that is operating as the Legislature intended when it created the program for county probation departments.

The SB 678 program was designed to:

- Alleviate state prison overcrowding;
- Save state General Fund monies by reducing the number of individuals supervised by probation who are sent to state prison for committing a new crime or violating the terms of supervision;
- Increase the use of evidence-based supervision practices; and
- Achieve these goals without compromising public safety.

SB 678 has been successful in each of these areas. Even as higher-risk individuals constitute an increasing proportion of felony supervision caseloads (increasing from 26 percent to 40 percent of supervised individuals), county probation departments have maintained lower rates of prison returns. Probation departments around the state have implemented and continue to support important evidence-based practices.

Since its inception in 2009, SB 678 has matured from a program that focused on implementing evidence-based practices to one that focuses on their sustainability and expansion. The state can build on the success of and lessons learned from this carefully designed program by considering opportunities to replicate the SB 678 model and advancements in technology to address other challenges facing the criminal justice system.

## **Appendix A: Percentage of Failure/Return-to-Prison Rates by County, 2017–2021**

The return-to-prison rate used in Table A is calculated using the reported number of individuals who were sent to state prison for either a supervision violation or a new offense, across all types of local felony supervision—felony probation, mandatory supervision, and postrelease community supervision.

The term “return to prison” implies that the offender has previously been incarcerated in the state prison system; however, many individuals supervised by probation departments have never been in prison custody.

**TABLE A. PERCENTAGE OF FAILURE/RETURN-TO-PRISON RATES BY COUNTY, 2017–2021\***

|                        | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> | <b>2021</b> |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Statewide Total</b> | <b>3.6%</b> | <b>3.5%</b> | <b>3.6%</b> | <b>2.3%</b> | <b>3.0%</b> |
| Alameda                | 3.4         | 3.4         | 2.9         | 1.0         | 1.4         |
| Alpine                 | 0.0         | 0.0         | 0.0         | 0.0         | 0.0         |
| Amador                 | 3.4         | 7.0         | 4.0         | 7.9         | 4.7         |
| Butte                  | 6.8         | 7.7         | 9.1         | 5.4         | 8.7         |
| Calaveras              | 3.3         | 2.8         | 0.3         | 4.7         | 3.9         |
| Colusa                 | 12.1        | 7.8         | 3.0         | 7.0         | 3.7         |
| Contra Costa           | 1.5         | 2.3         | 2.5         | 0.9         | 1.0         |
| Del Norte              | 9.8         | 9.4         | 7.2         | 7.6         | 10.1        |
| El Dorado              | 3.0         | 3.2         | 5.0         | 3.0         | 2.5         |
| Fresno                 | 6.3         | 6.1         | 5.5         | 3.1         | 5.5         |
| Glenn                  | 3.4         | 2.8         | 3.0         | 3.0         | 0.8         |
| Humboldt               | 5.8         | 7.3         | 3.5         | 2.9         | 4.5         |
| Imperial               | 4.0         | 4.1         | 4.8         | 2.4         | 3.4         |
| Inyo                   | 3.3         | 3.4         | 2.6         | 4.0         | 5.1         |
| Kern                   | 3.7         | 3.9         | 5.0         | 4.0         | 4.5         |
| Kings                  | 5.2         | 6.6         | 6.7         | 7.6         | 4.8         |
| Lake                   | 6.9         | 5.9         | 6.1         | 4.2         | 5.5         |
| Lassen                 | 11.2        | 11.7        | 3.6         | 22.2        | 23.7        |
| Los Angeles            | 2.2         | 2.2         | 2.2         | 1.2         | 1.6         |
| Madera                 | 2.8         | 2.5         | 2.9         | 1.7         | 1.8         |
| Marin                  | 2.4         | 2.8         | 2.5         | 1.2         | 2.0         |
| Mariposa               | 3.8         | 2.8         | 1.6         | 1.8         | 4.3         |
| Mendocino              | 7.3         | 4.7         | 5.4         | 3.5         | 5.8         |

|                 | 2017 | 2018 | 2019 | 2020 | 2021 |
|-----------------|------|------|------|------|------|
| Merced          | 2.9  | 3.7  | 5.1  | 3.4  | 4.8  |
| Modoc           | 1.5  | 1.3  | 7.7  | 5.1  | 34.1 |
| Mono            | 0.6  | 2.8  | 0.0  | 0.0  | 0.0  |
| Monterey        | 4.7  | 4.7  | 5.0  | 3.9  | 4.7  |
| Napa            | 3.5  | 3.7  | 4.4  | 3.8  | 2.9  |
| Nevada          | 2.3  | 1.2  | 1.8  | 2.6  | 3.9  |
| Orange          | 2.0  | 2.3  | 3.0  | 2.2  | 2.2  |
| Placer          | 2.4  | 3.0  | 3.9  | 2.6  | 3.1  |
| Plumas          | 0.0  | 0.8  | 3.2  | 1.9  | 1.0  |
| Riverside       | 4.3  | 4.5  | 4.4  | 3.5  | 4.0  |
| Sacramento      | 4.2  | 4.0  | 4.0  | 2.5  | 3.5  |
| San Benito      | 5.5  | 2.7  | 2.0  | 2.2  | 2.2  |
| San Bernardino  | 5.8  | 4.8  | 4.7  | 3.4  | 5.9  |
| San Diego       | 7.3  | 6.2  | 6.7  | 3.8  | 4.3  |
| San Francisco   | 1.0  | 1.2  | 1.1  | 0.3  | 0.4  |
| San Joaquin     | 2.3  | 2.4  | 2.8  | 1.8  | 2.0  |
| San Luis Obispo | 4.5  | 4.4  | 5.0  | 4.5  | 4.2  |
| San Mateo       | 3.9  | 3.4  | 3.2  | 1.6  | 3.4  |
| Santa Barbara   | 2.2  | 2.1  | 2.3  | 1.4  | 4.2  |
| Santa Clara     | 3.6  | 3.1  | 3.1  | 1.9  | 2.0  |
| Santa Cruz      | 1.3  | 2.8  | 2.4  | 1.2  | 1.5  |
| Shasta          | 6.9  | 9.8  | 11.1 | 6.5  | 7.4  |
| Sierra          | 0.0  | 3.8  | 0.0  | 4.1  | 14.5 |
| Siskiyou        | 7.9  | 6.4  | 5.1  | 2.3  | 2.2  |
| Solano          | 3.7  | 4.5  | 3.3  | 1.9  | 2.4  |
| Sonoma          | 2.6  | 3.3  | 2.6  | 2.1  | 2.9  |
| Stanislaus      | 4.3  | 5.3  | 4.5  | 2.0  | 3.2  |
| Sutter          | 6.5  | 7.4  | 5.7  | 3.8  | 8.1  |
| Tehama          | 1.9  | 5.7  | 3.1  | 2.6  | 2.9  |
| Trinity         | 8.8  | 8.1  | 6.8  | 3.4  | 5.4  |
| Tulare          | 3.2  | 3.1  | 3.2  | 2.0  | 3.1  |
| Tuolumne        | 2.6  | 3.1  | 3.1  | 2.2  | 3.8  |
| Ventura         | 7.2  | 8.0  | 7.6  | 4.9  | 8.0  |
| Yolo            | 4.5  | 3.2  | 2.7  | 2.0  | 2.1  |
| Yuba            | 10.3 | 9.1  | 8.5  | 9.5  | 13.4 |

\* Counties with smaller felony offender populations will be more reactive to small changes in the actual number of revocations. For example, in a county with 1,000 felony offenders, an increase of five revocations would increase the



return-to-prison rate (RPR) slightly, from 5 percent to 5.5 percent, whereas in a county with only 100 felony offenders, an increase of five revocations would double the RPR, from 5 percent to 10 percent.

This appendix previously reported the felony offender failure rate using combined failures to state prison and county jail for individuals on probation only. These reports are available at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

## **Appendix B: SB 678 Funding Methodology**

### **Background**

Senate Bill 678, the California Community Corrections Performance Incentives Act of 2009, establishes a system of performance-based funding that shares state General Fund savings with county probation departments that reduce the number of adult felony offenders who are revoked to state prison in a year as a percentage of the average offender population during the same period. At the center of SB 678 is the use of incentive-based funding to promote the use of evidence-based practices and improve public safety.

Since passage of the act, the State of California has adopted significant changes in criminal justice policies that directly impacted SB 678—most notably the 2011 public safety realignment legislation, which reduced the number of probationers eligible for revocation to state prison and created two new groups of offenders subject to local supervision. To maintain effective incentives and account for the significant changes in criminal justice policy, Senate Bill 85, adopted as a trailer bill to the 2015–16 State Budget, revised the SB 678 funding formula and created a funding methodology that should serve as a long-term formula. Before the adoption of SB 85, the state adopted temporary measures.

### **Revised funding methodology, FY 2015–16**

Below is a summary of the newly revised in 2016 SB 678 funding formula, which includes three funding components.

***Funding component 1: Comparison of county to statewide return-to-prison rates.*** The first funding component measures each county's performance against statewide failure rates. Each county's return-to-prison rate (RPR)—which equals the number of individuals on felony probation, mandatory supervision, or postrelease community supervision sent to prison as a percentage of the total supervised population—is compared to statewide RPRs since the original SB 678 baseline period (2006 through 2008).

If a county's RPR is less than or equal to the original statewide baseline of 7.9 percent, the county will receive a percentage of its highest SB 678 payment from the period between program inception and FY 2014–15. Depending on how a county's RPR compares to statewide RPRs, a county can receive between 40 and 100 percent of its highest payment. The statewide RPRs and percentages of savings are defined in Table B.

- If a county's RPR is below 1.5 percent, the county will receive 100 percent of its highest prior payment.
- If a county's RPR is equal to or greater than 1.5 percent but no higher than 3.2 percent, the county will receive 70 percent of its highest prior payment.
- If a county's RPR is above 3.2 percent but no higher than 5.5 percent, the county will receive 60 percent of its highest prior payment.

- If a county’s RPR is above 5.5 percent but no higher than 6.1 percent, the county will receive 50 percent of its highest prior payment.
- If a county’s RPR is above 6.1 percent but no higher than 7.9 percent, the county will receive 40 percent of its highest prior payment.

**TABLE B. TIER CATEGORIES BASED ON RETURN-TO-PRISON RATES**

| Tier Category Based on Total County RPR | Percentage of Highest Prior SB 678 Payment |
|---|--|
| RPR <1.5%                               | 100%                                       |
| RPR ≥1.5% and ≤3.2%                     | 70%  |
| RPR >3.2% and ≤5.5%                     | 60%  |
| RPR >5.5% and ≤6.1%                     | 50%  |
| RPR >6.1% and ≤7.9%                     | 40%  |

**Funding component 2: Comparison of each county’s return-to-prison rate and its failure rate in the previous year.** The second funding component is based on how each county performs in comparison to its performance the previous year. Each year, a county’s RPR from the previous year is applied to its current year’s felony supervised populations to calculate the expected number of prison revocations (see the explanation in the paragraph that follows). If a county sends fewer individuals on felony supervision to prison than the expected number, the county will receive 35 percent of the state’s costs to incarcerate an individual in a contract bed multiplied by the number of avoided prison stays.<sup>34</sup> The number of avoided prison revocations is calculated separately for each felony supervised population (i.e., felony probation, mandatory supervision, postrelease community supervision).

For example, if a county had a 3.2 percent RPR for its felony probation population in 2013 and 10,000 people on felony probation in 2014, its expected number of felony probation prison revocations in 2014 would be 320. If only 300 felony probationers were actually sent to prison in 2014, the county avoided sending 20 individuals to prison and would receive 35 percent of the state’s cost to imprison these 20 individuals in a contract bed.

To continue to receive funds under this funding component, probation departments must continually reduce their return-to-prison rates year after year.

**Funding component 3: \$200,000 minimum payment.** The third funding component guarantees a minimum payment of \$200,000 to each county to support ongoing implementation of evidence-based practices. If a county’s total payment (from funding components 1 and 2) is less than \$200,000, the Department of Finance will increase the final award amount to a total of \$200,000.

<sup>34</sup> A “contract bed” is defined as “[t]he cost to the state to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison.” (Pen. Code, § 1233.1(a).)

## Appendix C: SB 678 Allocation Payments, FY 2014–15 to FY 2021–22

**TABLE C. SENATE BILL 678 ALLOCATION PAYMENTS (IN DOLLARS)**

|                  | FY 2017–18         | FY 2018–19         | FY 2019–20         | FY 2020–21         | FY 2021–22         |
|------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Statewide</b> | <b>114,567,882</b> | <b>109,317,411</b> | <b>112,764,436</b> | <b>112,514,699</b> | <b>122,829,397</b> |
| Alameda          | 2,537,336          | 2,026,887          | 2,267,204          | 2,760,919          | 2,760,919          |
| Alpine           | 200,000            | 200,000            | 200,000            | 200,000            | 200,000            |
| Amador           | 200,000            | 218,645            | 200,000            | 233,777            | 233,777            |
| Butte            | 370,116            | 416,404            | 370,116            | 200,000            | 416,404            |
| Calaveras        | 548,390            | 329,034            | 306,119            | 512,027            | 512,027            |
| Colusa           | 200,000            | 200,000            | 200,000            | 267,749            | 267,749            |
| Contra Costa     | 4,573,373          | 6,643,176          | 4,573,373          | 4,590,826          | 6,643,176          |
| Del Norte        | 200,000            | 200,000            | 200,000            | 200,000            | 200,000            |
| El Dorado        | 240,090            | 348,495            | 292,477            | 253,390            | 348,495            |
| Fresno           | 2,370,236          | 1,896,189          | 2,392,671          | 3,156,754          | 3,156,754          |
| Glenn            | 200,000            | 200,000            | 223,180            | 200,000            | 223,171            |
| Humboldt         | 562,066            | 359,283            | 347,658            | 1,055,456          | 1,055,456          |
| Imperial         | 220,570            | 200,000            | 200,000            | 203,247            | 203,247            |
| Inyo             | 200,000            | 200,000            | 200,000            | 222,098            | 222,098            |
| Kern             | 1,533,387          | 1,470,557          | 1,519,242          | 1,329,147          | 1,519,187          |
| Kings            | 832,117            | 1,105,869          | 665,694            | 666,556            | 1,105,869          |
| Lake             | 603,684            | 261,458            | 465,104            | 330,073            | 465,073            |
| Lassen           | 200,000            | 200,000            | 253,060            | 242,388            | 253,037            |
| Los Angeles      | 36,557,344         | 36,557,344         | 37,262,435         | 37,413,530         | 37,413,530         |
| Madera           | 1,110,255          | 1,154,285          | 1,237,578          | 1,080,042          | 1,237,543          |
| Marin            | 945,969            | 935,898            | 955,023            | 988,095            | 988,095            |
| Mariposa         | 200,000            | 200,000            | 200,000            | 200,000            | 200,000            |
| Mendocino        | 539,671            | 238,926            | 592,562            | 358,389            | 592,510            |
| Merced           | 1,675,043          | 1,005,026          | 1,032,967          | 1,013,123          | 1,032,961          |
| Modoc            | 220,143            | 220,143            | 202,975            | 200,000            | 202,975            |
| Mono             | 237,647            | 237,647            | 200,000            | 257,466            | 257,466            |
| Monterey         | 200,000            | 300,463            | 200,000            | 200,000            | 300,463            |
| Napa             | 410,767            | 326,188            | 329,768            | 326,188            | 329,767            |
| Nevada           | 411,183            | 411,183            | 669,296            | 440,182            | 669,278            |
| Orange           | 4,594,139          | 4,973,540          | 4,694,627          | 4,584,067          | 4,973,540          |
| Placer           | 738,561            | 537,136            | 545,850            | 460,402            | 545,848            |

|                 | <b>FY 2017-18</b> | <b>FY 2018-19</b> | <b>FY 2019-20</b> | <b>FY 2020-21</b> | <b>FY 2021-22</b> |
|-----------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Plumas          | 452,752           | 452,752           | 442,681           | 277,047           | 442,681           |
| Riverside       | 6,567,046         | 6,454,147         | 6,385,763         | 6,954,331         | 6,954,331         |
| Sacramento      | 15,532,276        | 12,300,413        | 12,329,330        | 11,969,670        | 12,329,233        |
| San Benito      | 200,000           | 200,000           | 282,247           | 200,000           | 282,215           |
| San Bernardino  | 7,017,260         | 5,293,798         | 8,357,535         | 6,765,922         | 8,357,087         |
| San Diego       | 982,396           | 982,396           | 2,931,434         | 1,017,874         | 2,930,998         |
| San Francisco   | 2,828,067         | 3,131,050         | 2,757,568         | 2,876,383         | 3,060,552         |
| San Joaquin     | 2,276,534         | 2,224,202         | 2,227,290         | 2,139,301         | 2,227,270         |
| San Luis Obispo | 1,355,335         | 1,274,765         | 1,322,471         | 1,274,765         | 1,322,460         |
| San Mateo       | 1,571,231         | 942,738           | 1,042,524         | 1,175,827         | 1,175,827         |
| Santa Barbara   | 1,308,635         | 1,283,179         | 1,416,974         | 1,303,322         | 1,416,944         |
| Santa Clara     | 1,211,845         | 1,030,092         | 1,747,906         | 1,357,483         | 1,747,784         |
| Santa Cruz      | 1,785,927         | 1,786,928         | 1,221,950         | 1,418,192         | 1,746,643         |
| Shasta          | 746,561           | 512,037           | 200,000           | 200,000           | 512,037           |
| Sierra          | 210,071           | 210,071           | 200,000           | 215,489           | 215,489           |
| Siskiyou        | 236,425           | 200,000           | 217,562           | 284,355           | 284,355           |
| Solano          | 553,388           | 514,317           | 492,960           | 807,241           | 807,241           |
| Sonoma          | 682,994           | 1,050,711         | 653,771           | 1,067,821         | 1,067,821         |
| Stanislaus      | 675,613           | 825,171           | 675,613           | 1,286,879         | 1,286,879         |
| Sutter          | 348,803           | 517,754           | 395,672           | 738,100           | 738,100           |
| Tehama          | 334,747           | 242,065           | 200,000           | 458,088           | 458,088           |
| Trinity         | 220,817           | 200,000           | 200,000           | 200,000           | 200,000           |
| Tulare          | 1,877,244         | 1,651,855         | 1,864,489         | 1,745,269         | 1,864,437         |
| Tuolumne        | 279,349           | 382,373           | 294,797           | 305,456           | 382,373           |
| Ventura         | 200,000           | 783,267           | 200,000           | 714,204           | 783,267           |
| Yolo            | 1,280,479         | 1,097,554         | 1,504,920         | 1,415,789         | 1,504,870         |
| Yuba            | 200,000           | 200,000           | 200,000           | 200,000           | 200,000           |

## **Appendix D: SB 678 Monitoring, Reporting, and EBP Implementation**

Senate Bill 678 requires county probation departments to report on their implementation of evidence-based practices and outcomes to enable the Legislature to monitor whether the program is having its intended effect.<sup>35</sup> The Judicial Council collects quarterly statewide outcome data reported by the counties.<sup>36</sup> Since the start of the SB 678 program, the Judicial Council has provided technical assistance in data quality assurance to probation departments through site visits, multicounty conference calls, and contacts with individual counties.<sup>37</sup>

The Judicial Council's data collection methods obtain the most critical data, balancing county resource constraints with the Legislature's interest in program evaluation based on accurate and detailed information, as mandated by statute. Data reported by county probation departments focus on quantitative outcomes, including the number of felony offenders placed on local supervision, revoked to prison or jail, and convicted of a new felony offense during the reporting period (see Appendix E). The Judicial Council reports program data to the Department of Finance, which uses the data to determine the appropriate annual level of performance-based funding for each county probation department.<sup>38</sup>

In addition to collecting quarterly outcome-focused data, the Judicial Council developed an annual survey, *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment), to gather information on probation departments' implementation of evidence-based practices (EBPs) and assist the departments in fulfilling the legislative mandate for evaluating the effectiveness of the SB 678 program.<sup>39</sup> The Annual Assessment focuses on five critical evidence-based practices: (1) use of validated risk and needs assessments; (2) effective supervision practices, including training on EBPs; (3) effective treatment and targeted intervention; (4) effective management practices; and (5) collaboration among justice system partners.<sup>40</sup> The survey is designed to measure probation departments' reported EBP implementation changes over time and to identify program spending priorities.

---

<sup>35</sup> Pen. Code, § 1231(a): "Community corrections programs funded pursuant to this chapter shall identify and track specific outcome-based measures consistent with the goals of this act." *Id.*, § 1231(c): "Each CPO [Chief Probation Officer] receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the Judicial Council, evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b)."

<sup>36</sup> Pen. Code, § 1231(b).

<sup>37</sup> The Judicial Council's Criminal Justice Services office has developed uniform data definitions, created and administered surveys, checked data submissions, matched revocation records submitted by probation departments with California Department of Corrections and Rehabilitation records, and investigated record inconsistencies.

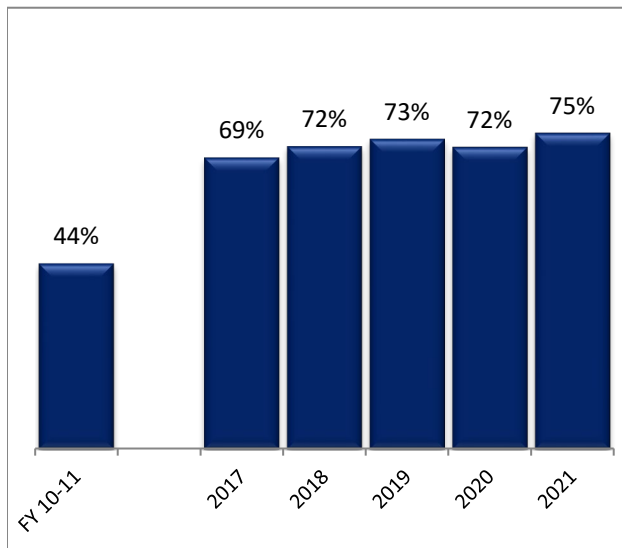
<sup>38</sup> Pen. Code, §§ 1231(d), 1233.1.

<sup>39</sup> *Id.*, §§ 1231(c), 1232.

<sup>40</sup> The importance of each of these areas has been supported in a number of reports; see, for example, Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in*

The SB 678 program was designed to improve the effectiveness of probation departments’ supervision practices through increased use of evidence-based practices, defined in statute as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.”<sup>41</sup> The term denotes a wide range of systematic supervision practices that research has demonstrated to be effective in promoting and supporting positive individual behavioral change in people with criminal convictions. The

**FIGURE D.1. GAINS IN THE REPORTED USE OF ALL EVIDENCE-BASED PRACTICES OVER TIME**



SB 678 program provides support to probation departments in their efforts to implement necessary programmatic and systemic changes, and to improve practices that directly target adult felony offender behavior.<sup>42</sup>

The SB 678 program recognizes five areas of EBP as most critical for improvement for county probation departments. Each department is required to provide a yearly report (Annual Assessment)<sup>43</sup> to the Judicial Council evaluating the effectiveness of its programs focusing on these five areas.<sup>44</sup> This survey is designed to measure probation departments’ self-reported EBP implementation levels<sup>45</sup> and changes in EBP implementation over time.<sup>46</sup>

*Community Corrections* (National Institute of Corrections, 2d ed. Oct. 2009), <https://nicic.gov/implementing-evidence-based-policy-and-practice-community-corrections-second-edition>.

<sup>41</sup> Pen. Code, § 1229(d).

<sup>42</sup> *Id.*, § 1230(b)(3)(A)–(E).

<sup>43</sup> Because the survey was developed before realignment, it initially focused solely on the felony probation supervision population. Beginning in 2014, probation departments were asked about their use of evidence-based practices in supervising all felony populations, including individuals on mandatory supervision and postrelease community supervision.

<sup>44</sup> Pen. Code, § 1231(c).

<sup>45</sup> The Annual Assessment includes 41 scaled items designed to measure the level in which specific EBP focus areas have been implemented by the probation departments. Scaled items are scored on a four-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department’s responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department’s scores across the five EBP categories.

<sup>46</sup> Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment’s scoring scheme. To achieve the highest/gold standard rating across multiple items and multiple categories may be challenging for counties. As a result, increases in the percentage change in EBP implementation in the future may be smaller than those reported in the current or previous years.

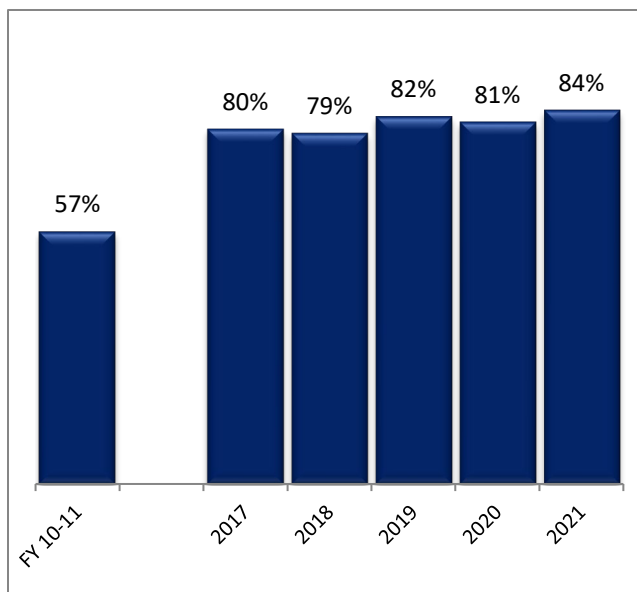
Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (Figure D.1). All components of EBP measured in the survey are indicative of substantially higher implementation of EBPs than at baseline. In 2021, these reported numbers increased once again, continuing the trend they had shown before the onset of the COVID-19 pandemic in 2020, which caused a slight decline for that one year.

### Validated risk and needs assessments

Validated tools for risk and needs assessment (RNA) are standardized instruments that typically measure both static risk factors (those that do not change, e.g., criminal history) and dynamic risk factors (those that potentially may change, e.g., education level). The use of validated RNA tools has been substantiated as one of the most valuable components of evidence-based practices for supervision of adult felony offenders.<sup>47</sup> The tools can be used to provide caseload information to probation departments, helping officers to identify and focus on higher-risk populations while investing fewer resources in low-risk adult felony offenders. Using validated risk and needs assessments to focus resources on higher-risk offenders, and to structure caseloads so that low-risk offenders are supervised separately from higher-risk offenders, has proven to be an effective EBP. The Annual Assessment category of RNA information implementation is based on six questions covering the use and validation of risk and needs assessment tools and

how thoroughly the department trains and oversees users of assessments (Figure D.2).

**FIGURE D.2. PERCENTAGE OF REPORTED IMPLEMENTATION OF RNA INFORMATION**



Since the implementation of SB 678, probation departments have made significant improvements in incorporating the use of validated risk and needs assessments in their supervision practices. Every department in the state now uses an assessment tool, and the majority of individuals on supervision undergo an assessment. Although departments are not always able to assess all of their individuals (for example, individuals may abscond and be placed on warrant status before the administration of the assessment), and probation departments occasionally base supervision decisions on factors other than RNA information (as mentioned previously

<sup>47</sup> Crime and Justice Institute, *supra* note 40.



for individuals on postrelease community supervision), the use of RNA tools has been incorporated into general supervision practices throughout the state.

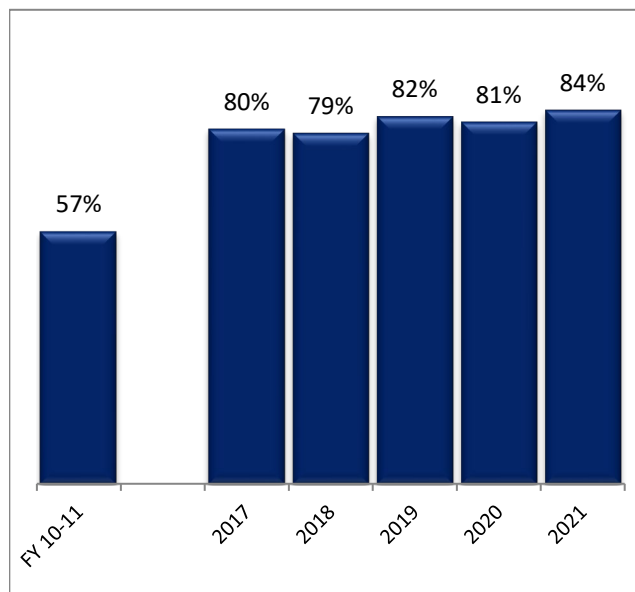
### Evidence-based supervision practices

The relationship between a probation officer and an adult felony offender plays an important role in increasing the probability of an individual’s success on probation (Figure D.3). Officers can support offenders’ positive behavior changes by forming appropriate, motivating relationships with those they supervise.<sup>48</sup>

Providing swift, certain, and proportionate responses to offenders’ negative behavior is also an important element that can increase the likelihood of success on supervision.<sup>49</sup>

The Annual Assessment category of evidence-based supervision practices is based on 15 questions focused on the relationship between the probation officer and the offender. Probation departments have substantially increased the use of evidence-based practices since SB 678 began. For example, in 2010, only 21 percent of departments reported that most of their officers (i.e., 75 percent or more) were trained in cognitive behavioral therapy techniques.

FIGURE D.3. EFFECTIVE SUPERVISION



### Programs/treatment/services and targeted intervention

Research suggests that treatment programs should address the individual offender’s assessed risk and needs, with a primary focus on dynamic risk factors. Cognitive behavioral therapy that addresses offenders’ antisocial thinking patterns has been demonstrated to be an effective technique for high-risk offenders. Research has also confirmed that the effectiveness of treatment programs increases when the programs are tailored to characteristics such as gender and culture.<sup>50</sup> The Annual Assessment category of treatment and targeted intervention implementation is based on five questions about how referrals are made and the existence of

<sup>48</sup> M.L. Thigpen, T.J. Beauclair, G.M. Keiser, and M. Guevara, *Motivating Offenders to Change: A Guide for Probation and Parole* (National Institute of Corrections, U.S. Dept. of Justice, June 2007).

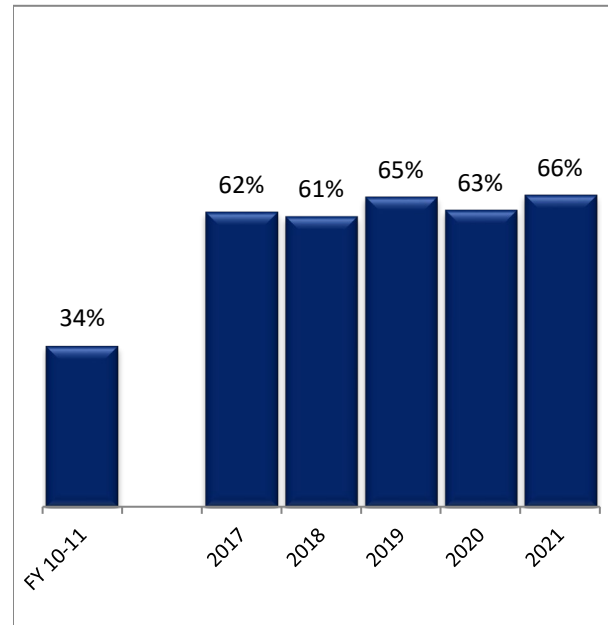
<sup>49</sup> Mark A.R. Kleiman and Angela Hawken, “Fixing the Parole System” (Summer 2008) 24(4) *Issues in Science and Technology* 45; Faye S. Taxman, David Soule, and Adam Gelb, “Graduated Sanctions: Stepping Into Accountable Systems and Offenders” (June 1999) 79(2) *Prison Journal* 182–204.

<sup>50</sup> David B. Wilson, Leana Allen Bouffard, and Doris L. Mackenzie, “A Quantitative Review of Structured, Group-Oriented, Cognitive-Behavioral Programs for Offenders” (Apr. 2005) 32(2) *Criminal Justice and Behavior* 172–204.

treatment programs that have been evaluated for effectiveness, weighted by the amount of unmet need among medium- and high-risk offenders.

Probation departments have significantly improved in their use of evidence-based treatment since the implementation of the SB 678 program. Many departments developed their own EBP treatment programs or report having increased access to EBP treatment resources in their community; however, the majority of departments must rely on the treatment available in their communities. This is an area in which many probation departments report that improvements can still be made and that the need for an increased capacity of EBP treatment programs is persistent. Increased education and improved communication on EBP treatments available or potentially available are also needed. In 2021, departments were better able to connect supervisees with treatment programs after a decline resulting from the COVID-19 pandemic in 2020 (Figure D.4).

**FIGURE D.4. PROGRAMS/TREATMENT/SERVICES**

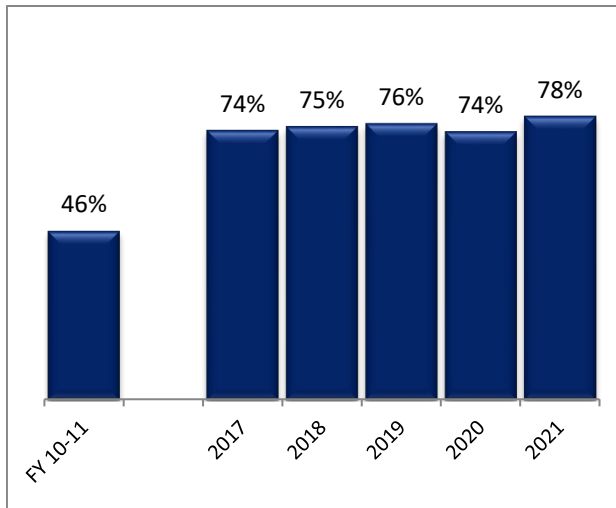


### **Collaboration among justice system partners**

Effective implementation of evidence-based supervision practices requires buy-in from criminal justice partners. The collaboration of judges, district attorneys, public defenders, sheriffs, service providers, and others facilitates efforts by probation departments to put new procedures and protocols into place. Collaboration enables the entire justice system to provide a consistent focus on adult felony offender behavior change and recidivism reduction.<sup>51</sup> The Annual Assessment measures the level of collaboration implementation based on six questions about the ways in which the department works with its justice partners, including but not limited to courts and treatment providers. Nearly all probation departments have increased the level of collaboration within their counties (Figure D.5). Those that have shown the highest degree of collaboration

<sup>51</sup> Crime and Justice Institute, *supra* note 40.

**FIGURE D.5. COLLABORATION**



have generally shown improved outcomes and are able to implement EBPs that may involve additional justice partner buy-in.<sup>52</sup>

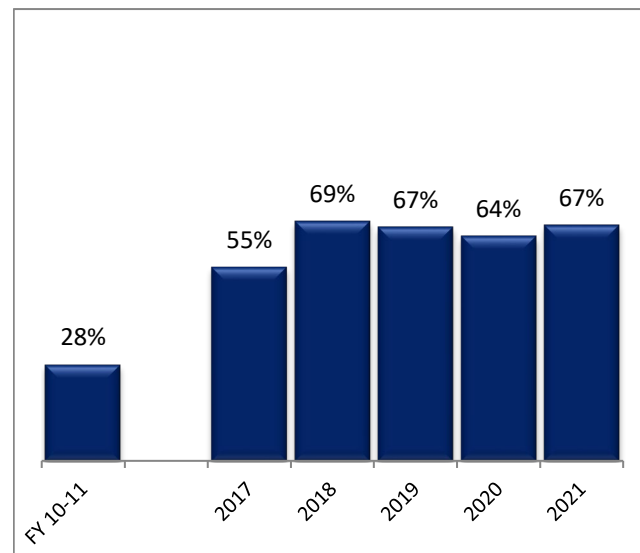
### **Management and administrative practices**

Clear direction, support, and oversight from probation department management are necessary to ensure that officers understand the department’s evidence-based practices and protocols and are motivated to work toward full implementation.<sup>53</sup> To assess how probation departments’ management and administrative practices align with EBPs (Figure D.6), the Annual Assessment includes nine questions that explore how hiring and performance-review guidelines

and practices are linked to EBP skills and whether:

- Supervisors monitor evidence-based adult felony offender supervision practices by observing offender contacts;
- The department collects service and offender outcome data, and data are used internally to improve services and practices;
- There has been a formal evaluation of supervision practices; and
- Supervisors support and monitor the use of risk and needs assessments, motivational interviewing, and cognitive behavioral therapy.

**FIGURE D.6. MANAGEMENT AND ADMINISTRATION**



The SB 678 program has been highly effective in increasing the use of evidence-based

<sup>52</sup> See, e.g., Judicial Council of Cal., *The California Risk Assessment Pilot Project: The Use of Risk and Needs Assessment Information in Adult Felony Probation Sentencing and Violation Proceedings* (Dec. 2015), [www.courts.ca.gov/documents/cj-CalRAPP-FinalReport-2015.pdf](http://www.courts.ca.gov/documents/cj-CalRAPP-FinalReport-2015.pdf).

<sup>53</sup> Paula Smith, Paul Gendreau, and Kristin Swartz, “Validating the Principles of Effective Intervention: A Systematic Review of the Contributions of Meta-analysis in the Field of Corrections” (Feb. 2009) 4(2) *Victims & Offenders* 148–169.

practices in probation departments throughout the state and has resulted in substantial reductions in the number of adult felony offenders going to state prison. Although the Judicial Council's Annual Assessment was not designed to measure the relationship between implementation of specific EBPs and particular outcomes, Judicial Council researchers have begun to use data gathered through this survey to investigate the association between particular EBPs and improved outcomes for probationers.

## Appendix E: Performance Outcome Measures for the SB 678 Program

TABLE E. PERFORMANCE OUTCOME MEASURES FOR THE SB 678 PROGRAM (PEN. CODE, §§ 1231 & 1232)<sup>a</sup>

|  | 2017  | 2018    | 2019    | 2020    | 2021    |
|--|---|---------|---------|---------|---------|
| <b>% of individuals under local supervision supervised with EBPs (1231(b)(1))<sup>b</sup></b>                      | 77%   | 81%     | 81%     | 81%     | 81%     |
|  | (n=55)  | (n=52)  | (n=51)  | (n=58)  | (n=58)  |
| <b>% of state monies spent on EBPs (1231(b)(2))</b>  | 100%  | 100%    | 100%    | 100%    | 100%    |
| <b>Supervision policies, procedures, programs, or practices that have been eliminated<sup>c</sup> (1231(b)(3))</b> | <p>Replacement of a risk and needs assessment tool.</p> <p>No longer using a “one size fits all” supervision approach; now using risk level to determine supervision approach.</p> <p>No longer organizing caseloads by offense type or subjective criteria.</p> <p>No longer actively supervising low-risk felony offenders; now banking low-risk felony offenders.</p> <p>Elimination of “zero tolerance” violation policies; now using graduated sanctions to respond to violations.</p> |         |         |         |         |
| <b>Total probation completions (1231(b)(4))</b>  | 49,530  | 47,076  | 47,090  | 43,213  | 62,833  |
| <b>Unsuccessful completions (1231(b)(4))</b>   | 14,377  | 14,140  | 14,772  | 8,397   | 9,553   |
| <b>Felony filings<sup>d</sup> (1231(d)(1))</b>   | 189,199   | 190,822 | 185,611 | 174,559 | 186,319 |
| <b>Felony convictions (1231(d)(2))</b>   | 112,377   | 107,121 | 89,304  | 75,702  | 62,858  |
| <b>Felony prison admissions<sup>e</sup> (1231(d)(3))</b>   | 37,161  | 35,366  | 34,476  | 11,603  | 29,398  |
| <b>New felony probation grants (1231(d)(4))</b>  | 60,788  | 57,805  | 57,556  | 40,531  | 50,445  |
| <b>Adult felony probation population (1231(d)(5))</b>  | 267,221   | 265,070 | 262,483 | 255,432 | 231,313 |
| <b>Total Supervised Felony Population</b>  | 314,592   | 313,544 | 311,275 | 304,431 | 276,101 |
| <b>Total probation revocations to state prison</b>   | 8,279   | 8,137   | 8,237   | 4,937   | 5,495   |
| <b>Prison revocations for new felony offense (1231(d)(6) &amp; (d)(7))</b>   | 3,249   | 2,948   | 2,816   | 1,858   | 2,229   |

|   | 2017   | 2018   | 2019   | 2020  | 2021  |
|---|--------|--------|--------|-------|-------|
| <b>Total probation revocations to county jail</b>                             | 6,446  | 6,427  | 6,504  | 2,942 | 2,899 |
| <b>Jail revocations for new felony offense (1231(d)(8) &amp; (d)(9))</b>      | 1,617  | 1,416  | 1,258  | 614   | 699   |
| <b>Total revocations</b>  | 14,377 | 14,140 | 14,772 | 8,397 | 9,553 |
| <b>% of felony probationers convicted of a crime<sup>f</sup> (1232(c))</b>    | 6.32%  | 6.25%  | 5.81%  | 3.64% | 4.29% |
| <b>% of felony probationers convicted of a felony<sup>g,h</sup> (1232(c))</b> | 3.33%  | 3.27%  | 3.06%  | 2.09% | 2.60% |

EBPs = evidence-based practices; MS = mandatory supervision; PRCS = postrelease community supervision; CDCR = California Department of Corrections and Rehabilitation.

<sup>a</sup> Except where indicated, all data were reported to the Judicial Council by 58 probation departments.

<sup>b</sup> The data reported are statewide averages, including for individuals on warrant status. This figure includes MS and PRCS.

<sup>c</sup> Probation departments were asked to list supervision policies, procedures, programs, and practices that were eliminated since the effective date of SB 678; 27 probation departments submitted data for this question. The information provided here is a summary of the open-ended responses.

<sup>d</sup> These data were taken from the *2022 Court Statistics Report*, [www.courts.ca.gov/documents/2022-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2022-Court-Statistics-Report.pdf). Data are reported by fiscal year.

<sup>e</sup> For calendar year 2017, the data are from the CDCR's *Offender Data Points* (Dec. 2017), available at [www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/DataPoints\\_122017.pdf](http://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2021/06/DataPoints_122017.pdf). Calendar year 2018, 2019, 2020, and 2021 data were provided by the CDCR Office of Research by request.

<sup>f</sup> This figure represents data from 56 probation departments.

<sup>g</sup> This figure represents probation departments able to report complete data for the year. In 2017, this figure represented 57 departments; in 2018, 55; in 2019, 56; and in 2020 and 2021, 57.

<sup>h</sup> The substantial drop in felony probationers convicted of a crime in 2020 is likely because the COVID-19 pandemic reduced criminal and/or enforcement activity.