



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-147*

For business meeting on September 19, 2023

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**Title**

Report to the Legislature: California  
Community Corrections Performance  
Incentives Act of 2009: Findings From the  
SB 678 Program (2023)

**Agenda Item Type**

Information Only

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### Executive Summary

Penal Code section 1232 requires the Judicial Council to submit an annual report to the Legislature on the implementation of the California Community Corrections Performance Incentives Act of 2009 (Stats. 2009, ch. 608). The legislation seeks to alleviate state prison overcrowding by reducing the number of individuals on felony supervision who are sent there. The program is also designed to encourage county probation departments to use evidence-based supervision practices to accomplish these goals. This report includes background information about the act, describes policy changes that impacted the ongoing implementation of the program, and presents findings related to program outcomes. In previous years, the report included recommendations for program improvement; those recommendations have been largely implemented. Thus, this year's report does not contain recommendations.

### Relevant Previous Council Action

The California Community Corrections Performance Incentives Act (Sen. Bill 678) was enacted in 2009. Although the Judicial Council took no formal position on the bill, the council supported the bill in concept. Staff of the Judicial Council's Governmental Affairs office collaborated with the Legislature to ensure the feasibility of meeting the Judicial Council's responsibilities under the bill.

On April 26, 2013, the Judicial Council received the 2013 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program* and directed the Administrative Director to submit this report to the California Legislature and Governor, as mandated by Penal Code section 1232. The report was submitted on April 30, 2013. Thereafter, the report has been updated and submitted annually (in July 2014, July 2015, August 2016, July 2017, November 2018, September 2019, October 2020, October 2021, and October 2022).

## **Analysis/Rationale**

Senate Bill 678 was enacted in 2009 to alleviate state prison overcrowding by reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of probation. The law allocates a portion of the 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 who are revoked to state prison. Under SB 678, the Judicial Council is required to submit a report to the Legislature and Governor on the implementation of SB 678, including information on the effectiveness of the SB 678 program. (Pen. Code, § 1232.)

This year's report provides background on the SB 678 program and summarizes program results. The program has been successful in supporting probation departments' increased use of evidence-based practices and lowering the percentage of individuals returned to custody without evident negative impact to public safety. The report to the Legislature is included as Attachment A to this report.

The SB 678 performance-based funding mechanism 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 over \$1.3 billion—including \$122.8 million in FY 2022–23 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.

California has made significant changes in criminal justice policies since SB 678 was passed in 2009, including 2011's Public Safety Realignment, which restricted the ability of counties to sentence individuals to state prison for probation failure convictions; 2014's Proposition 47, which reduced certain crimes from felony to misdemeanor status, including retroactively; and 2020's Assembly Bill 1950 (Stats. 2020, ch. 328), which introduced new limits to the lengths of probation terms that could be imposed. In addition, the COVID-19 pandemic, and the state's response, had a substantial impact on the activities captured by the data used for this program and, as a result, on the program itself.

The SB 678 funding formula has been modified by the Legislature multiple times due to these changes. Most recently, due to the impacts of the COVID-19 pandemic, 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). More recently, Assembly Bill 200 (Stats. 2022, ch. 58) extended the allocation schedule used in FY 2021–22 to remain in place for FY 2022–23 and FY 2023–24.

A fundamental component of SB 678 is the implementation of evidence-based practices by county probation departments. Findings from an annual survey indicate that the SB 678 program has been highly successful in increasing the levels of evidence-based practice implementation throughout the state.

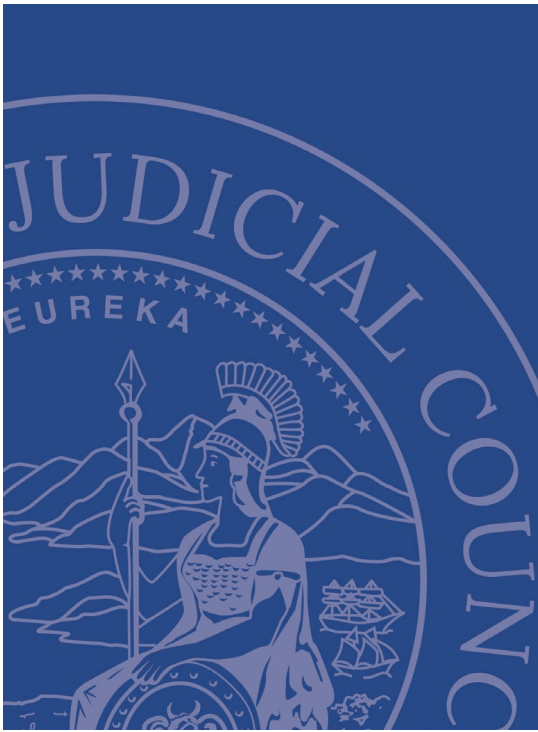
### **Fiscal Impact and Policy Implications**

The Judicial Council receives \$1 million annually in funding to implement and administer this program, as well as support the Judicial Council’s work on public safety realignment. The Judicial Council collects data quarterly from probation departments and the courts, conducts an annual assessment of evidence-based practice implementation from probation departments, provides data-related technical assistance to probation departments and the courts, writes summary reports, performs criminal justice legal analyses and research, and performs a variety of other functions in support of these and other criminal justice-related projects.

### **Attachments and Links**

1. Attachment A: *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2023)*

August 9, 2023



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

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FINDINGS FROM THE SB 678 PROGRAM  
(2023)



Judicial Council of California

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## 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 SB 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 \$1.3 billion—including \$122.8 million in FY 2022–23 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 EBPs 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 Safety Realignment<sup>3</sup> 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 Budget

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

<sup>2</sup> Pen. Code, § 1229(d).

<sup>3</sup> Assem. Bill 109 (Stats. 2011, ch. 15).

Act of 2015 revised the SB 678 funding formula and created a funding methodology intended to serve as a long-term formula.<sup>4</sup>

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). More recently, Assembly Bill 200 (Stats. 2022, ch. 58) extended the allocation schedule used in FY 2021–22 to remain in place for FY 2022–23 and FY 2023–24.

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. 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 previous 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.

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<sup>4</sup> Sen. Bill 85 (Stats. 2015, ch. 26).



## **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 \$1.3 billion since program inception, including allocations totaling \$122.8 million in FY 2022–23. 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 criminal justice policy changes and the impact of the COVID-19 pandemic;
- Provides results from the first 13 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; and
- Provides information on trends in public safety, county probation departments’ reported use of funds, and implementation of evidence-based practices.

## I. SB 678 Background

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>5</sup> Before 2021, the typical adult felony probation term was approximately three years.<sup>6</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>7</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>8</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>9</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.

In FY 2009–10, the state Legislature appropriated \$45 million for county probation departments to begin expanding the use of evidence-based practices with adult felony probationers. After the first year of the program, probation departments received a portion of the state’s savings

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<sup>5</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>6</sup> On January 1, 2021, Assembly Bill 1950 (Stats. 2020, ch. 328), which limits the probation term lengths imposed for most felony convictions to two years, went into effect.

<sup>7</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.

<sup>8</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>9</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).)

attributed to avoided incarceration costs resulting from a reduction in the probation failure rate (PFR) compared to a baseline PFR.<sup>10</sup>

The amount of savings the state shared with probation departments each year was *originally* determined by each county's improvement in its probation failure rate, as compared to its 2006–2008 baseline rate.<sup>11</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.<sup>12</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 while counties with PFRs more than 50 percent below the statewide average were given high-performance awards to support the ongoing use of evidence-based practices in counties.<sup>13</sup>

There have been numerous policy changes since the original implementation of SB 678 that have impacted the program and how its funds are allocated to counties. These include 2011's Public Safety Realignment, which restricted the ability of counties to sentence individuals to state prison for probation failure convictions; 2014's Proposition 47,<sup>14</sup> which reduced certain crimes from felony to misdemeanor status, including retroactively; and 2020's AB 1950, which introduced new limits to the lengths of probation terms that could be imposed. In addition, the COVID-19 pandemic, and the state's response, had a substantial impact on the activities captured by the data used for this program and, as a result, on the program itself.

In response to Realignment, the FY 2015–16 State Budget updated the SB 678 funding formula to include, in addition to felony probation, the two types of local felony supervision introduced by that law: mandatory supervision and postrelease community supervision (PRCS). It also omitted county jail revocations from the formula, refocusing the grant on local supervision

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<sup>10</sup> Pen. Code, § 1233.1(a). 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.

<sup>11</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—in consultation with the California Department of Corrections and Rehabilitation, 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 Director of Finance 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>12</sup> Depending on how a county's PFR compared to the statewide average, a county received either 40 or 45 percent of the state savings. 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>13</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.

<sup>14</sup> Proposition 47 was approved by the voters at the November 2014 General Election.

admissions to prison. To reflect this new focus, the term “probation failure rate” was changed to “return-to-prison rate” (RPR).<sup>15</sup> Return-to-prison rates from 2014 to 2022 are reported in Appendix A. The formula now measures each county’s performance against statewide returns to prison. These changes are explained in more detail in Appendix B.

Following the passage of Proposition 47, SB 678 data collection was expanded to include the numbers of individuals who had their supervision terminated due to resentencing under that law. These numbers were reported annually by the Judicial Council through 2021, when the total dropped to below 100 statewide after years of decline.

Due to the extraordinary circumstances related to the COVID-19 pandemic and the impact this would have had on the funding formula in place, SB 678 allocations for fiscal years 2021–22 and 2022–23 were determined not by the formula used from fiscal years 2015–16 through 2020–21, but by the schedule given in Penal Code sections 1233.1 and 1233.12, respectively.

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<sup>15</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.

## II. Program Results

The analysis of SB 678's effectiveness is guided by the Legislature's stated intent<sup>16</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>17</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 post-Realignment 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. The revocation-to-prison figure (2.6 percent) continued to increase for the second straight year following the 2020 low, but still remains below the majority of annual rates seen prior to the onset of the pandemic and surpasses only that of 2015, the first year following the passage of Proposition 47 (Figure 1). The statewide revocation-to-jail rate followed a similar pattern: up

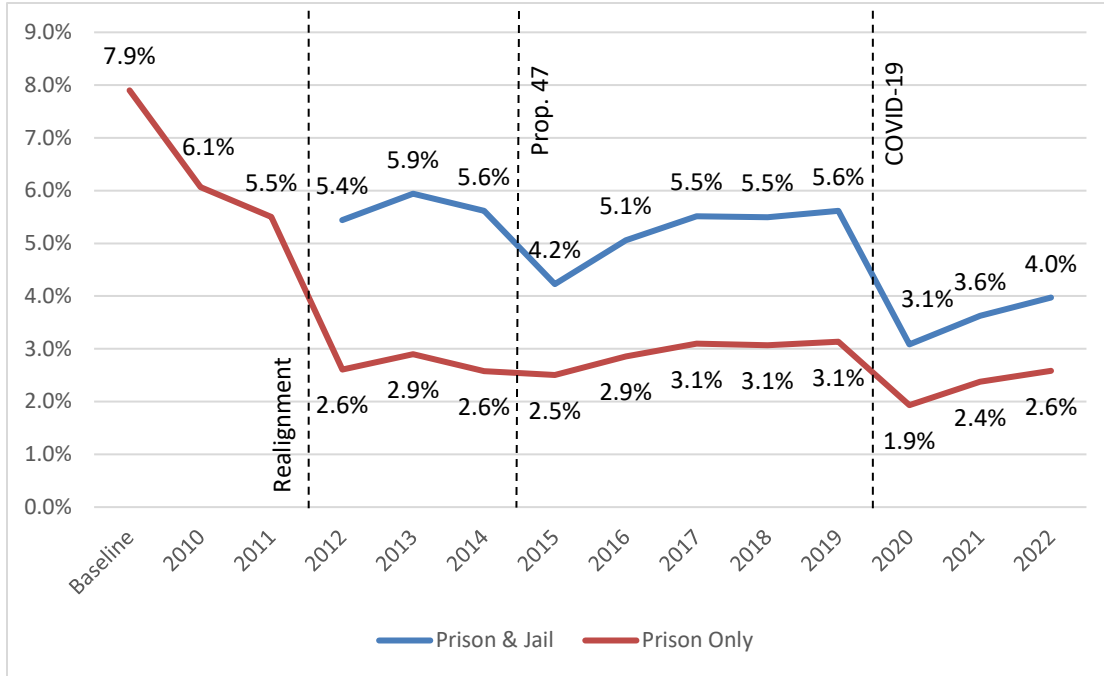
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<sup>16</sup> "Providing sustainable funding for improved, evidence-based probation supervision practices and capacities will improve public safety outcomes among adult felons who are on probation. Improving felony probation performance, measured by 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>17</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.

slightly for the second straight year, to 1.4 percent from 1.3 percent, but below what was reported in previous years.

**FIGURE 1. PERCENTAGE OF FELONY PROBATION INCARCERATION RATES**



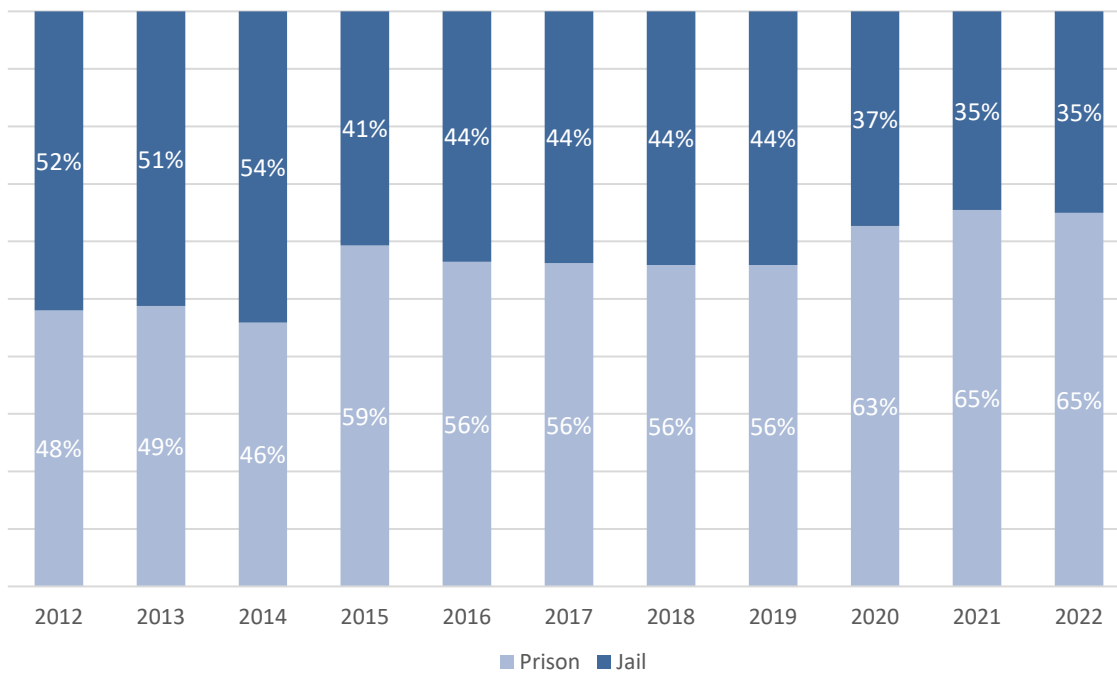
Source: Probation revocation data reported by probation departments to the Judicial Council.

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 remained at the high level seen in 2021 (Figure 2, noting the lower overall instances of these revocations for 2020–2022 than for previous years).

**FIGURE 2. PERCENTAGE OF FELONY PROBATION FAILURES TO JAIL AND PRISON**

n = 17,157 n = 18,384 n = 17,176 n = 11,833 n = 13,633 n = 14,725 n = 14,564 n = 14,741 n = 7,879 n = 8,394 n = 9,046



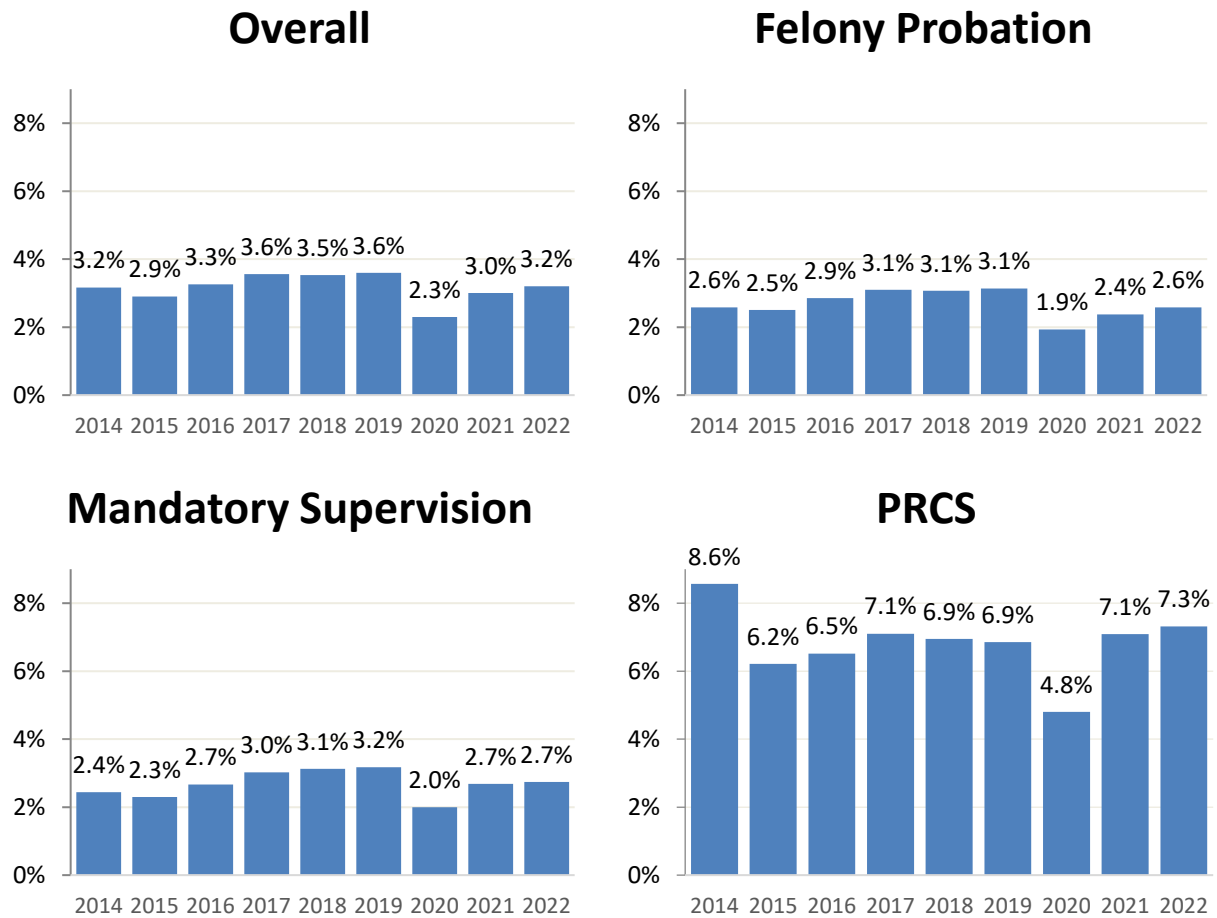
Source: Revocation data reported by probation departments to the Judicial Council.

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. Revocation-to-prison rates for all supervision types are shown in Figure 3.

When reporting on all felony supervision types began in 2013, the combined RPR (including all supervision types) averaged 3.2 percent. From 2015 to 2019 there had been an uptick in RPR across all supervision types, with the overall rate approaching 3.6 percent of the average felony supervision population. In 2022 the overall rate continued to increase for the second straight year from 2020’s low. The increase, however, was less substantial than that seen between 2021 and 2020. 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 3. FELONY SUPERVISION REVOCATION TO PRISON RATES



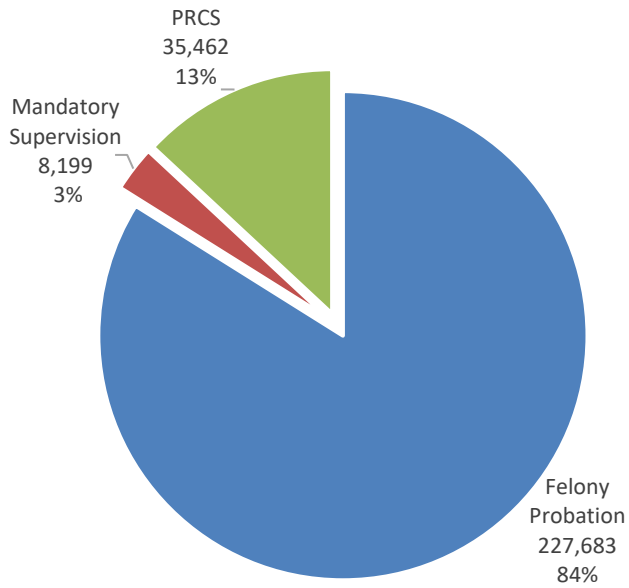
Source: Revocation data reported by probation departments to the Judicial Council.

PRCS = postrelease community supervision.

The average population distribution by supervision type in 2022 remained constant from that seen in 2021 (Figure 4).



**FIGURE 4. AVERAGE POPULATION DISTRIBUTION BY SUPERVISION TYPE, 2022**



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

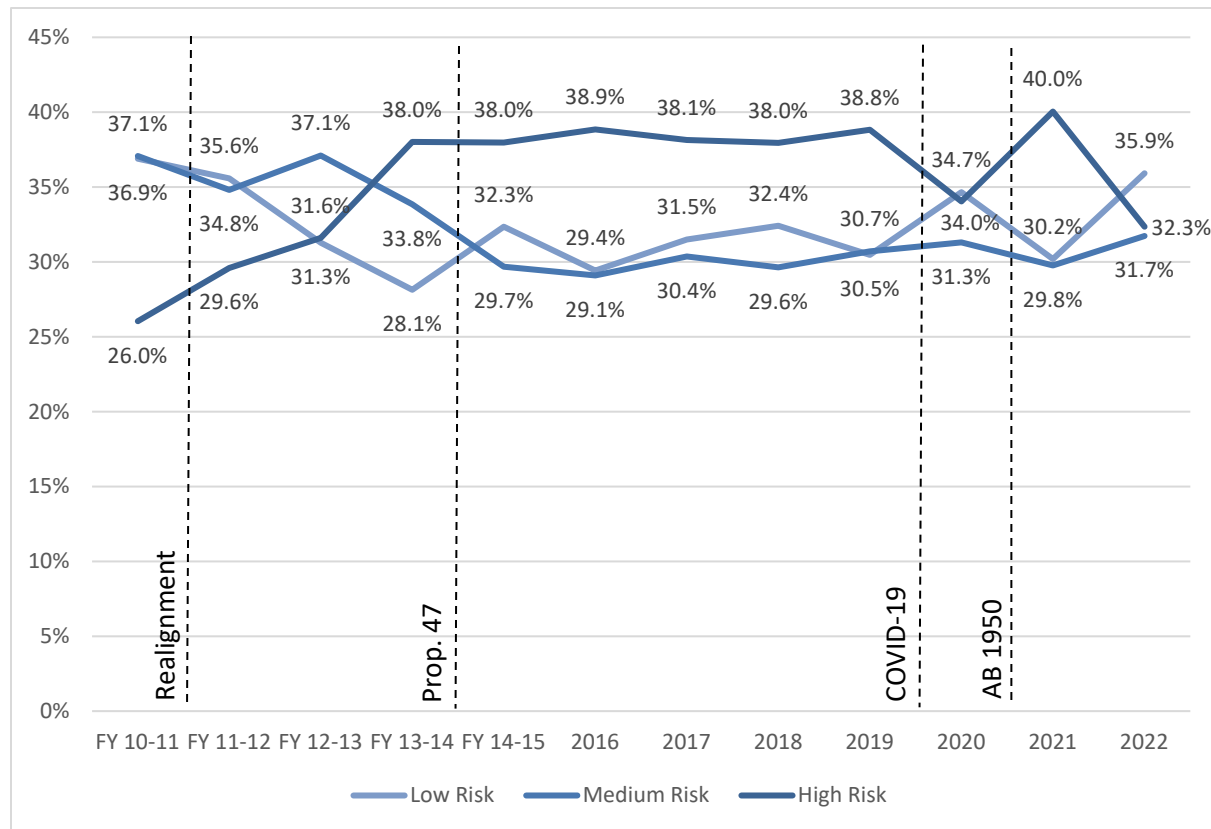
### **Risk level of locally supervised populations**

An important tenet of evidence-based practices 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. 2022 saw the reported risk-level distribution again shift, with individuals assessed as low risk now making up the largest group (Figure 5).<sup>18</sup>

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<sup>18</sup> See notes at the bottom of Table 1, Reported Use of Funds for Evidence-Based Practices, below, for a list of county probation departments and years for which survey responses were missing.

**FIGURE 5. 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.

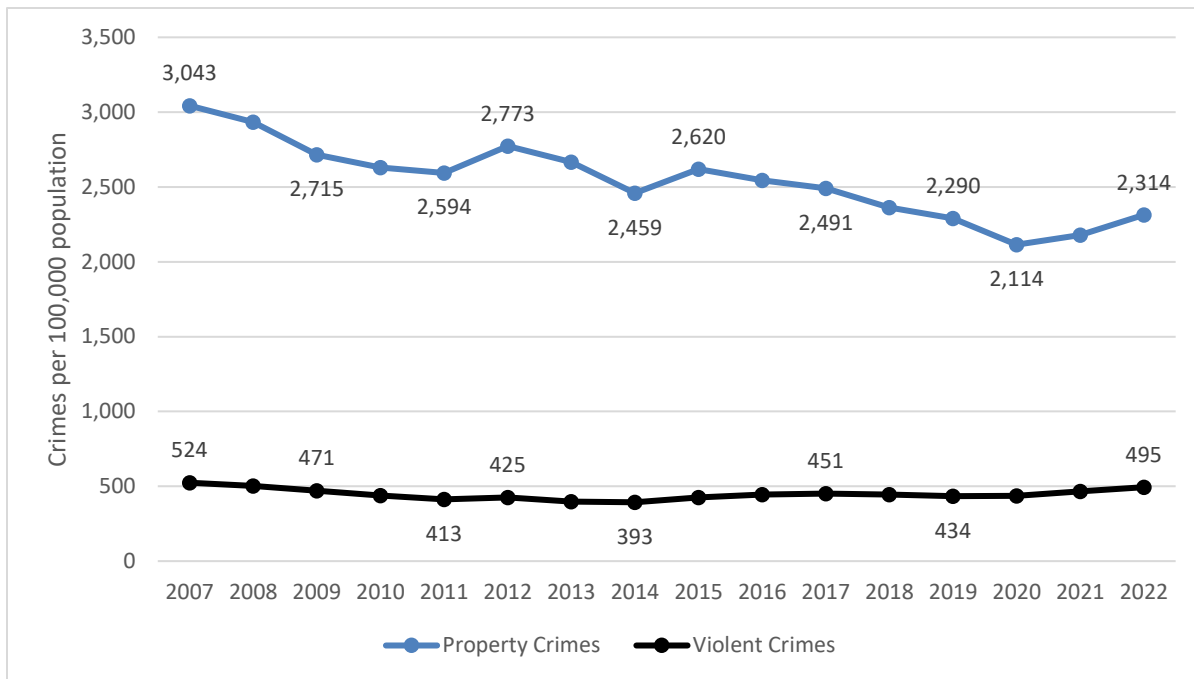
### **SB 678 program and public safety outcomes**

The Legislature designed the SB 678 program to save state funds and improve the effectiveness of community supervision practices without compromising public safety.<sup>19</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 and property crime rates increased in 2022 for the second straight year (Figure 6). The sweeping changes to the criminal justice system that resulted from Realignment, Proposition 47, and the COVID-19 pandemic make isolating and measuring the impact of the SB 678 program on public safety difficult.

<sup>19</sup> Pen. Code, §§ 1228(c), 1229(c)(1).

**FIGURE 6. PROPERTY AND VIOLENT CRIME RATES IN CALIFORNIA**



Source: California Dept. of Justice, Office of the Attorney General, *Crime in California, 2022* (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 on the SB 678 program.<sup>20</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. A budget trailer bill, Assembly Bill 145 (Stats. 2021, ch. 80), allocated SB 678 funding to probation departments based on a schedule written into statute,<sup>21</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>22</sup>

Since its inception, the SB 678 program has:

<sup>20</sup> Previous reports are available on the “Legislative Reports” webpage on the California Courts website at [www.courts.ca.gov/7466.htm](http://www.courts.ca.gov/7466.htm).

<sup>21</sup> Pen. Code, § 1233.1.

<sup>22</sup> See Appendix C: SB 678 Allocation Payments, FY 2014–15 to FY 2022–23, for these amounts.

- Generated an estimated \$1 billion in state savings; and
- Allocated \$1.3 billion to county probation departments (through FY 2022–23).<sup>23</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>24</sup> County probation departments across California reported using SB 678 program funds to implement a variety of evidence-based practices (Table 1).<sup>25</sup> The Judicial Council uses the probation departments’ self-reported information to provide context for the ways in which resources are allocated.

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

Spending Category	Average % Spent, per Calendar Year <sup>a</sup>						
	CY 2016 (N=54)	CY 2017 (N=55)	CY 2018 (N = 52)	CY 2019 (N = 49)	CY 2020 (N = 58)	CY 2021 (N = 58)	CY 2022 (N = 49)
Hiring, support, and/or retention of case-carrying officers/supervisors	63%	63%	59%	57%	63%	60%	58%
Evidence-based treatment programs	19	18	18	17	16	16	17
Improvement of data collection and use	8	3	4	5	4	5	5
Use of risk and needs assessment	3	4	6	6	4	6	6
Use/implementation of intermediate sanctions	3	2	3	4	3	5	5
Evidence-based practices training for officers/supervisors	3	4	3	4	3	3	4
Other evidence-based practices <sup>b</sup>	1	5	7	8	7	6	6

<sup>23</sup> Statewide and county-by-county allocations are reported in Appendix C.

<sup>24</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>25</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 evidence-based practices, not the amount of funds received.

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

**FY 2010–11** — Colusa, Kings, San Diego, San Luis Obispo, Santa Clara, Sierra, Tehama, Tulare  
**FY 2011–12** — Alpine, Amador, Butte, El Dorado, Imperial, Kings, Napa, Plumas, Sierra, Tehama  
**FY 2012–13** — Butte, Del Norte, Imperial, Madera, Modoc, San Benito, Santa Clara, Shasta, Sierra, Tulare  
**FY 2013–14** — Alpine, Amador, Contra Costa, Del Norte, Lake, Modoc, Nevada, Yolo  
**FY 2014–15** — Amador, Del Norte, Mariposa, Santa Clara, Tehama  
**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  
**CY 2022** — Amador, Glenn, Imperial, Mariposa, Modoc, Mono, San Joaquin, Shasta, Trinity

<sup>b</sup> Includes operational costs, administration and clerical support, materials, incentives, and associated start-up 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:

- Cognitive behavioral therapy;
- Outpatient substance abuse treatment programs;
- Day reporting centers;
- Vocational training/job readiness programs; and
- 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 evidence-based practices as most critical for implementation for county probation departments:<sup>26</sup>

- Use of risk and needs assessments;
- Effective supervision practices;
- Collaboration with justice partners;
- Effective management and supervision; and
- Effective treatment and intervention.

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<sup>26</sup> See Appendix D for more information about each of these areas.

To measure probation departments' self-reported EBP implementation levels<sup>27</sup> and changes in EBP implementation over time,<sup>28</sup> the Judicial Council created the *Implementation of Evidence-Based Practices: Annual Assessment Survey*.<sup>29</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 EBPs measured in the survey are indicative of substantially higher rates of implementation of EBPs than at baseline, and 2022 survey responses show continuing incremental gains in the implementation seen. The Judicial Council continues to evaluate whether a revised Annual Assessment is necessary to more fully capture continued EBP adoption by probation departments.

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<sup>27</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>28</sup> Increases in the self-reported levels of EBP implementation have flattened 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>29</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.

## **Conclusion**

It has been 14 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, 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.

The Judicial Council, in accordance with its mandate under Penal Code section 1232(e), has made 10 recommendations regarding SB 678 in these annual reports since 2013. The recommendations focused on three general areas: program sustainability and stabilization; program evaluation and research; and program improvement, expansion, and replication. At this time, there are no additional recommendations for the improvement of the SB 678 program. The Judicial Council will continue to collect and analyze these data and to work in collaboration with county probation departments and the Chief Probation Officers of California in doing so. Additional recommendations for the SB 678 program may be put forth in future annual reports.

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, 2017–2022**

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.

It should be noted that, although the term “return to prison” is used to indicate probation revocations, many individuals supervised by probation departments have never been in prison custody.

**TABLE A. PERCENTAGE OF FAILURE/RETURN-TO-PRISON RATES BY COUNTY, 2017–2022\***

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</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>	<b>3.2%</b>
Alameda	3.4	3.4	2.9	1.0	1.4	1.8
Alpine	0.0	0.0	0.0	0.0	0.0	0.0
Amador	3.4	7.0	4.0	7.9	4.7	6.5
Butte	6.8	7.7	9.1	5.4	8.7	6.7
Calaveras	3.3	2.8	0.3	4.7	3.9	4.2
Colusa	12.1	7.8	3.0	7.0	3.7	5.1
Contra Costa	1.5	2.3	2.5	0.9	1.0	0.5
Del Norte	9.8	9.4	7.2	7.6	10.1	8.0
El Dorado	3.0	3.2	5.0	3.0	2.5	2.9
Fresno	6.3	6.1	5.5	3.1	5.5	5.6
Glenn	3.4	2.8	3.0	3.0	0.8	3.6
Humboldt	5.8	7.3	3.5	2.9	4.5	5.2
Imperial	4.0	4.1	4.8	2.4	3.4	3.7
Inyo	3.3	3.4	2.6	4.0	5.1	9.1
Kern	3.7	3.9	5.0	4.0	4.5	5.3
Kings	5.2	6.6	6.7	7.6	4.8	3.4
Lake	6.9	5.9	6.1	4.2	5.5	5.6
Lassen	11.2	11.7	3.6	22.2	23.7	1.0
Los Angeles	2.2	2.2	2.2	1.2	1.6	1.8
Madera	2.8	2.5	2.9	1.7	1.8	0.5
Marin	2.4	2.8	2.5	1.2	2.0	1.7
Mariposa	3.8	2.8	1.6	1.8	4.3	4.4
Mendocino	7.3	4.7	5.4	3.5	5.8	9.0
Merced	2.9	3.7	5.1	3.4	4.8	4.2



	2017	2018	2019	2020	2021	2022
Modoc	1.5	1.3	7.7	5.1	34.1	8.0
Mono	0.6	2.8	0.0	0.0	0.0	0.0
Monterey	4.7	4.7	5.0	3.9	4.7	4.8
Napa	3.5	3.7	4.4	3.8	2.9	3.6
Nevada	2.3	1.2	1.8	2.6	3.9	4.0
Orange	2.0	2.3	3.0	2.2	2.2	2.0
Placer	2.4	3.0	3.9	2.6	3.1	2.4
Plumas	0.0	0.8	3.2	1.9	1.0	6.3
Riverside	4.3	4.5	4.4	3.5	4.0	3.9
Sacramento	4.2	4.0	4.0	2.5	3.5	4.1
San Benito	5.5	2.7	2.0	2.2	2.2	2.1
San Bernardino	5.8	4.8	4.7	3.4	5.9	5.2
San Diego	7.3	6.2	6.7	3.8	4.3	6.5
San Francisco	1.0	1.2	1.1	0.3	0.4	0.3
San Joaquin	2.3	2.4	2.8	1.8	2.0	2.3
San Luis Obispo	4.5	4.4	5.0	4.5	4.2	5.3
San Mateo	3.9	3.4	3.2	1.6	3.4	3.8
Santa Barbara	2.2	2.1	2.3	1.4	4.2	6.0
Santa Clara	3.6	3.1	3.1	1.9	2.0	2.3
Santa Cruz	1.3	2.8	2.4	1.2	1.5	1.6
Shasta	6.9	9.8	11.1	6.5	7.4	6.5
Sierra	0.0	3.8	0.0	4.1	14.5	0.0
Siskiyou	7.9	6.4	5.1	2.3	2.2	3.8
Solano	3.7	4.5	3.3	1.9	2.4	2.7
Sonoma	2.6	3.3	2.6	2.1	2.9	4.1
Stanislaus	4.3	5.3	4.5	2.0	3.2	4.6
Sutter	6.5	7.4	5.7	3.8	8.1	7.9
Tehama	1.9	5.7	3.1	2.6	2.9	2.7
Trinity	8.8	8.1	6.8	3.4	5.4	6.8
Tulare	3.2	3.1	3.2	2.0	3.1	3.3
Tuolumne	2.6	3.1	3.1	2.2	3.8	4.0
Ventura	7.2	8.0	7.6	4.9	8.0	8.1
Yolo	4.5	3.2	2.7	2.0	2.1	3.3
Yuba	10.3	9.1	8.5	9.5	13.4	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.

In previous reports this appendix reported the felony offender failure rate using combined failures to state prison and county jail for individuals on probation only. These reports are available on the “Legislative Reports” webpage of the California Courts website 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, 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 SB 678 funding formula as revised in 2016, 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>30</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.

<sup>30</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).)

**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.

## Appendix C: SB 678 Allocation Payments, FY 2014–15 to FY 2022–23

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

	FY 2018–19	FY 2019–20	FY 2020–21	FY 2021–22	FY 2022–23
<b>Statewide</b>	<b>\$109,317,411</b>	<b>\$112,764,436</b>	<b>\$112,514,699</b>	<b>\$122,829,397</b>	<b>\$122,829,397</b>
Alameda	2,026,887	2,267,204	2,760,919	2,760,919	2,760,919
Alpine	200,000	200,000	200,000	200,000	200,000
Amador	218,645	200,000	233,777	233,777	233,777
Butte	416,404	370,116	200,000	416,404	416,404
Calaveras	329,034	306,119	512,027	512,027	512,027
Colusa	200,000	200,000	267,749	267,749	267,749
Contra Costa	6,643,176	4,573,373	4,590,826	6,643,176	6,643,176
Del Norte	200,000	200,000	200,000	200,000	200,000
El Dorado	348,495	292,477	253,390	348,495	348,495
Fresno	1,896,189	2,392,671	3,156,754	3,156,754	3,156,754
Glenn	200,000	223,180	200,000	223,171	223,171
Humboldt	359,283	347,658	1,055,456	1,055,456	1,055,456
Imperial	200,000	200,000	203,247	203,247	203,247
Inyo	200,000	200,000	222,098	222,098	222,098
Kern	1,470,557	1,519,242	1,329,147	1,519,187	1,519,187
Kings	1,105,869	665,694	666,556	1,105,869	1,105,869
Lake	261,458	465,104	330,073	465,073	465,073
Lassen	200,000	253,060	242,388	253,037	253,037
Los Angeles	36,557,344	37,262,435	37,413,530	37,413,530	37,413,530
Madera	1,154,285	1,237,578	1,080,042	1,237,543	1,237,543
Marin	935,898	955,023	988,095	988,095	988,095
Mariposa	200,000	200,000	200,000	200,000	200,000
Mendocino	238,926	592,562	358,389	592,510	592,510
Merced	1,005,026	1,032,967	1,013,123	1,032,961	1,032,961
Modoc	220,143	202,975	200,000	202,975	202,975
Mono	237,647	200,000	257,466	257,466	257,466
Monterey	300,463	200,000	200,000	300,463	300,463
Napa	326,188	329,768	326,188	329,767	329,767
Nevada	411,183	669,296	440,182	669,278	669,278
Orange	4,973,540	4,694,627	4,584,067	4,973,540	4,973,540
Placer	537,136	545,850	460,402	545,848	545,848

	<b>FY 2018–19</b>	<b>FY 2019–20</b>	<b>FY 2020–21</b>	<b>FY 2021–22</b>	<b>FY 2022–23</b>
Plumas	452,752	442,681	277,047	442,681	442,681
Riverside	6,454,147	6,385,763	6,954,331	6,954,331	6,954,331
Sacramento	12,300,413	12,329,330	11,969,670	12,329,233	12,329,233
San Benito	200,000	282,247	200,000	282,215	282,215
San Bernardino	5,293,798	8,357,535	6,765,922	8,357,087	8,357,087
San Diego	982,396	2,931,434	1,017,874	2,930,998	2,930,998
San Francisco	3,131,050	2,757,568	2,876,383	3,060,552	3,060,552
San Joaquin	2,224,202	2,227,290	2,139,301	2,227,270	2,227,270
San Luis Obispo	1,274,765	1,322,471	1,274,765	1,322,460	1,322,460
San Mateo	942,738	1,042,524	1,175,827	1,175,827	1,175,827
Santa Barbara	1,283,179	1,416,974	1,303,322	1,416,944	1,416,944
Santa Clara	1,030,092	1,747,906	1,357,483	1,747,784	1,747,784
Santa Cruz	1,786,928	1,221,950	1,418,192	1,746,643	1,746,643
Shasta	512,037	200,000	200,000	512,037	512,037
Sierra	210,071	200,000	215,489	215,489	215,489
Siskiyou	200,000	217,562	284,355	284,355	284,355
Solano	514,317	492,960	807,241	807,241	807,241
Sonoma	1,050,711	653,771	1,067,821	1,067,821	1,067,821
Stanislaus	825,171	675,613	1,286,879	1,286,879	1,286,879
Sutter	517,754	395,672	738,100	738,100	738,100
Tehama	242,065	200,000	458,088	458,088	458,088
Trinity	200,000	200,000	200,000	200,000	200,000
Tulare	1,651,855	1,864,489	1,745,269	1,864,437	1,864,437
Tuolumne	382,373	294,797	305,456	382,373	382,373
Ventura	783,267	200,000	714,204	783,267	783,267
Yolo	1,097,554	1,504,920	1,415,789	1,504,870	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 (EBPs) and outcomes to enable the Legislature to monitor whether the program is having its intended effect.<sup>31</sup> The Judicial Council collects quarterly statewide outcome data reported by the counties.<sup>32</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>33</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>34</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 and assist the departments in fulfilling the legislative mandate for evaluating the effectiveness of the SB 678 program.<sup>35</sup> The Annual Assessment focuses on five critical EBPs:

- Use of validated risk and needs assessments;
- Effective supervision practices, including training on EBPs;
- Effective treatment and targeted intervention;
- Effective management practices; and

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<sup>31</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>32</sup> Pen. Code, § 1231(b).

<sup>33</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>34</sup> Pen. Code, §§ 1231(d), 1233.1.

<sup>35</sup> Pen. Code, §§ 1231(c), 1232.



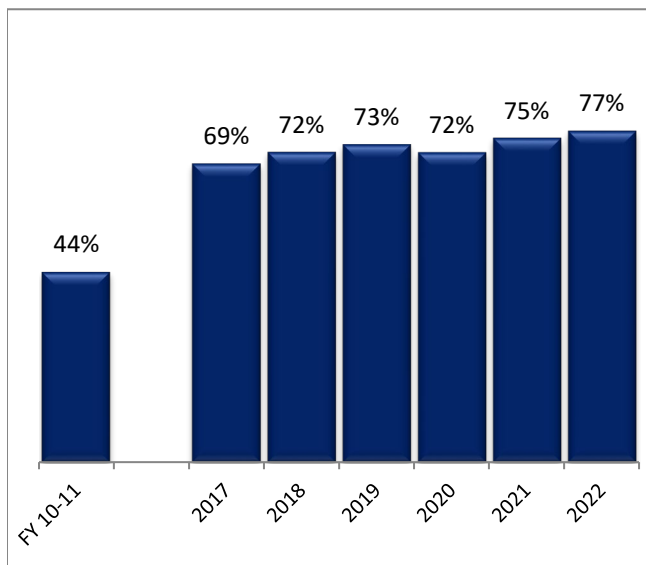
- Collaboration among justice system partners.<sup>36</sup>

The survey is designed to measure probation departments’ reported EBP implementation changes over time and to identify program spending priorities.

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>37</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

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>38</sup>

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



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>39</sup> to the Judicial Council evaluating the effectiveness of its programs focusing on these five areas.<sup>40</sup> This survey is designed to measure probation departments’ self-reported EBP implementation levels<sup>41</sup> and changes in EBP implementation over time.

<sup>36</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 Community Corrections* (National Institute of Corrections, 2d ed. Oct. 2009), <https://nicic.gov/resources/nic-library/all-library-items/implementing-evidence-based-policy-and-practice-community>.

<sup>37</sup> Pen. Code, § 1229(d).

<sup>38</sup> Pen. Code, § 1230(b)(3)(A)–(E).

<sup>39</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>40</sup> Pen. Code, § 1231(c).

<sup>41</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 evidence-based practices. Implementation levels for the five

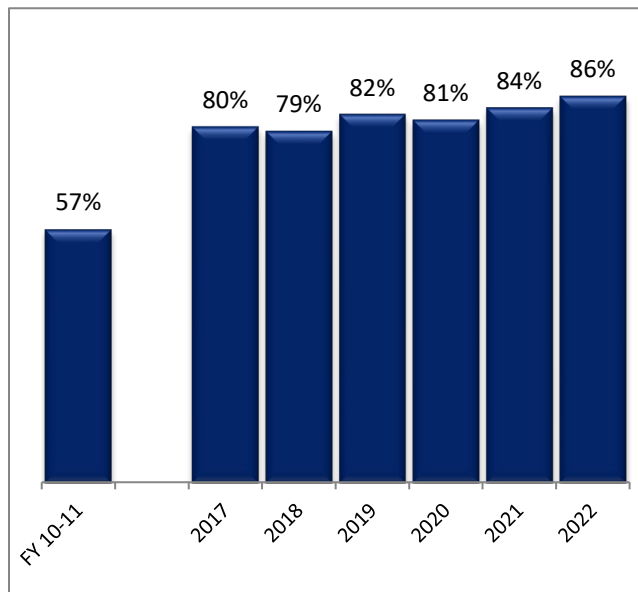
Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (Figure D.1). All components of EBP measured in the survey are indicative of substantially higher implementation of EBPs than at baseline. In 2022, 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>42</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

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.

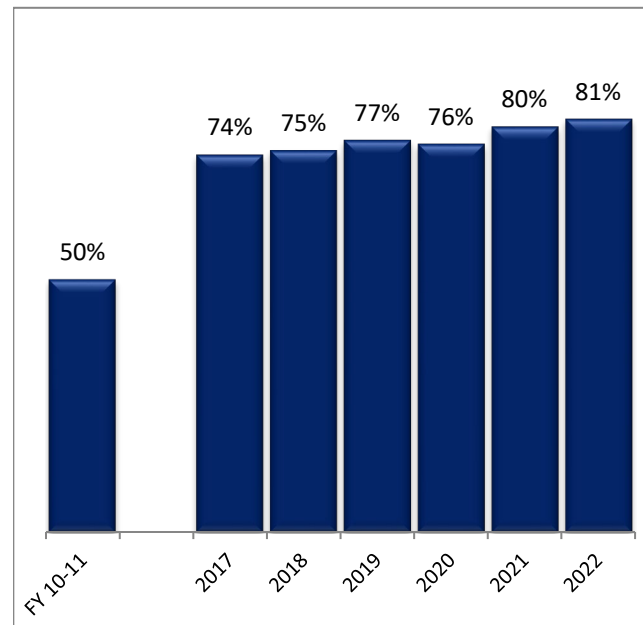
<sup>42</sup> Crime and Justice Institute, *supra* note 36.

factors other than RNA information (as mentioned previously 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>43</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>44</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>45</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>43</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).

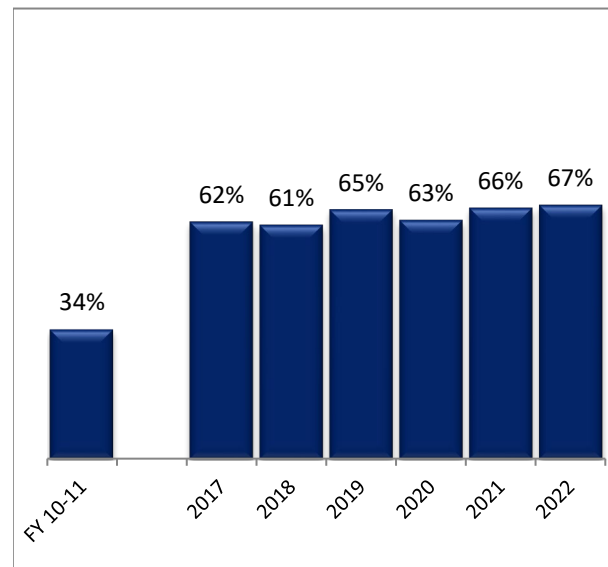
<sup>44</sup> Mark A. R. Kleiman and Angela Hawken, “Fixing the Parole System” (Summer 2008) 24(4) *Issues in Science and Technology* 45; Faye S. Taxman, David Soule, and Adam Gelb, “Graduated Sanctions: Stepping Into Accountable Systems and Offenders” (June 1999) 79(2) *Prison Journal* 182–204.

<sup>45</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 2022, departments were again 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**

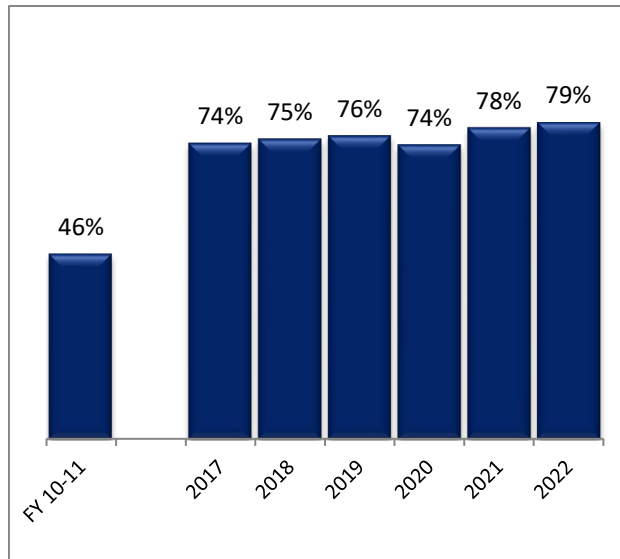


### **Collaboration among justice system partners**

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>46</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>46</sup> Crime and Justice Institute, *supra* note 36.

**FIGURE D.5. COLLABORATION**



have generally shown improved outcomes and are able to implement EBPs that may involve additional justice partner buy-in.<sup>47</sup>

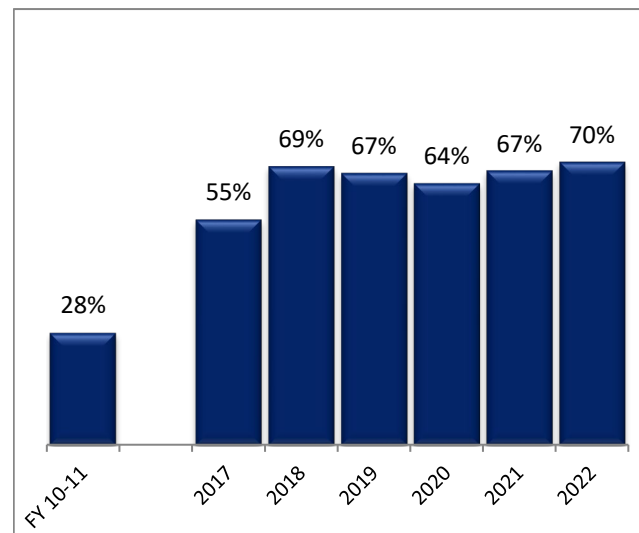
### Management and administrative practices

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>48</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>47</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>48</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	2022
<b>% of individuals under local supervision supervised with EBPs (1231(b)(1))<sup>b</sup></b>	77% (n=55)	81% (n=52)	81% (n=51)	81% (n=58)	81% (n=58)	84% (n = 49)
<b>% of state monies spent on EBPs (1231(b)(2))</b>	100%	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	39,843
<b>Unsuccessful completions (1231(b)(4))</b>	14,377	14,140	14,772	8,397	9,553	9,816
<b>Felony filings<sup>d</sup> (1231(d)(1))</b>	189,199	190,822	183,432	174,482	186,046	180,547
<b>Felony convictions (1231(d)(2))</b>	112,377	107,121	89,304	75,702	62,858	57,155
<b>Felony prison admissions<sup>e</sup> (1231(d)(3))</b>	37,161	35,366	34,477	11,603	29,399	28,386
<b>New felony probation grants (1231(d)(4))</b>	60,788	57,805	57,556	40,531	50,445	53,737
<b>Adult felony probation population (1231(d)(5))</b>	267,221	265,070	262,483	255,432	231,313	227,683
<b>Total supervised felony population</b>	314,592	313,544	311,275	304,431	276,101	271,344
<b>Total probation revocations to state prison</b>	8,279	8,137	8,237	4,937	5,495	5,881

	2017	2018	2019	2020	2021	2022
<b>Prison revocations for new felony offense (1231(d)(6) &amp; (d)(7))</b>	3,249	2,948	2,816	1,858	2,229	2,201
<b>Total probation revocations to county jail</b>	6,446	6,427	6,504	2,942	2,899	3,165
<b>Jail revocations for new felony offense (1231(d)(8) &amp; (d)(9))</b>	1,617	1,416	1,258	614	699	981
<b>Total revocations</b>	14,377	14,140	14,772	8,397	9,553	9,816
<b>% of felony probationers convicted of a crime<sup>f</sup> (1232(c))</b>	6.32%	6.25%	5.81%	3.64%	4.29%	4.38%
<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%	2.58%

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 2023 Court Statistics Report, [www.courts.ca.gov/documents/2023-Court-Statistics-Report.pdf](http://www.courts.ca.gov/documents/2023-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; in 2020, 2021, and 2022, 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.