

PERSPECTIVES

THE JOURNAL OF THE AMERICAN PROBATION AND PAROLE ASSOCIATION

WWW.APPA-NET.ORG

VOLUME 47, NUMBER 1



EMPOWERING PROBATION AND PAROLE

Innovative Approaches to Improving Client Services

Transforming Probation Through Strength-Based Policy Making: **THE IMPACT OF 678**



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TRANSFORMING PROBATION THROUGH STRENGTH-BASED POLICY MAKING: THE IMPACT OF 678

It has been over 12 years since the Community Corrections Performance Incentives Act, more commonly referred to as Senate Bill 678 (SB 678), passed and subsequently transformed California's probation system. As a catalyst for criminal justice reforms, the positive impacts of SB 678 cannot be overstated. These included an incentive-based permanent state funding source, reduced caseload sizes allowing probation to provide more individualized approaches to supervision and rehabilitation, and a culture shift to focus on behavior change and exiting probation supervision successfully. These impacts helped lead to the outcomes we see today: reduction in the number of incarcerated individuals and correctional costs, better collaboration between probation departments and county as well as state agencies, and more rehabilitative programming available to address each individual's criminogenic needs. Numerically, SB 678 reduced the prison population by more than 6,000 inmates within a year of implementation. It reduced state prison expenditures by an estimated \$1 billion over the first decade of implementation and created funding for probation departments to invest in evidence-based practices (EBP) (Bird & Grattet, 2020). Of equal if not greater importance, SB 678 ushered in a positive evolution of probation practices. Much of what SB 678 has done and continues to inspire via other reforms is representative of California probation and its mission. Probation is the linchpin of the criminal justice system. Without a strong probation system setting the foundation, other changes can be difficult, if not impossible.

SB 678 has not just impacted the probation population, but also the probation profession itself. Probation services in California are multifaceted and play a role that is often oversimplified and misunderstood. Probation is a branch of law enforcement, but probation officers balance accountability and opportunity for people in our justice system. Probation is focused on reintegrating formerly incarcerated people back into the community while providing the tools and rehabilitation needed to move sentenced individuals out of the justice system permanently. This approach creates short-term safety via enforcement practices and long-term and sustainable safety by wholly addressing offenders' needs to help them successfully rehabilitate and not reenter the justice system. Probation professionals in California are well trained and as diverse as our state, with 72% of our officers identifying as non-white (Chief Probation Officers of California (CPOC), 2021).

Many professionals outside California have asked how these successes have been achieved, and research has been initiated to answer this question. In this article, we give an overview, but first we will unpack how a perfect storm ushered in the transformation of a system with incentives and collaboration, leading to continued success over the past 12 years.

California Probation Before SB 678

Simply put, probation in California before SB 678 was underfunded, and its professionals lacked important resources and tools to handle the considerable number of felony probationers on their caseloads. Probation caseloads were more than double the recommended size; consequently, the numbers of violations and revocations were high.

According to a report on SB 678 issued in 2020 by the California Probation Resource Institute,

Historically, state funding for California's probation system has been limited and unstable. In 2009, when SB 678 was signed into law, probation departments received only about one-quarter of their funds from the state, with much of the state funding targeted at juveniles ([Legislative Analyst's Office] (LAO), 2009). Prior to the passage of SB 678, probation departments received about two-thirds of their funding from county budgets and made up the difference with grants from the federal government or other funders. (Bird & Grattet, 2020).

With huge caseloads and minimal supportive services targeted at the justice-involved population, there was little that probation officers could do except conduct essential enforcement work, which meant high revocation rates. However, enforcement alone rarely creates the long-term rehabilitative changes that probation looks for to keep people from coming back into the justice system. Meanwhile, programs featuring evidence-based practices (EBP) were quickly emerging. Many departments had the goal of implementing EBP within their adult caseloads. However, programs and practices that were proven to address behavior change in juveniles were not readily available for adults, and funding was still significantly lacking to implement individualized approaches. Today probation departments in California are knowledgeable about and

largely subscribe to use of EBP as standard operating procedure, whereas before SB 678 the use of EBP was merely an aspirational desire with no funding or political support to pursue.

According to researchers Mia Byrd and Ryken Grattet, in their report on SB 678,

During the decades leading up to the passage of SB 678, notions of the rehabilitative role of probation officers and efficacy of the probation system in improving reentry outcomes were evolving. An evidence-based practices literature emerged to inform decisions about ideal probation caseloads, risk-based supervision strategies, and needs-based programmatic interventions. This literature increasingly demonstrated that evidence-based community supervision had the potential to improve reentry outcomes and the cost-effectiveness of the criminal justice system as a whole through targeted interventions in the community that reduced the need for incarceration (Crime and Justice Institute 2009). However, funding for probation was so limited in California that most departments lacked the capacity to reduce caseloads, develop new supervision strategies, or invest in and manage treatment interventions. (Bird & Grattet, 2020)

As California experienced a myriad of economic and political pressures, the idea of incentive-based funding to help resource the front end of the criminal justice system started gaining momentum. The design of an incentive-based funding program for probation such as SB 678 was not entirely new to California. The state had first experimented with incentive-based funding through the Probation Subsidy Act of 1965, which was ended in 1978 by the legislature when state support for probation then mostly shifted to a patchwork system of short-term grants. Once it was seen that a storm was brewing and definitive steps needed to be taken, those working on designing the innovative new programs of SB 678 were able to draw on the state's own experience under the Probation Subsidy Act, but they also looked closely at emerging models in other states—particularly a new incentive-based funding model proving successful in Arizona.

The Perfect Storm and Passage of SB 678

Prior to the implementation of SB 678, California's justice system was dealing with issues like prison overcrowding, increasing correctional expenditures, and high recidivism rates. Other factors like the recession, federal court

population pressures, decades of “tough on crime” policies, no state funding for community corrections, and overall neglect of the adult criminal justice system led to a financial and political “perfect storm” that motivated the crafting and passage of SB 678 (Bird & Grattet, 2020).

One key factor leading to California's high prison numbers was probation revocations, as individuals failing to meet the conditions of probation were being sent in large numbers to state prisons to complete their sentences. In 2009, an estimated 40% of new prison admissions from the previous year were people who had violated their terms of probation (LAO 2009). (After only two years of implementation, SB 678 reduced prison revocations by more than 30%, but more on that later).

Funding difficulties posed another problem, and key reports from various entities outlined the need for and purpose of providing state funding to probation departments. One of those reports was issued in 2003 by a Probation Services Task Force to examine the probation system and issue recommendations. The report found California was distinct from other states in the structure and funding of its probation system, with most states directly funding their probation systems. In California, 50% of probation costs had been funded by the state in the 1970s under the Probation Subsidy Act; by the 1990s this share had declined to 10% (Congressional Research Bureau 1996). The remaining funding for Probation Departments was funded by local county dollars. During this period, the felony probation population grew substantially, leading to significantly increased caseloads. While the American Parole and Probation Association recommended probationer-to-officer ratios of 20:1 for high-risk or specialized caseloads and 50:1 for medium-risk probationers, actual caseloads in California were at more than double those recommended levels (LAO, 2009). The report recommended increasing and stabilizing probation funding, improving collaboration among county-level agencies, and increasing the use of EBP.

Four years later, the Little Hoover Commission (LHC) released a report that called on the state to address “California's Correctional Crisis.” The report framed the rapid growth in the prison population, high levels of overcrowding, and high correctional costs as problems that could be addressed by better investing in community-based supervision as an alternative to prison (LHC 2007). Illustrating this point, the report quoted Judge Rodger K. Warren's written testimony to the commission, stating that “the principal reason...judges are sentencing too many non-violent offenders to prison is the absence of effective

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community corrections programs providing intermediate punishments and necessary and appropriate treatment and rehabilitative services.” The commission recommended the state adopt legislation like the Probation Subsidy Act to support and incentivize these investments at the local level.

Finally, in 2009, the LAO released a report that provided additional in-depth analysis of the state of California’s probation system. The LAO reported that 40% of prison admissions were due to probation revocations (LAO 2009). The report highlighted the potential to reduce prison revocations through evidence-based interventions at the level of community supervision and outlined the potential state savings that could be achieved through treating more offenders at the local level with programs and services rather than utilizing the high-cost state prison. The LAO recommended that California create a state funding mechanism to better resource probation departments and create incentives for the use of evidence-based practices (Bird & Grattet, 2020).

At the same time, Chief Probation Officers of California began working collaboratively with the Legislature, Governor, and courts to develop a way to invest in the foundation of probation to incentivize and support implementation of EBP statewide in the hope of transforming the system and improving outcomes for our communities. Senator Mark Leno (D), Chair of the Public Safety Committee, authored the bill but also reached out to and worked with the Vice-Chair, Senator John Benoit (R), as co-author, knowing it needed to be a bipartisan effort. For this historic legislation to be successful, it needed to meet the following pillars:

- **Create budget savings:** State and locals were facing huge deficits; therefore, utilization of an influx of federal rescue dollars as one-time startup funds would be used to create an opportunity for ongoing funding through state savings on lower prison costs if a county’s practices resulted in improvement in their revocation rates.
- **No sentencing changes:** The focus was within the current sentencing structure and on developing options and tools for probation to work with clients before escalating behavior to return to custody options.
- **Respect local control and flexibility:** California is a decentralized justice system with 58 county departments and local governments which need to implement EBP in a manner that is responsive to their communities.

- **Install system accountability:** By using an incentive-based funding mechanism, the state was assured of budget and policy benefits without having to dictate, mandate or assume the responsibility of the details of how individual communities deployed EBP.

Ultimately, SB 678 increased and stabilized resources for probation departments, allowing them to expand staff positions, reduce caseloads, provide improved supervision, and offer a more individualized approach in working with offenders toward their rehabilitation and addressing criminogenic needs. Importantly, the legislation also incentivized counties to match state investments in evidence-based interventions to reduce the likelihood of reoffending, rather than revoking individuals to state prison for technical violations. These mechanisms were mutually reinforcing. Without adequate and stable resources, few probation departments were able to make investments in improving supervision due to high caseloads and limited capacity for training. SB 678 provided the resources necessary to make those investments feasible and guidance and incentives to transition to EBP (Bird & Grattet 2020).

SB 678 called on county probation departments to implement a comprehensive set of EBP, which included:

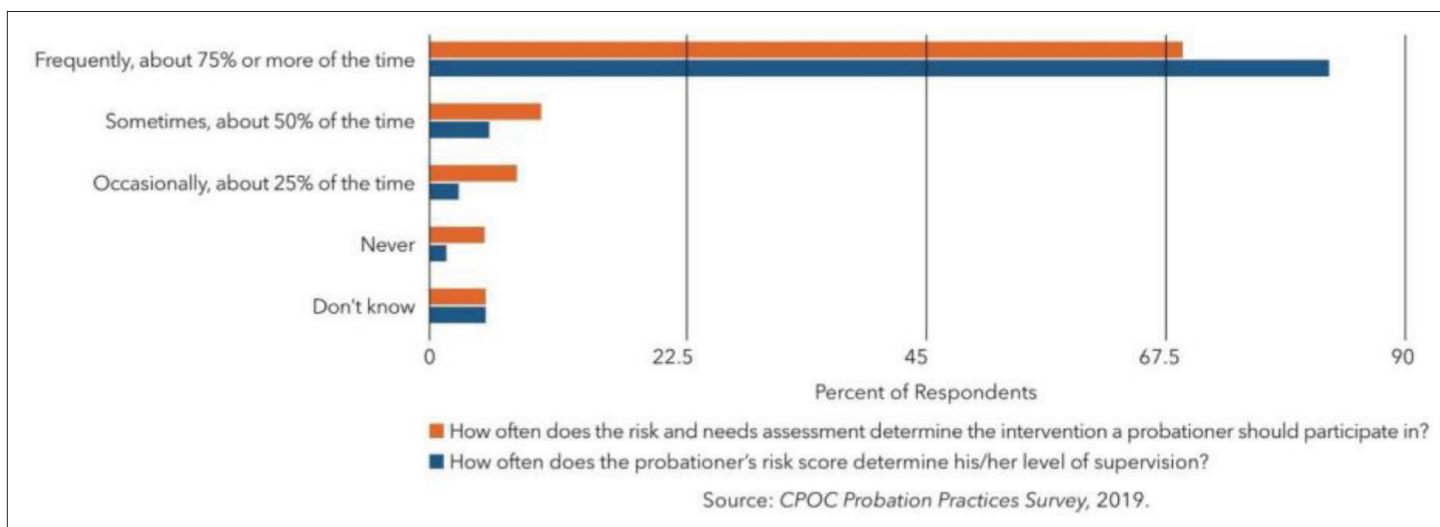
1. Expanding the use of risk and needs assessments.
2. Utilizing intermediate and graduated sanctions.
3. Providing intensive supervision for some offenders.
4. Expanding targeted programmatic interventions.
5. Evaluating program fidelity and effectiveness.

In the two years following the implementation of SB 678, prison revocation rates declined, and with that decline came reductions in the prison population and state spending. Crime rates remained low following these reductions in prison incarceration levels, and the use of EBP increased markedly within probation departments across the state (see Figure 4 from 2019 CPOC probation practices survey). These initial impacts demonstrate quick progress toward achieving the legislative goals of SB 678 (Bird & Grattet, 2020).

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Increasing the use of risk and needs assessments in probation allowed those providing California probation services to effectively reduce recidivism, ultimately benefiting individuals on probation while also increasing community safety.

Figure 4. Frequency of the use of risk and needs assessments



Transformation Comes from Incentives, Not Mandates

Over time many have asked why SB 678 has been successful in transforming not only those on probation caseloads but the probation profession itself. After looking back on the journey and evaluating many other opportunities to create reform and change, the answer seems apparent.

This reform harnessed the strength of probation—the willingness to embrace change for positive impact—and incentivized it by providing rewards for an investment in such changes. The way change was produced here actually resembles the guidelines we follow for those we serve or, indeed, the guidelines that work best in any other area where change is desirable, as all systems made up of humans tend to respond similarly. Invest in people so they do what is known to work, and provide incentives to them for carrying out the changes that are desired. In this way, the transformation becomes “owned” and lasting. Much like the way EBP encourages using a strength-based approach with those on our caseloads, **California chose to take a strength-based approach to policy change and reform.** Our communities continue to benefit from this approach to transformation.

Another important factor in the transformational aspect of this reform was the acceptance from policy makers that one size does not fit all. This once again a truism that could be borrowed from our planning for clients, as it also holds true for a system. California is a large and highly diverse state in multiple ways, with different counties facing very different challenges and opportunities. California ultimately

is a decentralized system with 58 counties spanning from Los Angeles County with \$9.8 million people to Modoc County with just over 8,000. While SB 678 helped usher in the science of EBP broadly and provided resources to deploy it, implementation of policies looked different in each county. Every county was in a different place on the continuum of change and had different support systems and community culture to factor into working toward that change. What we may have lost by not using standardized, cookie-cutter implementation guidelines, we more than gained in having 58 laboratories of change that help continue to fuel the science of corrections even today. What worked in Yuba County or Riverside County could be later adapted in another county, for example. Moreover, importantly, all counties saw successes following the enactment of SB 678.

The provisions of SB 678 are now a necessary part of the California justice system, because it has had a profound impact on probation practices across the state and laid the foundation for a new, more effective approach to public safety. Because 72% of people in the adult justice system have been sentenced to felony probation or probation and jail, the implementation of SB 678 has an extremely widespread impact on the criminal justice system (Bird & Grattet, 2020).

SB 678 laid the groundwork for probation’s success and continues to provide probation officers with the tools to increase accountability and opportunity for justice-involved individuals. It is worth reiterating that the successes of SB 678 were seen throughout all of California’s 58 counties. Moreover, the positive effects of SB 678 have been long term. The prison population has continued to decline

because of the structural changes in eligibility, realignment implementation, and prison revocation (Bird & Grattet, 2020). It has been over a decade since the implementation of SB 678, and there have been substantially lower crime rates (California Department of Justice 2021). SB 678 also saved the state a significant amount of money by reducing correctional expenditures by over \$1 billion since implementation, and in just the first year of implementation, the bill reduced state prison expenditures by approximately \$179 million. Not only have crime rates decreased since the implementation of SB 678 (California Department of Justice 2021), but it has also transformed the culture of probation departments and led to substantial increases in EBP while increasing collaboration among county-level agencies, probation departments, and key agencies (Bird & Grattet, 2020).

Lessons Learned and the Next Chapter

Despite the overall optimistic outlook described above, the cautionary tale of historic trends should be kept in mind by not just policymakers, justice stakeholders, and probation professionals, but by our communities as well. Just as a perfect storm swept in transformation, unexpected factors can also knock us off course and cause California to lose the important gains it has made. We must always remember that the profession needs to continue to evaluate and assess our system to improve and add to probation's tool chest of options to keep communities safe while improving the lives of those on our caseloads.

While it is critically important to use practices that have been shown to work based on evidence, probation must remain nimble and innovative and must be willing to utilize promising new practices, as these are a critical step in the evolution of EBPs. Probation can only continue to evolve by constantly auditing practices and improving them based on what we learn. Applying science to probation can have life-changing impacts.

Is there a point of diminishing returns? Anyone in the profession knows while zero recidivism is the goal, not everyone under our supervision is ready and able to exit the justice system successfully. Will incentive-based funding eventually become punishment-based budgeting? Will there be increased resistance to investing in staff training on the practices necessary to impact behavior or an inability to hire the number of officers needed to keep the caseloads at the size where we work with humans versus numbers? And will the pendulum start swinging the other way towards harsher punishments and less support for alternatives to incarceration?

When considering possible future trends, there is one that is perhaps the most dangerous. Could we lose the ability to listen to community correction experts in our profession on how to maintain the necessary balance of accountability and opportunity in favor of playing to one side of the pendulum or the other?

These are just a few potential dangers to the gains won in a hard-fought and well-implemented policy. But if we know anything about probation, we understand that the mission feeds off the evolution, and we look forward to building upon our evolution, not simply protecting the status quo.

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