

CRB *California Research Bureau, California State Library*

**THE CHANGING ROLE OF
PROBATION IN CALIFORNIA'S
CRIMINAL JUSTICE SYSTEM**

By

Marcus Nieto

May, 1996

**THE CHANGING ROLE OF
PROBATION IN CALIFORNIA'S
CRIMINAL JUSTICE SYSTEM**

By

Marcus Nieto

CONTENTS

DIGEST	1
DISTINGUISHING PROBATION FROM PAROLE	2
PROBATION IN THE CRIMINAL JUSTICE SYSTEM	4
Origins Of Probation	4
Modern Probation Organizational Structures	5
What Is Probation?	6
How is Probation Applied?	6
Role Probation Officer	7
Postwar History Of Probation In California	8
Changing Characteristics Of Probation Services And The Offender Population	10
Community-Based Corrections Programs (Probation Continuum)	10
The Growing Offender Population In The U.S. And California	12
The Impact of Sentencing on Probation	13
The Impact of Sentencing on Jails and Prisons in California	15
FINDINGS OF PROBATION SURVEY IN CALIFORNIA	18
Fundamental Goals	18
Probation Priorities	18
Firearms	19
Traditional Probation	19
Banked Probation Caseloads	21
Alternative Probation Sanctions	24
Boot Camps, Day Reporting Centers, Early Release, Electronic Monitoring, House Arrest, Halfway Houses, Restitution, Intensive Supervision, Work Release, Community Supervision, Drug Treatment, Diversion, Alcohol Treatment, Specialized Counseling, and Sheriffs Alternative Sanction Programs.	30
Privatization And Contract Services	30
Probation Budgets And Grants Supplements	31

Caseload Management-Information Systems	33
Health Information	34
Probation Revocation And Sanctions	35
Probation Officer Standards, Training, And Salary	37
LEGISLATIVE AND ADMINISTRATIVE OPTIONS	38
Option I. Integrate Adult Probation Services In Sheriffs Departments	38
Implications Of Local Consolidation	38
Option II. Probation Risk Assessment Tools	39
Option III. Should The State Establish A Statewide Firearms Policy?	39
Option IV. Should The State Establish Minimum Caseload Management Standards?	39
Option V. Privatization Of Probation Services	40
Option VI. Integrating Local Criminal Justice Information Systems	41
Option VII. Evaluation Studies	41
Option VIII. Health Data	42
Option IX. Consolidate State Parole And County Probation Functions	42
Consolidation	43
Transition Planning	43
Merging Probation and Parole Within a Community Corrections Framework	43
APPENDIX A	45
Probation Management And Evaluation Assessment	46
APPENDIX B	56
County Probation Survey	57
ENDNOTES	68

DIGEST

Traditional local punishments for convicted offenders in California have been incarceration, probation (supervised release in the community) or a combination of the two.¹ However in recent years many California counties have reduced probation services in response to growing budgetary shortfalls. At the same time, an increasing backlog of sentenced felons is placing pressure on local courts and county jails, increasing probation referrals. The result is that county probation officials are managing larger adult offender caseloads with fewer resources, often resulting in little or no supervision.

Assemblywoman Paula Boland requested the California Research Bureau (CRB) to gather and analyze information on the status of California's county adult probation system. The CRB contacted each county using a standardized survey form (see Appendix B for the survey instrument). County probation departments were generous in sharing their internal management data.² Some of the key findings from the survey are as follows:

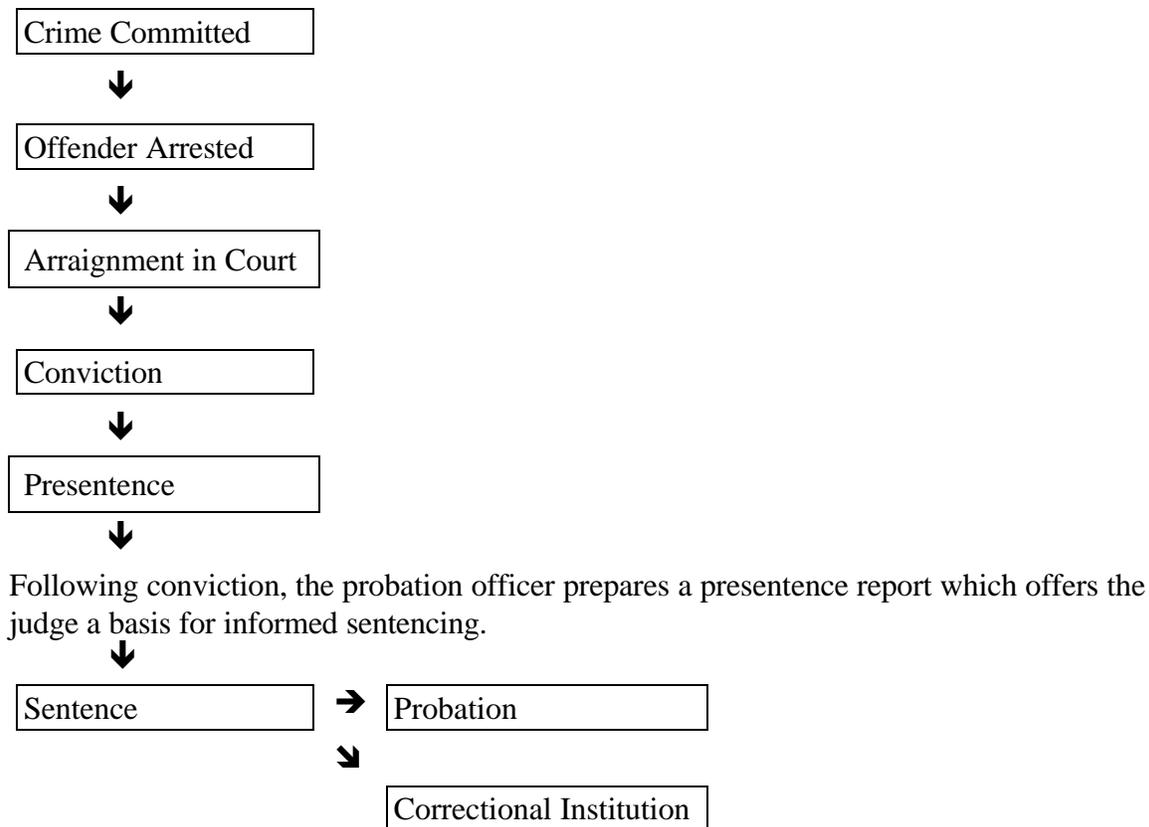
- Probation departments are increasingly placing sentenced offenders into large "banked" caseloads (a new form of unsupervised probation) with a statewide average ratio of 629 offenders per probation officer, rather than using more traditional methods of supervision.
- County probation and sheriffs departments generally do not have the resources and staff to actively supervise most sentenced offenders in non-jail probationary settings. Increasing offender caseloads for county probation agencies have resulted in caseloads as high as 3,000 offenders per probation officer. In some cases probationers mail in postcards to indicate their whereabouts.
- Alternative sanction programs such as electronic monitoring are limited and of varying effectiveness (detailed evaluation data are presented in Appendix A).
- Probation departments generally do not have an automated offender information system which is integrated with other county level criminal justice agencies and courts. This has resulted in some offenders not receiving the appropriate level of supervision given their offenses. Probation departments also have very limited access to California Department of Justice offender data systems.
- In 1994, approximately one in every seven adult offenders in California placed on probation by the courts had his or her probation revoked, compared with a national average of one in ten.

DISTINGUISHING PROBATION FROM PAROLE

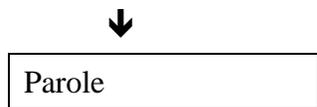
¹ Parole differs from probation in that its services are provided statewide and coordinated on a regional basis, requires formal contact between parolees and parole officers for up to 5 years, and has smaller caseload ratios.

Probation and parole are similar in function but are linked to different segments of the criminal justice system. Parole is a conditional release from state prison, administered in California by the Department of Corrections. Probation is generally imposed in lieu of jail incarceration and is increasingly being used in California as a tool to reduce jail crowding in a wide variety of situations

Probation and Parole in the Criminal Justice System (A General Schematic)



If the sentencing judge imposes probation, the probation agency will supervise the offender in the community. If the offender is sentenced to imprisonment, he/she will be removed to a state correctional institution for a relatively long-term confinement. At some point in time, the incarcerated criminal, now an inmate, will become eligible for parole release.



² Forty-nine (49) out of 58 California counties responded to the California Research Bureau survey. These counties represent approximately 97 percent of California’s population.

When an inmate is paroled from prison, he/she will be supervised in the community by a parole officer. In contrast, probation is a court sentence which generally is imposed at the front end of the criminal justice system in lieu of short-term confinement in a local jail.

Many probation systems do more than just supervise offenders in the community. As will be discussed in the following sections, probation has evolved into a series of intermediate punishment options in lieu of incarceration. Probation programs are designed to help reduce jail and prison crowding while imposing some hardship and restrictions on an offender's liberty. There is wide variation across the country and in California in the type and number of punishment options available to probation.

In some states, probation systems are organized and integrated on a statewide basis, while others, such as California, are locally administered and funded. Some probation systems are funded on a statewide basis but are administered locally. Another variation is that some probation systems jointly administer adult and juvenile programs (including California), while others administer them separately. This diversity of programs and variation in probation management makes probation unique in the U.S. criminal justice system.

PROBATION IN THE CRIMINAL JUSTICE SYSTEM

Origins of Probation

The earliest antecedents of probation date back to 12th century England, when *pardons* became one component of the king's authority to determine the level of punishment imposed for various offenses. The pardon included the power to commute or remit the prescribed penalty in individual cases and was often used to induce subjects to either inform on their confederates, join the military, or vow loyalty to the realm. In the 13th century, the English *clergy* benefited by the king's pardon from criminal liability under secular law. Clergy were permitted to be tried in a "Christian court," where they usually received lenient treatment, until the 18th century.¹

The pioneer of modern probation was John Augustus, a Bostonian. He was the first "probation officer" (informally appointed by city officials in 1841), and the first person to apply the term "probation" to a correctional practice as an alternative to incarceration. During this time, many people were convinced that prisons were not "teaching a lesson," nor were they making inmates penitent.²

The first modern probation system began in 1878 in Massachusetts. Probation officers were authorized to investigate cases and recommend probation when appropriate. By 1898, other states began authorizing the appointment of probation officers to county courts. A unique Rhode Island law placed restrictions on the offenders who could be granted probation; persons convicted of treason, murder, robbery, rape, and burglary were ineligible. The Rhode Island probation law, which applied to both children and adults, also introduced the concept of a state-administered probation system.

By the turn of the century, the spread of probation was accelerated by the juvenile court movement, which started in the Midwest. In 1899, Colorado enacted a compulsory education law which enabled the development of a juvenile court using truant officers as probation officers. By 1925, probation was available for juveniles in every state. Probation for adults followed, becoming lawful in every state by 1956. However, while state laws authorized the role of the probation officer, charitable organizations and private philanthropists initially provided the funds. In 1899, for example, Chicago had six probation officers who were supported by the Juvenile Court Committee of the Chicago Women's Club.³

The first directory of probation officers in the United States, published in 1907, identified 795 probation officers working mainly in the juvenile courts. Many of the first probation officers were volunteers. A selected few were paid, but only worked part time. In 1937, there were more than 3,800 persons described as probation officers. In 1965 there were 6,336 probation officers for juveniles and 2,940 probation officers supervising adult felons.⁴

Today there are approximately 41,495 probation officers across the country: 24,822 supervise probation offenders; 9,691 supervise a combination of parole and probation

offenders; and 6,922 supervise only parole offenders.⁵ There is no official tabulation that distinguishes supervision of adults from juveniles. However, based on budgeted resources for county probation departments in California, adult probation receives slightly more than half.

Modern Probation Organizational Structures

Probation in the United States is administered by hundreds of independent agencies operating under different state laws and following widely varying philosophies. Texas, for example, has over 100 independent, autonomous, local adult probation agencies. Over half of the 1,920 agencies which administer adult probation services across the country are operated at the state level (26 states) and the rest are county or municipal (24 states) agencies. Over half of all juvenile probation services (2,120 agencies) are administered at the local level and the rest at the state level. In California, New Jersey, and the District of Columbia, adult probation is the sole responsibility of local government.

Probation services are organized into six basic administrative categories:

- *Juvenile.* Separate probation services for juveniles in the U.S. are administered on a county or local level, or by the state. In either case, the administration of juvenile probation is separated from probation services for adults.
- *Municipal.* Independent probation units are administered by the lower courts following state law and guidelines.
- *County.* Under laws and guidelines established by the state, a county operates its own probation agency (California follows this system).
- *State.* One agency administers a central probation system which provides services throughout the state.
- *State combined.* Probation and parole are administered on a statewide basis by one agency.
- *Federal.* Probation is administered as an arm of the federal courts.

Some analysts contend that court-administered probation is more responsive to judicial guidelines, provides better feedback, ensures that judges have better knowledge of the resources required, and allows probation staff more discretion and a higher resource priority. On the other hand, others contend that when probation is administered by correctional agencies it leads to better coordination and planning among all correctional subsystems, improved program budgeting and resource allocation and better utilization of probation manpower.⁶ Half of the states administer probation at the state level. In California, probation remains a local function due primarily to the state's strong tradition of city and county governance. Parole is administered by the state correctional system.

What is Probation?

Probation is a judicial sentence that releases convicted individuals into the community rather than placing them in jail or prison. However, an individual on probation is not a free person, despite the fact that he or she is not in jail. The offender is subject to supervision by a probation organization and to the conditions of probation imposed by the court.

According to standards established by the American Correctional Association, an effective probation program should insure the protection of society, rehabilitate the offender and help him or her adjust to a lawful life in the community. As defined in California law (*Penal Code Section 1203*), probation means “the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer.”

How is Probation Applied?

Probation may be applied to juveniles and adults, males and females, felons and misdemeanants.³ There are no comprehensive standards as to who is eligible. A few states do not place any restrictions on who may be granted probation, even in felony cases. However, most states prohibit probation for persons convicted of especially serious crimes, such as rape and murder, and some also restrict probation for persons with multiple felony convictions. New York prohibits probation for persons convicted of drug offenses.

Judges differ in their approach to granting probation. Some seek the advice of the police, the prosecutor, and the probation department. The geographic area where the court is situated may also affect the granting of probation. When court calendars are crowded, as they are in most urban areas, plea bargaining is more likely to result in probation being granted. A judge’s feeling about a particular offense or an offender may also enter into the sentencing decision. Some researchers argue that the wide variation in granting probation is one cause of the “differential punishment” (uneven application of punishment or sentencing) evident in today’s criminal justice system.⁷

Traditionally, an individual on probation is not considered a free person despite the fact that he or she is not incarcerated. The basis for imposing restrictions on a probationer’s freedom is contained in three theories:

- *Grace theory.* Probation is a conditional privilege, an act of mercy by the judge. If any condition of this privilege is violated, probation can be revoked.
- *Contract theory.* The probationer signs a stipulation agreeing to certain terms in return for conditional freedom. As in any contractual situation, a breach of contract can result in penalties, in this case revocation of probation.

³ A misdemeanor is defined as an infraction of the law less serious than a felony, for which the punishment is less severe, usually up to one year in county jail.

- *Custody theory.* The probationer is in the legal custody of the court and is thus a quasi-prisoner with limited constitutional rights.

Role of the Probation Officer

Probation has historical roots in the work of nonprofessionals such as John Augustus and the prisoner aid society. The nonprofessional is very much a part of probation practice. Indeed, the requirement that a probation officer obtain a college degree is a recent (mid-1960s) phenomenon in most probation settings.⁸

Historically, probation officers have performed both rehabilitative and law enforcement functions, especially in juvenile probation. In a rehabilitative role the probation officer serves as a social case worker, a counselor whose primary concerns are generally in the best interest of the offender. In this role, a probation officer must know how to interview, how to obtain facts about an offender's background, how to identify and distinguish surface from underlying problems, what community resources exist, and how to make referrals to such resources. In the law enforcement role, however, the probation officer is a control agent, an authoritarian figure, a threat to the offender's conditional freedom. The dual role of probation is evident in the classic definition: "Probation strives to protect the community through the rehabilitation of the offender."⁹ Given these conflicting roles, today's probation officer is more likely to emphasize surveillance and control functions, holding the protection of the community as a higher priority than rehabilitation.

The probation officer is often designated as a peace officer by statute, and may carry a weapon, execute warrants, and possess special powers of search and arrest. In effect, the probation officer serves as the eyes and ears of the court, initiating revocation proceedings for violations of the conditions of probation. In California, *Penal Code Section 833* allows peace officers to conduct searches and arrest offenders who are suspected of violating the terms of probation. *Penal Code Section 1203.1* authorizes court imposed conditions for probation. Such conditions are legal if they (1) are related to the crime for which the offender was convicted, (2) relate to conduct which is criminal, and (3) prescribe conduct that is reasonably related to future criminality. Conditions imposed on an offender granted probation could include unannounced house and personal searches (for weapons, stolen property, drugs or drug testing) and victim restitution. California *Penal Code Section 830.5* grants probation officers the right to carry a firearm on the job. However, the actual authority under which probation officers may carry firearms proceeds from individual county policies which vary within the state.

The trend over the last 15 years is for control and surveillance to increasingly become the primary objective of probation supervision. Rehabilitation is becoming less important as probation officers are given more responsibility for ensuring that court-ordered punishments are fully applied. At the same time, the hiring of new probation officers has not kept pace with the growth of new offenders. This has resulted in rising probation caseloads, reducing the time that probation officers can spend in the field with individual offenders.

The shift to control and surveillance has created some problems. Some critics argue that focusing more attention on the enforcement of probation rules has caused probation revocation rates to increase. As a result, these critics contend that probation officers spend more time on paperwork and even less time on supervising offenders.¹⁰ Probation becomes a revolving door back into the correctional system. An alternative explanation might be that more serious criminals are being directed into the probation system. The California Research Bureau survey of county probation departments indicates that 1 in every 7 offenders on probation had their probation revoked for either technical violations and new crimes in 1994 (see page 35). This revocation rate is higher than the 1 in 10 national rate indicated in a recent survey.¹¹

Traditionally, probation officers arrest and detain probationers who violate the conditions of their probation. Arresting probation officers may face confrontational or belligerent offenders. Probation visits to offenders often occur in violence-prone neighborhoods, and probationary officers sometimes serve warrants and re-arrest offenders without police support.¹²

Traditional probation operations for the most part remain a 9 to 5 activity. However, effective surveillance and control demands round-the-clock response. According to one probation administrator, "It is naive to assume that a more serious probationer can be supervised on a 9 to 5 basis."¹³

There is no large-scale historical database on the characteristics of probationers, so it is not clear if probationers are more dangerous today. Some probation officials in California contend that the current emphasis on control, and the use of new management tools such as improved criminal-history information systems, risk assessment and drug testing, merely make today's offenders seem tougher than in the past.¹⁴

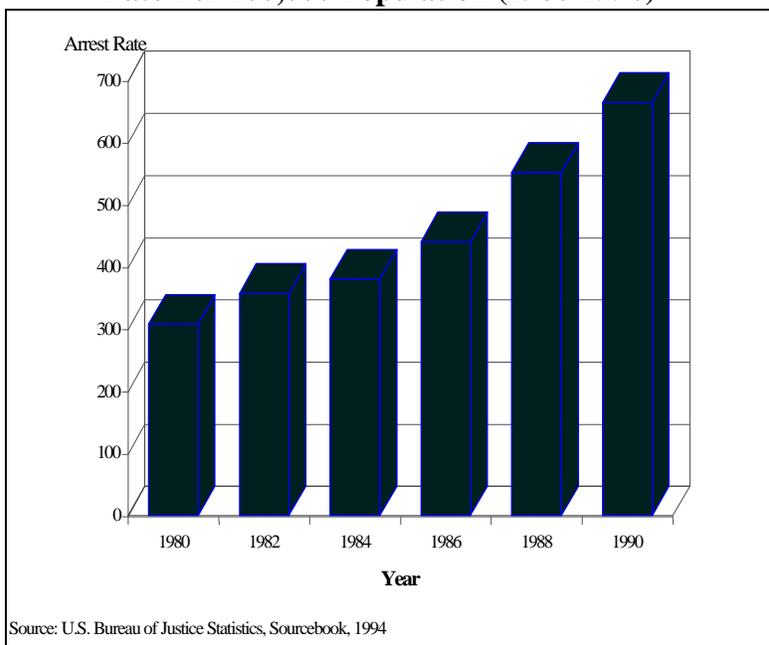
Postwar History of Probation in California

In 1945, California state government began providing counties with subsidies (50 percent county match) to maintain and operate components of their probation systems. In 1957, state bonds were used to fund the construction of county juvenile homes, ranches, and camps. These facilities continue to be viable alternative sanctions within the county probation system.

In 1965, the Probation Subsidy Act was enacted by the California Legislature. Prior to that law, counties operated and financed their local systems independent of each other, and without statewide standards. The Act provided counties up to \$4,000 for each adult or juvenile offender not committed to state prison (above historical commitment levels). The Probation Subsidy Act was responsible for the diversion of more than 45,000 offenders from state institutions to local probation and rehabilitation-oriented programs.

The state's county probation subsidy program operated successfully through the early 1970s. However determinate sentencing policies and increasing drug-related crime, and the related growth in numbers of offenders, made the subsidy increasingly expensive for the state. In addition, much of what was expected at the county-level in terms of offender services never materialized. For example, halfway houses and day services centers for adults were not created nor were jail service programs jointly operated by county sheriffs and probation departments, except in a few instances.¹⁵ In 1978, the Legislature replaced the Probation Subsidy Act with the County Justice System Subvention Program. This program provided counties with grants to cover a variety of local justice programs. By 1992, the \$34.2 million provided to counties for probation through the subvention program represented just a fraction (about 7.5 percent) of county probation expenditures statewide.

Chart 1
National Drug Abuse Violations: Arrest
Rate Per 100,000 Population (1980-1990)



In 1985, the Legislature enacted a two-year pilot project (*Chapter 423, Statutes of 1985*) in Alameda County to address the growing drug problem, especially crack cocaine. The Alameda Probation Department was charged with increasing the level of probation supervision for narcotic felony offenders using an experimental program of intensive probation supervision (Intensive Supervision Program or ISP). Probation officers became directly

involved with weekly offender visits, drug testing, coordinating caseloads with police and the district attorney, searches and arrests, and probation revocation.

The pilot project fulfilled its mandate to increase the intensive supervision of felony narcotic offenders but it had little impact on the increasing number of local narcotic felony violations. It became increasingly difficult for county probation officers to intensively supervise drug offenders using existing budgetary resources.

Changing Characteristics of Probation Services and the Offender Population

Community-Based Corrections Programs (Probation Continuum)

Traditional punishment for convicted offenders was incarceration in prison or jail, probation or a combination of the two. In the mid 1960's correctional officials began to explore the use of sanctions outside the traditional correctional setting to punish and hold offenders accountable. These alternative sanctions became known as community-based corrections. They are generally enforced by probation officials.

Community-based correctional programs are a response to several issues: a growing concern over crowded prison conditions; the increasing cost of incarceration; and a belief in the efficacy of rehabilitation programs.

The Federal Rehabilitation Act of 1965 initiated the new approach to offender supervision known as "community-based corrections."¹⁶ Congress sanctioned the use of residential community centers or halfway houses prior to parole, the granting of brief leaves or furloughs, and work release programs for private employment and vocational training. The goals were to improve offender rehabilitation procedures and to hold down the number of inmates in prisons and correctional institutions.

Widespread development of community-based correction programs in the United States began in the late 1970's as a way to offer offenders leaving jail or prison residential services in halfway houses. Oregon, Colorado, and Minnesota initiated pilot projects, that diverted nonviolent offenders in selected areas from jails and state prisons into local alternative probation programs. Rehabilitation programs were the preferred punishment option.

The driving force behind community-based corrections is the savings derived from keeping selected offenders out of prisons and jails. Community correction advocates contend these programs offer efficient punishment. Probation centers, boot camps, intensive supervision, electronic monitoring, residential treatment, and various probation conditions such as community service, restitution, and mandatory employment all deliver some form of punishment and accountability at relatively low cost. The programs are highly specialized by the type of service and supervision they provide for certain types of offenders.

Many community-based corrections programs have small caseloads compared to regular probation (see Chart 12, page 23 for California data). The typical offender usually is a drug or alcohol abuser who has committed multiple felony nonviolent offenses and requires constant supervision and/or treatment for his or her problems. While these tasks require intensive staff time and surveillance, they are generally less costly than incarceration, as Table 1 indicates.

Table 1
Offender Cost Per-Day of Community Correction Programs vs. Prison (1993)

South Carolina	Cost	Michigan	Cost	California	Cost
Prison	\$44	Prison	\$65	Prison	\$66
Electronic Monitoring	\$13	Electronic Monitoring	\$20	Electronic Monitoring	\$12
Day Treatment and Reporting	\$ 6	Day Reporting Centers	\$ 9	Day Reporting Centers	\$15
Community Control Center	\$28	Residential Programs	\$35	Residential Programs	\$30-100
Intensive Supervision	\$27	Intensive Supervision	\$40	Intensive Supervision	\$12
Home Detention	\$ 9	Pre-Trial Release	\$ 7	Work Release	\$15
Restitution Center	\$24	Residential Drug Treatment	\$55	Substance Abuse Treatment	\$55-100
Drug Deterrence	\$ 2	Regular Probation	\$ 3	Regular Probation	\$ 6
		Boot Camp	\$116*	Boot Camp	\$65*

* Cost per day in Michigan is for a 90 day period and is for a 120 day period in California.

Source: California Research Bureau\California State Library, 1996 and
Corrections Yearbook, Criminal Justice Institute, 1994

Today, researchers are exploring the relative severity and length of different community-based probation programs as a substitute for incarceration. For example, is 2 years of intensive supervision with mandatory drug testing and community service equivalent to 1 year in jail? Is house arrest with 24 hour electronic monitoring a substitute for a jail term? Is time spent in jail equivalent to time spent in prison? What monetary fine, if any, might be substituted for what period of confinement? Could participation in a probation sponsored drug or alcohol treatment program substitute for some jail or prison time?

A number of states have been grappling with these questions, and several have produced “equivalency” formulas. Pennsylvania has proposed expanding its sentencing options from the traditional prison or probation model to one that incorporates two additional levels of punishment. The middle two levels would allow a judge to impose either a “restrictive intermediate punishment” (electronic monitoring with random drug testing, for example) or a prison term, with a one-to-one substitution formula. Oregon and Louisiana have proposed including “custody units” (specialized offender caseloads) in all sentences involving local jail time. Judges could select a number of sentencing options to fill the “custody units” such as requiring weekly drug testing, curfews, and restitution fees for up to 6 months in lieu of 1 year in jail. In Louisiana, the courts can substitute 5 months of either intensive supervision, residential treatment, or house arrest for 1 month in jail.¹⁷

Community Corrections In California

California adopted the legal framework required for a community-based corrections program relatively recently (*Chapter Ex. 41, Statutes of 1994*). In 1995, the State Legislature allocated \$2 million to the Board of Corrections to fund county or regional-level planning grants for community corrections programs. The Board created an Executive Steering Committee comprised of county supervisors, county sheriffs, and chief probation officers to oversee the Request for Proposal and evaluation process. Minimum requirements call for collaboration among all local criminal justice agencies to develop plans which can reduce the number of offender commitments to state prison. These plans will provide the local framework for future community corrections programs in California.

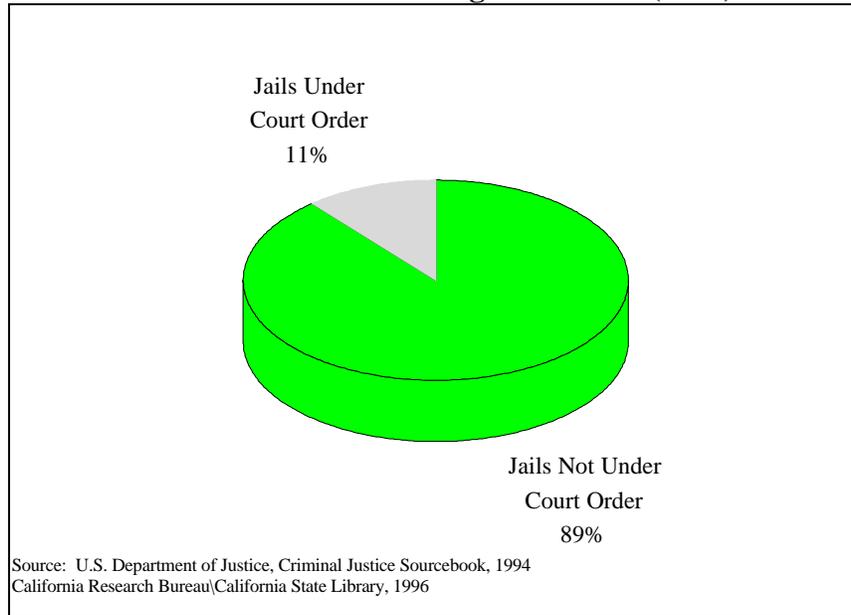
In 1990, the California Blue Ribbon Commission On Inmate Population Management concluded that:

- Judges lack sufficient sentencing alternatives to impose intermediate sanctions between routine probation and local or state incarceration.
- There are some offenders who are incarcerated and/or on probation who would, and should, be managed differently if additional alternative sanctions were available.
- A proliferation of sentencing and enhancement laws has resulted in a “piecemeal” approach to sentencing, without overarching comprehensive sentencing structure. The result has been the development of an extremely complex set of statutes which has become very difficult to administer.

The Growing Offender Population in the U.S. and California

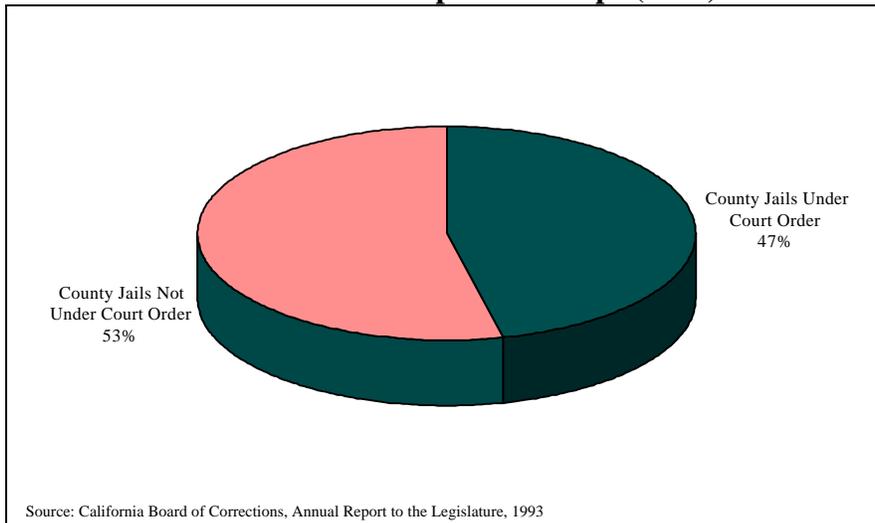
Some researchers contend that the growth of violent crime during the 1980s changed the public’s perception that offenders were being adequately punished by probation or held accountable for their crimes. Victim organizations and others opposed sentencing that placed nonviolent repeat offenders, convicted drunk drivers, and drug offenders on regular probation, and demanded more severe sanctions. The convergence of longer sentences and increasing violent crime began to overload available jail and prison space. Offenders already in jail were sometimes released early to make room for new jail bound offenders. The resulting impact was dramatic. Eleven percent of all local jails in the U.S. were under court order in 1989 to reduce their inmate populations.

Chart 2
Percentage of Jails in the US Under Court Order
Because of Overcrowding Conditions (1989)



Court-ordered jail population caps have had a major impact on the sentencing practices of California judges since 1988. In that year, 43 jails in California were under consent decree. Today, 27 county jails (representing about 73 percent of the statewide average jail population), including the state's 5 largest counties, are under court-ordered population caps which limit the number of inmates. Construction of new jails in California has relieved some of the crowding pressure, but adequate staffing and operational costs continue to be a problem.

Chart 3
Percentage of Jails in California Under
Court- Ordered Population Caps (1990)

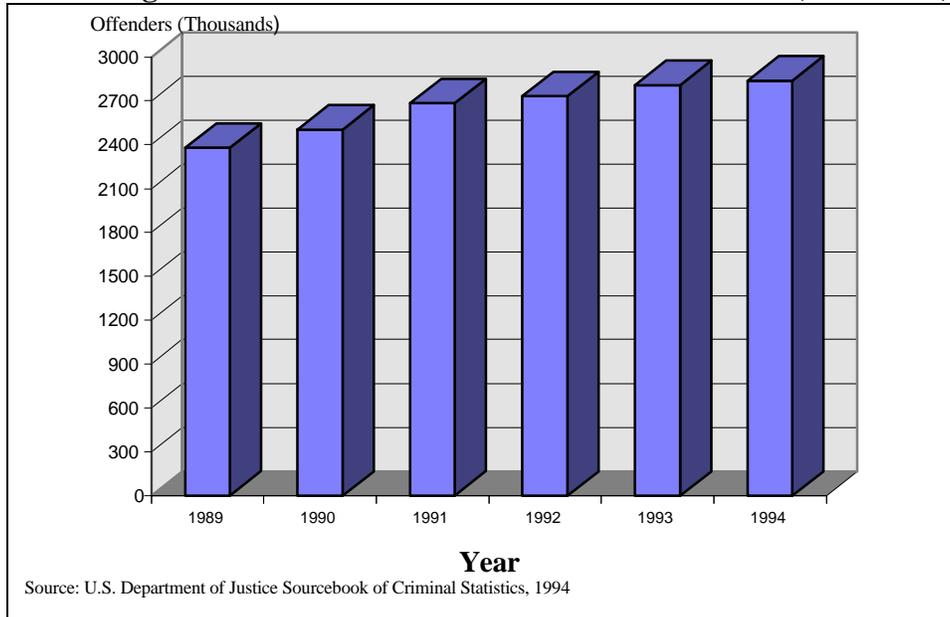


Impact of Sentencing on Probation

Probation is the most commonly used sanction in the criminal justice system. In 1994, two-thirds of all people under criminal justice supervision, or about 2.87 million people, were on probation.

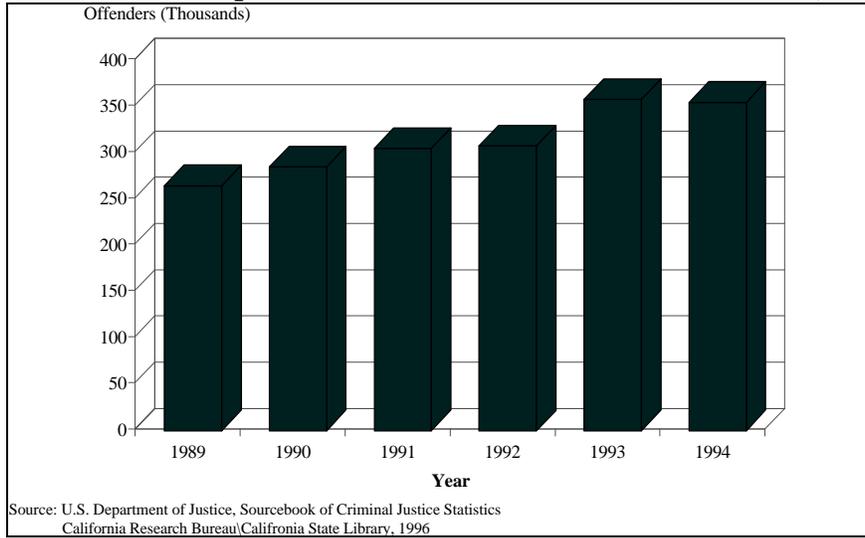
Recent court figures nationwide indicate that judges are sentencing convicted felons almost equally between prison and probation (46 percent to prison and 47 percent to probation).¹⁸ In many jurisdictions, including California, judges have only three sentencing choices: probation, incarceration, or a combination of the two. More than 90 percent of all convicted felons received either jail or probation as a sentence.

Chart 4
Increasing Number of Offenders on Probation in the U.S.(1989-1994)



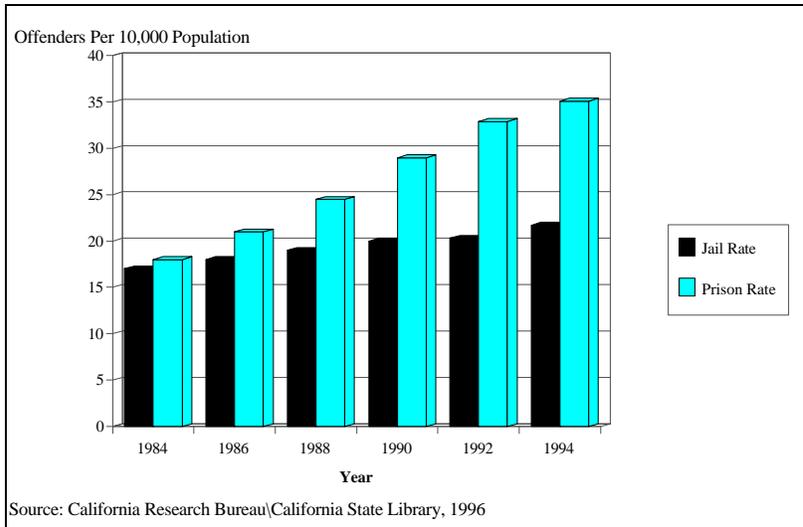
California's probation population grew over 26 percent from 265,000 in 1989 to 359,000 in 1993, before declining slightly in 1994 to 355,000. Between 1989 and 1994 the national probation population grew by 18.9 percent, from 2.35 million to 2.87 million.¹⁹ Probation is California's and the nation's most common correctional activity.

Chart 5
Probation Population In California Counties (1989-1994)



The Impact of Sentencing on Jails and Prisons in California

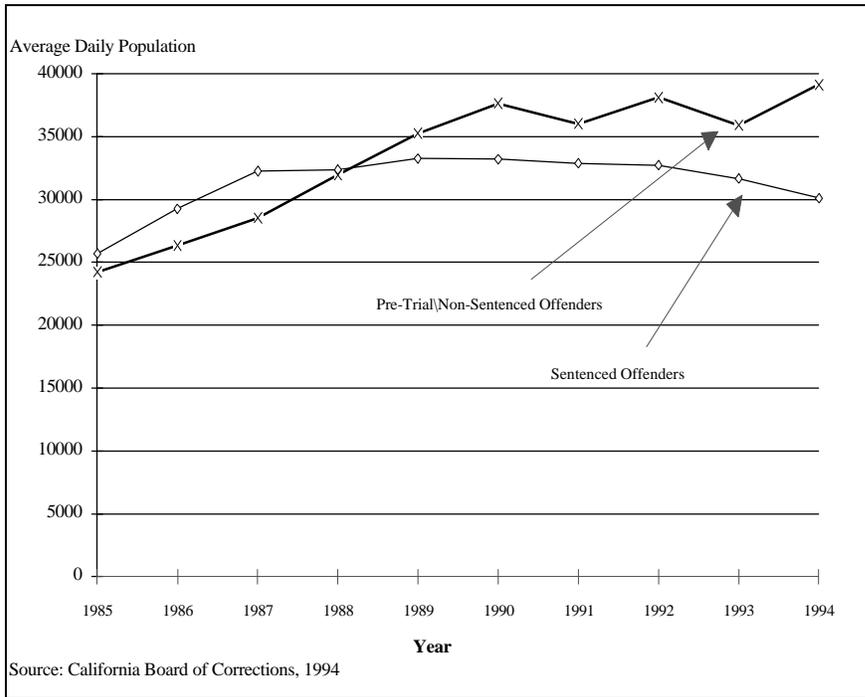
Chart 6:
California Offender Incarceration Rates:
County Jail and State Prisons (1984-1994)



Between 1984 and 1994, the statewide county jail incarceration rate increased from 17 per 10,000 population to 21.7 per 10,000 population. The statewide prison incarceration rate for the same 10 year period increased even more dramatically, from 18 to 35.1 per 10,000 population.

During the same 10 year period, the data show a disproportionate increase in the number of non-sentenced (pretrial) offenders in jail versus the sentenced population. The non-sentenced population of probation and parole violators and other offenders awaiting trial accounted for 77 percent of the increase in the statewide jail population during that time period. Chart 7 shows that the average daily non-sentenced county jail population in California is now larger than the sentenced population.

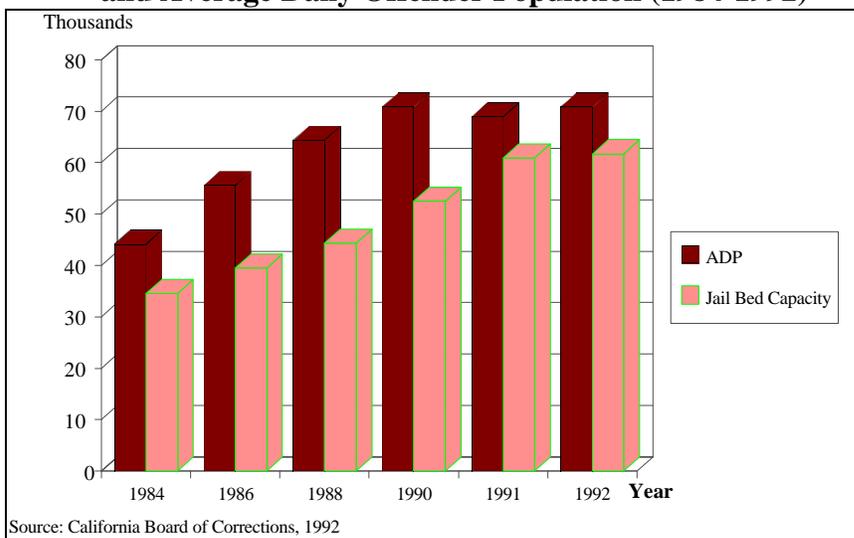
Chart 7
County Jail Profile in California: Sentenced vs. Non-Sentenced Population (1985-1994)



Many California counties are now using emergency release programs to ensure adequate jail space. California's "three strikes law" is also impacting available jail space, especially in large urban counties. For example, there is a huge backlog of criminal cases in Los Angeles County, and even longer delays in civil cases. This has resulted in a dramatic increase of

high-security prisoners in the county jail system and has forced the early release to probation of inmates being held on serious but less offensive charges.²⁰

Chart 8
California County Jails: Rated Bed Capacity and Average Daily Offender Population (1984-1992)



The average daily jail population rose from just under 40,000 in 1984 to over 70,000 in 1992, exceeding the total rated capacity of jails in the state for each year. The average jail stay of all offenders between 1988 and 1994 was 18.2 days (this includes all sentenced and non-sentenced jail

bookings, divided by the total daily average jail census).

A 1990 National Institute of Justice survey of the 75 largest urban counties in the country found that about one-quarter of all convicted defendants were sentenced to probation instead of prison or jail, regardless of whether the conviction was for a felony or a misdemeanor. Among those defendants who were convicted of a felony but not sentenced to incarceration, 9 in 10 received a probation sentence. About 7 in 10 defendants convicted of a misdemeanor but not sentenced to incarceration were sentenced to probation.

Convicted Offense	Prison	Jail	Probation	Fines
Murder	87 percent	6 percent	7 percent	0
Rape	53 percent	39 percent	8 percent	0
Robbery	65 percent	22 percent	13 percent	0
Assault	41 percent	31 percent	28 percent	1 percent
Other Violence	43 percent	28 percent	29 percent	0
Burglary	53 percent	27 percent	20 percent	1 percent
Theft	40 percent	31 percent	28 percent	1 percent
Drug Sales	43 percent	37 percent	20 percent	1 percent
Driving Related	39 percent	40 percent	18 percent	3 percent
Other Drug Use	31 percent	28 percent	40 percent	1 percent
Other Public-Order	38 percent	28 percent	32 percent	2 percent
Misdemeanor	10 percent	54 percent	26 percent	11 percent

Source: US Department of Justice, Bureau of Justice Statistics, 1990.

FINDINGS OF PROBATION SURVEY IN CALIFORNIA

The California Research Bureau surveyed the sheriffs and probation departments of all 58 counties in the state in October, 1995 (see Appendix A for methodology and survey instrument). The survey goals were to:

- Understand the priorities which departments place on probation goals of monitoring and rehabilitation, and the impact of changing goals on operational priorities;
- Assess the resources of county probation and sheriff departments and the implication for program services;
- Identify the technical capacity of probation departments to share and cross reference criminal record information with local criminal justice agencies;
- Survey alternative sanction programs;
- Measure probation department workloads; and
- Assess the degree of field-level probation supervision of offenders.

Fundamental Goals

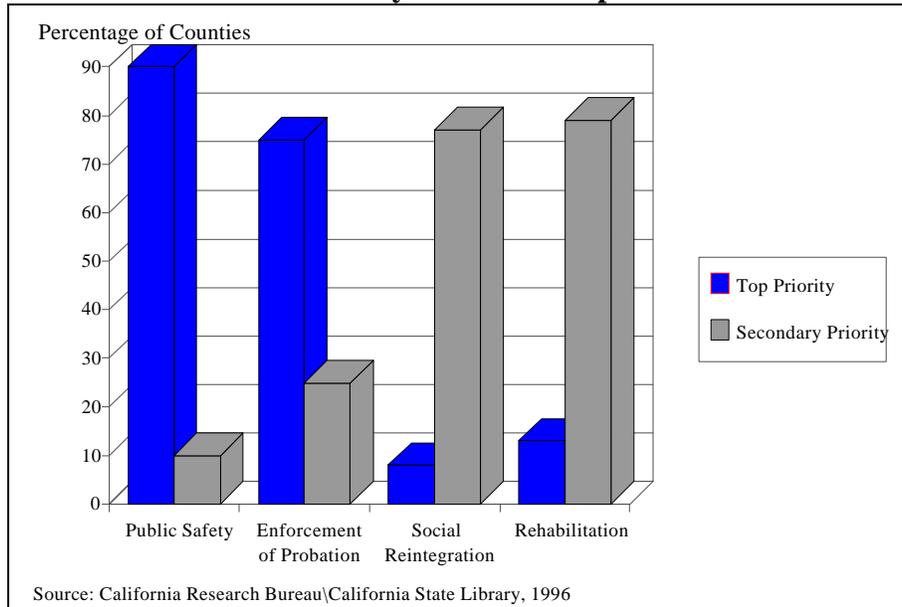
There are four commonly accepted goals of probation:

- To keep the prison and jail systems from overcrowding.
- To protect the community by reducing the rate of re-offenses by probationers.
- To rehabilitate probationers by treating specific problems associated with their criminal activity.
- To require the probationer to pay restitution (fines and fees) for his/her crimes.

Probation Priorities

The survey found that public safety is the top priority of nearly 90 percent of the state's county probation departments. Three quarters of the departments also rate enforcement of the terms of probation as a top priority. In contrast, 8 percent of the county probation departments regard rehabilitation and social reintegration as the top priority (see Chart 9).

**Chart 9
Goals of County Probation Departments**



Firearms

California *Penal Code Section 830.5* classifies probation officers as peace officers and allows probation officers to carry a firearm on the job if authorized by the Chief Probation Officer of the county. There is considerable variation in how this policy is applied from county to county. Sixty percent of the counties in the survey authorize their probation officers to carry firearms and 40 percent do not. Many counties limit firearms to officers who supervise specialized caseloads involving high-risk offenders. In an earlier era, when rehabilitation was widely regarded as a top priority, firearms were regarded as counter productive.

Traditional Probation

There are three primary approaches to probation management in California, based on survey findings:

- 1). *Alternative sanction* programs which require high-risk offenders judged in need of daily structured regimentation to undergo intensive supervision, including frequent and unannounced contact by probation officers outside a confined jail environment. Other sanction programs require low-risk offenders to pay restitution to victims and perform community service work.

- 2). *Regular probation* which requires offenders to make periodic visits or attend scheduled meetings with probation officers to discuss work activities and living arrangements.

- 3). *Banked probation* which places minimal or no requirements on the offender to visit or contact a probation officer.

Chart 10
Number of Offenders on Probation
in California by Type of Program (1994)

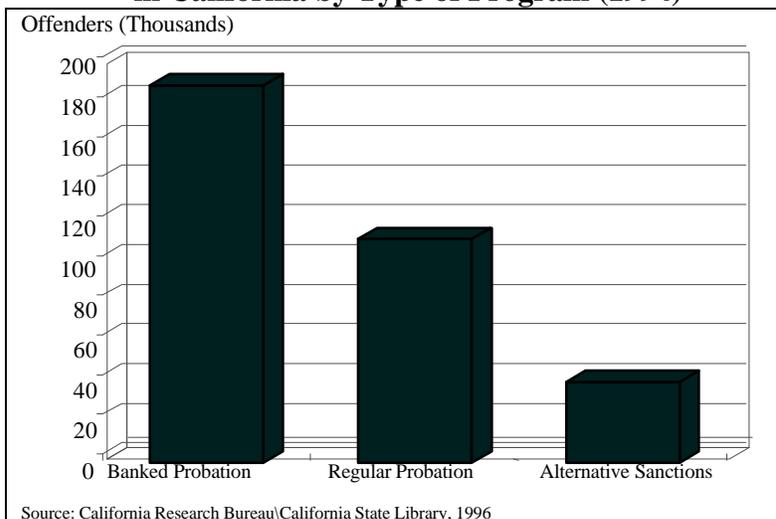


Chart 10 shows that the largest number of offenders are placed in (unsupervised) banked probation caseloads. California counties are increasingly relying on banked probation due to two realities: little or no growth in probation staff or staff reductions, and a rapidly growing number of new probation offenders.

An offender on banked probation will probably not see nor hear from authorities while on probation. Some of the large urban probation departments surveyed occasionally send letters to probationers to find out their location. One probation official acknowledges that banked probation is “like criminal triage: only the most serious offender will receive any structured supervision while the rest are just put on hold.” A county sheriff official contended: “These people see the local criminal justice system as the better part of a cycle in their lives. They go to jail for a short time to get their lives back on track, and are then released early and placed on probation.”²¹

The implications of the increasing reliance on banked probation are unclear. Some researchers question whether there are adequate risk assessment tools to identify banked probation caseloads designed for “low risk” offenders. Critics point out that there is no way to determine if banked offenders are committing more crimes, and are therefore a threat to public safety. A probation official contends that, “lack of supervision makes it difficult with the public, especially when they get a complaint about a certain probationer making life miserable for his neighbors.”²²

When county probation officials were questioned about these concerns during site and follow-up phone interviews, most felt that banked offenders are not a flight risk nor are they a danger to society. County probation officials are reasonably sure that their risk assessment systems which measure an offender’s threat to public safety are reliable instruments for predicting behavior.

Risk assessments used vary from county to county. Most counties use models developed by the National Institute of Corrections and the Wisconsin “Krisberg Scale” or variations adapted from these models. A sampling of county probation departments found that most misdemeanants are likely candidates for banked probation. Some urban counties with large banked caseloads use risk models which heavily emphasize identifying violent behavior. An offender who scores poorly on the risk assessment has probably been involved in domestic violence, child or sexual abuse and will not be placed on banked probation. Other counties with banked caseloads use more traditional risk assessment scales which factor previous criminal history and the nature of the offense. All counties identify and monitor all offenders who are involved in domestic violence or sexual and child abuse.

Probation officials contend that the legal constraints placed on probation offenders (*Penal Code Section 1203, et, al*) restrict their freedom of movement and allow law enforcement personnel (including probation officers) sufficient leverage to revoke probation. Case law (*Griffin v. Wisconsin, 87, 483, U.S. 868*) supports law enforcement discretion to carry out unannounced and warrantless house and body searches of offenders who are on probation. Probation officials believe these discretionary enforcement tools serve as a deterrent. The increased surveillance and unannounced visits by probation officers may lead to revoking probation for increasing numbers of banked and regular (see page 39 for discussion of probation options).

Recently, one urban county probation department has reorganized its offender probation caseload management programs by combining all but high risk offenders into one program. The major benefit of this team approach, according to county probation officials, is that there will be no individual caseloads and all offenders, high and low risk, will be subject to random visits and searches. Traveling probation officer units will target area visits based on zip codes, with high risk offenders given top priority visits. Offenders will be visited as limited staffing resources permit.

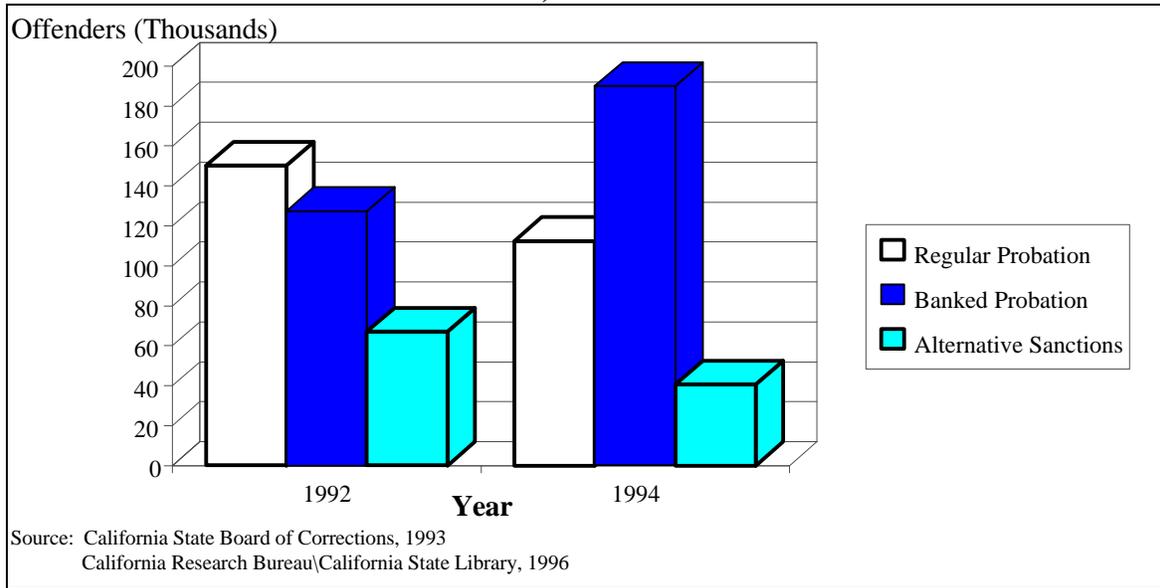
Banked Probation Caseloads

The California Probation Officers Association recommends a standard ratio of 25-50 offenders to 1 probation officer.²³ County banked caseloads range from 3,000 to 300 offenders per probation officer. The statewide average ratio of banked offenders per probation officer is 629 to 1. There are no legal standards in California or the nation for what the probation officer ratio to offenders should be. In California, individual counties determine the acceptable ratio.

According to the survey respondents, 190,056 offenders were placed on banked probation in 1994, an increase of 33 percent over 1992 when 127,436 offenders were placed on banked probation. In contrast, the number of probationers in regular probation is decreasing. Survey respondents indicate that in 1994, 112,537 adult offenders were placed on regular probation. This is 25 percent less than 1992, when approximately 150,331 offenders were placed on regular probation. The number of adult offenders placed in alternative sanction programs in 1994 was down by 60 percent from the 1992 survey (in

part due to Orange County's bankruptcy, since it had been a leader in alternative sanction programs).

Chart 11
Use of Regular, Banked, and Alternative Sanction Probation Programs by California Counties, 1992 and 1994



Most probation departments require only periodic contact or scheduled meetings (on average, once a month) with offenders placed on regular probation. Nonetheless, regular probation supervision is still considered resource intensive. For some counties that use both banked and regular probation, the most common offender requirements for regular probation are periodic visits to the probation department office, and for banked probation, a post card to the same office.

Twenty county probation departments (representing approximately 38 percent of the state's population) currently have the resources to implement a multi-level approach to probation management, which includes alternative sanction programs and regular and banked probation. Five of these counties (Placer, San Luis Obispo, Amador, Madera, and San Francisco) actually had a higher ratio of offenders in alternative sanction programs than in the combined caseloads of regular and banked offenders. Probation officials in these counties state that they will continue with a multi-level approach to probation as long as they have the resources.

Chart 12 shows the relative differences in probation resources for each major type of probation, as evidenced by varying caseload ratios.

Chart 12
The Average Statewide Caseload Ratio of Offenders to Probation Officers by Program Type (1994)

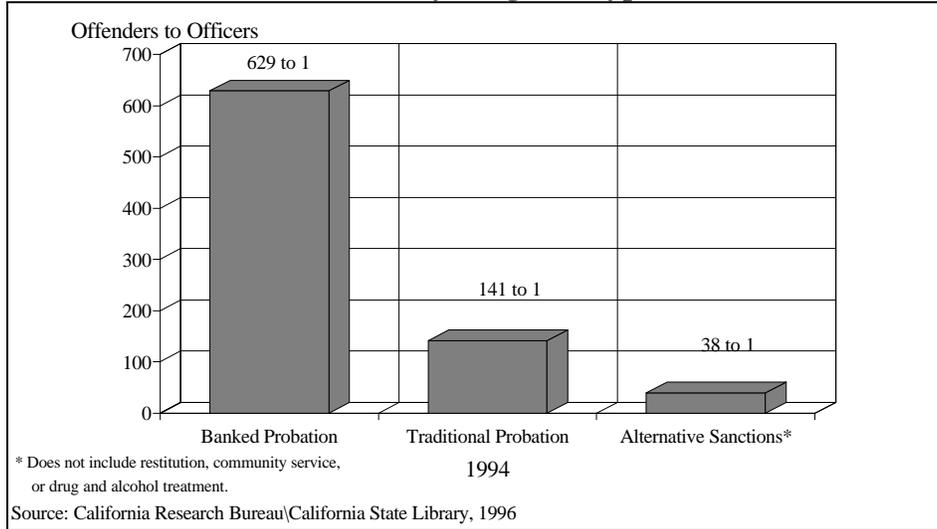
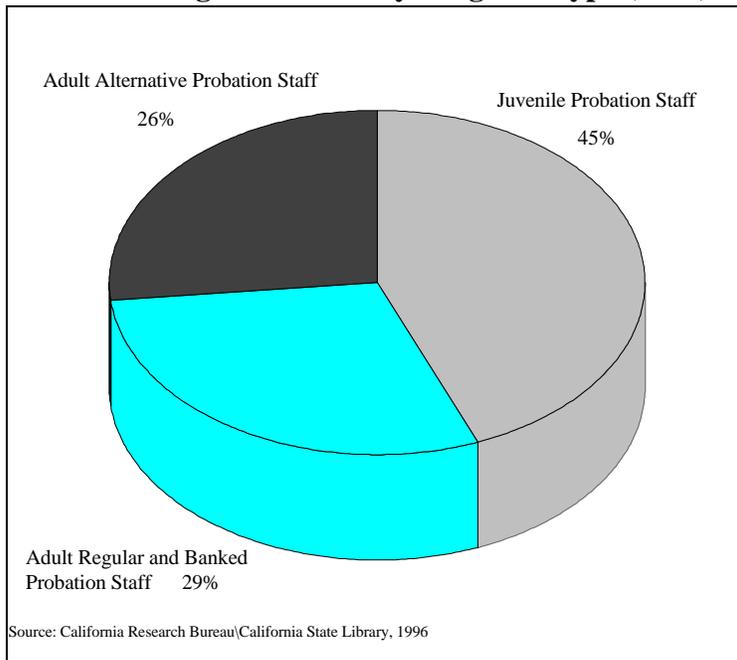


Chart 13
Percentage of County Probation Staff Assigned to Manage Offenders by Program Type (1994)



The increasing use of banked probation and decreasing reliance on regular probation and alternative sanctions is closely connected to the budgeting constraints facing county probation departments as they attempt to manage offenders outside of jail and prison institutions (see funding data on page 31).

The California Research Bureau survey results for 49 California counties indicate that approximately 2,898 county-level personnel are

involved in the management of adult probation, and 2,289 personnel are involved in the management of juvenile probation. Approximately 1,529 probation officers and other professional staff supervise 190,056 adult offenders on banked probation and 127,436 offenders on regular probation, compared to 1,369 probation officers and other professional staff who supervise 40,601 adult alternative sanction probationers.²⁴

Alternative Probation Sanctions

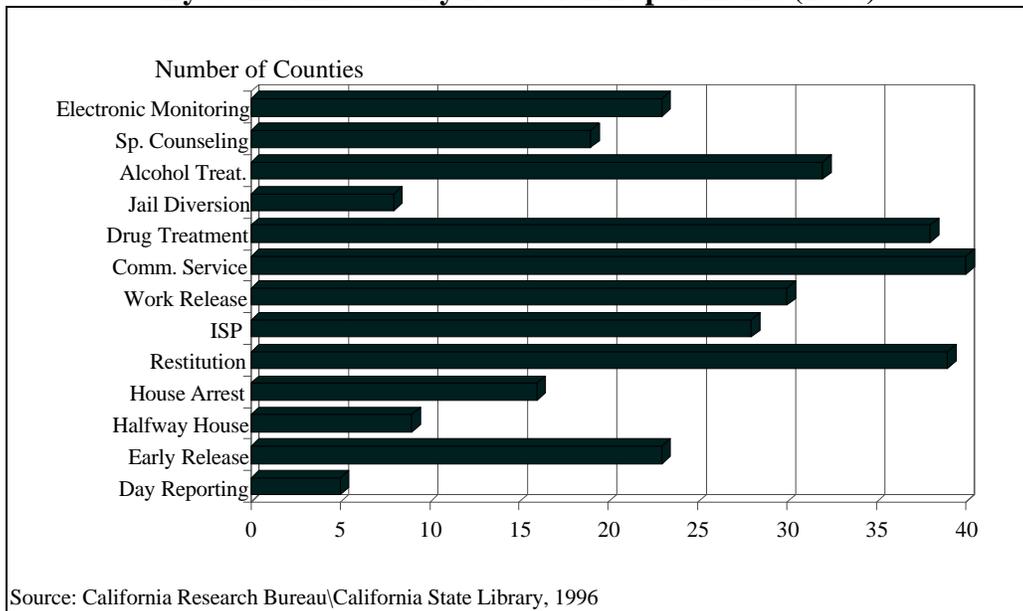
Alternative probation sanctions may be imposed as conditions of probation by the courts. The primary objective of alternative probation sanctions and conditional probation programs is to monitor a probationer's behavior in such a way as to minimize the risk to society which the probationer poses by not being incarcerated. The expectation is that the probationer's behavior will be controlled enough to reduce the likelihood that the probationer will re-offend and to increase the likelihood that a re-offense is detected.

The following Table lists the alternative sanction options offered by probation departments in California.

Rehabilitation Programs	Monitoring Programs	
<ul style="list-style-type: none"> • Substance Abuse • Alcohol Abuse • Sex Offender • Anger Management 	<ul style="list-style-type: none"> • Intensive Supervision • Electronic Monitoring • Day Reporting • Restitution 	<ul style="list-style-type: none"> • Jail Diversion • House Arrest • Halfway Houses • Early Release

The 49 responding counties placed 40,601 offenders in alternative sanction programs in 1994. Many of these offenders were required to participate in more than one sanction program. In addition, 6 sheriffs departments which administer alternative sanction programs had 6,392 offenders under supervision.

**Chart 14
Alternative Sentencing Programs Offered
By California County Probation Departments (1994)**



All California counties participate in the state Department of Justice’s “Violence Suppression Program.” The purpose of this program is to investigate and apprehend career criminals involved in violent crime. The program is staffed by 38 special agents from the Justice Department who have broad jurisdictional authority to pursue criminals across county boundaries. County teams of sheriffs, police, probation, and state parole officers make-up local violence suppression units which monitor the movement and activity of high risk probation and parole offenders. These county teams also assist Department of Justice agents in apprehending violent criminals with outstanding arrest warrants. Since this program began in 1994, an overall total of 16,187 felony arrest warrants have been issued for the apprehension of probation violators.

Primary funding for county-level violence suppression units comes from federal formula grants (Edward Byrne Memorial Fund). Last year counties received \$25.4 million to support local violence suppression teams. These special units are usually involved in sanctions such as intensive supervision, electronic monitoring, and specialized counseling programs.

Until the recent budgetary crisis in Orange County, the county probation department had a strong alternative sentencing program including a day reporting center, electronic monitoring program, house arrest, and halfway house. The estimated monthly census for Orange County’s alternative sanction programs was 1,100 offenders. Due to the county’s bankruptcy, and a funding loss of \$9.2 million, these programs were completely eliminated. All probationers are now in “banked” or non-supervised caseloads.

Boot camps are used only for juvenile offenders in some large counties and not for adult offenders. The average jail time served by an adult offender in California ranges from 8-34 days, leaving little or no incentive for counties to offer a boot camp program (boot camp programs generally last 90-180 days). Probation officials express concern about the effectiveness of boot camps and about the amount of staff time required to monitor them. They indicate that they would be reluctant to apply for federal grant funds for boot camps, and if they did, it would be for juvenile use only. However, a number of states do use boot camps for adult offenders.²⁵

Day reporting centers are highly regarded by county probation officials as an alternative option to probation. However, only 5 of the surveyed counties (representing 8 percent of the state’s population) operate day reporting centers. A small average monthly caseload of 25 offenders per participating county is supervised on average by less than half of one full-time probation officer position.

Table 4			
Day Reporting Centers (1994)			
Counties With Day Reporting Centers	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
5	125 Offenders	55.5 Offenders	2.25
California Research Bureau/California State Library, 1996			

Early release programs are reported by 23 of the responding counties (representing 61 percent of the state’s population). However, only a limited number of offenders are involved in early release programs. Most offenders, including some parole and probation violators, are placed under supervision in early release programs after an initial term in jail. Most programs are tied to emergency release plans which are implemented when jail overcrowding approaches the judicially established population caps (see page 13 for discussion).

Table 5			
Early Release (1994)			
Counties With Early Release	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
23	266.5 Offenders	26.1 Offenders	10.2
California Research Bureau/California State Library, 1996			

Electronic monitoring is a sentencing sanction in 32 counties (representing 74 percent of the state’s population). However, only a small number of probationers are placed on electronic monitoring: The monthly statewide average number is about 1,283 offenders, with an average of about 28 per caseload. Some of the monitoring probation staff belong to highly trained local violence suppression units. Many offenders monitored by electronic surveillance are part of specialized or high-risk caseloads involving sexual-related offenses, drug abuse and drug trafficking, gang-related crimes, and domestic violence.

Table 6			
Electronic Monitoring (1994)			
Counties With Electronic Monitoring	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
32	1,283 Offenders	28 Offenders	46
California Research Bureau/California State Library, 1996			

House arrest programs are usually run in conjunction with electronic monitoring and other sanctions. Sixteen responding counties (representing 15 percent of the state’s population) report using house arrest, but for only 238 offenders on a statewide monthly average. One probation official said that judges in his county are likely to sentence domestic violent offenders or accused sex offenders to house arrest and electronic monitoring. In another county, drug abusers are the most likely candidates.²⁶

Table 7			
House Arrest (1994)			
Counties House Arrest	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
16	238 Offenders	15 Offenders	16
California Research Bureau/California State Library, 1996			

Halfway houses are a limited option in 9 of the responding counties (representing 18 percent of the state’s population), with a monthly average statewide census of 73 offenders. Only two part-time probation personnel in the state are involved with supervision. The limited involvement of probation staff is probably due to the fact that halfway houses are generally not appropriate for high-risk offenders and are usually operated and supervised by non-probation personnel for offenders near the end of their sentence.

Table 8			
Halfway Houses (1994)			
Counties With Halfway Houses	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
9	73 Offenders	N/A	.10
California Research Bureau/California State Library, 1996			

Intensive supervision is one of the most widely imposed alternative sentencing options, reported by 28 of the responding counties (representing 70 percent of the state’s population), with an average monthly statewide offender census of 13,189. Many people regard intensive supervision as probation’s main function.

Nearly 1,000 probation staff positions are involved in full or part-time intensive supervision. The relatively small average offender caseload of 13 suggests the program’s high priority. Field officers are often part of a county tactical violence suppression unit which conducts random and unannounced offender searches. Most participating offenders are considered high risk including sex offenders, domestic violence offenders, drug dealers, and gang members. In many cases they are also on some form of electronic monitoring.

Table 9			
Intensive Supervision (1994)			
Counties With Intensive Supervision	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
28	13,189 Offenders	13.2 Offenders	998
California Research Bureau/California State Library, 1996			

Restitution is the most frequently imposed alternative sanction in the state. Thirty nine of the responding counties (representing 90 percent of the state’s population) reported restitution programs. An average of 32,119 offenders statewide are required to pay restitution every month. Restitution is usually imposed for low risk offenders, often in conjunction with community service. Many counties require offenders to pay directly to a non-probation staff member or to mail-in payment. Several counties have developed innovative face-to-face meetings between the victim and offender which allow the victim to set the terms for restitution. One such program (the Victim Offender Reconciliation Program) has been so successful that it is now fully funded by two counties. A probation official asserts that, “VORP is a healing process for the victim and the community.”²⁷

Table 10 Restitution (1994)			
Counties With Restitution	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
39	32,119 Offenders	425 Offenders	75.5
California Research Bureau/California State Library, 1996			

Work release is a sanction available in 30 of the responding counties (representing 64 percent of the state's population), with a statewide monthly average of 1,744 offenders. Participating offenders were usually employed when they committed their crime, and are allowed to continue to work as they await a judicial decision, or as they serve their sentence.

Table 11 Work Release (1994)			
Counties With Work Release	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
30	1,744 Offenders	90 Offenders	19.35
California Research Bureau/California State Library, 1996			

Community service is required in 40 of the responding counties (representing 94 percent of the state's population), making it the most widely available alternative sanction in California counties. Requirements vary from 40 to 80 hours of service. In many counties sheriffs' department personnel directly supervise offenders performing community service.

Table 12 Community Service (1994)			
Counties With Community Service	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
40	11,130 Offenders	335 Offenders	33.25
California Research Bureau/California State Library, 1996			

Drug treatment programs are available in 38 of the responding counties (representing 91 percent of the state's population), especially the large urban counties. The monthly statewide average is 17,011 participating offenders. Medical staff provide the actual drug treatment and also serve in a supervisory capacity.

Drug treatment is imposed in a variety of situations. Offenders may participate voluntarily, be required to attend as part of a drug court sentence, or be recommended by probation staff in conjunction with other sanctions. Offenders are usually subject to random drug testing by probation officers, and are generally required to pay for the service. Most drug treatment programs operate independently of the probation departments. In fact, 42 percent of the counties with drug treatment programs contract-out for this service.

Table 13			
Drug Treatment Programs (1994)			
Counties With Drug Treatment Programs	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
38	17,011 Offenders	256 Offenders	66.5
California Research Bureau/California State Library, 1996			

Jail diversion programs are in operation in only 8 of the responding counties (representing 17 percent of the state’s population). They are primarily designed to alleviate crowded jails or camps by releasing offenders early from their sentence, or by requiring them to perform jail duties during the day while returning home at night.

Table 14			
Jail Diversion (1994)			
Counties With Jail Diversion	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
8	710 Offenders	39 Offenders	18.25
California Research Bureau/California State Library, 1996			

Alcohol treatment programs are offered in 32 of the responding counties (representing 75 percent of the state’s population), with an average statewide monthly census of 13,130 offenders. In many instances, offenders are fulfilling court ordered “driving under the influence (DUI)” requirements by attending classes, Alcoholic Anonymous (AA) meetings or other professional counseling groups (and paying for the service).

Table 15			
Alcohol Treatment (1994)			
Counties With Alcohol Treatment	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
32	13,130 Offenders	525 Offenders	25.25
California Research Bureau/California State Library, 1996			

Specialized counseling is offered in 19 of the responding counties (representing 22 percent of the state’s population), with an average statewide monthly census of 13,618 offenders. Counseling is required for a variety of offenders including thieves, serious drug offenders, domestic violence offenders, and sex offenders. They are usually given a high risk assessment status and are monitored closely by counseling staff and specialized probation officers. Anger management is one of the primary goals and generally includes both education and counseling. The average monthly probation officer caseload is 233 offenders, although counseling staff also supervise.

Table 16 Specialized Counseling (1994)			
Counties With Specialized Counseling	Average Statewide Monthly Census	Average Probation Officer Caseload	Total Statewide Staff PYs
19	13,618 Offenders	233 Offenders	58.8
California Research Bureau/California State Library, 1996			

County Sheriffs Alternative Sanction Programs

Most county sheriffs departments did not respond to the CRB survey primarily because they are not involved in probation or in alternative sanction management. Six of the 19 county sheriffs departments which responded indicated that they manage alternative sanction programs for jail offenders independent of the probation department. In 1994, 6,392 jail offenders were placed in sheriffs department programs including work release, jail diversion, community service and electronic monitoring.

Jail administrators use alternative sanction programs primarily to keep jails from overcrowding. The typical offender is already serving a court-ordered sentence when placed in an alternative sanction program. In 1994, over 25 percent of all municipal court dispositions resulted in a combined jail and probation sentence.

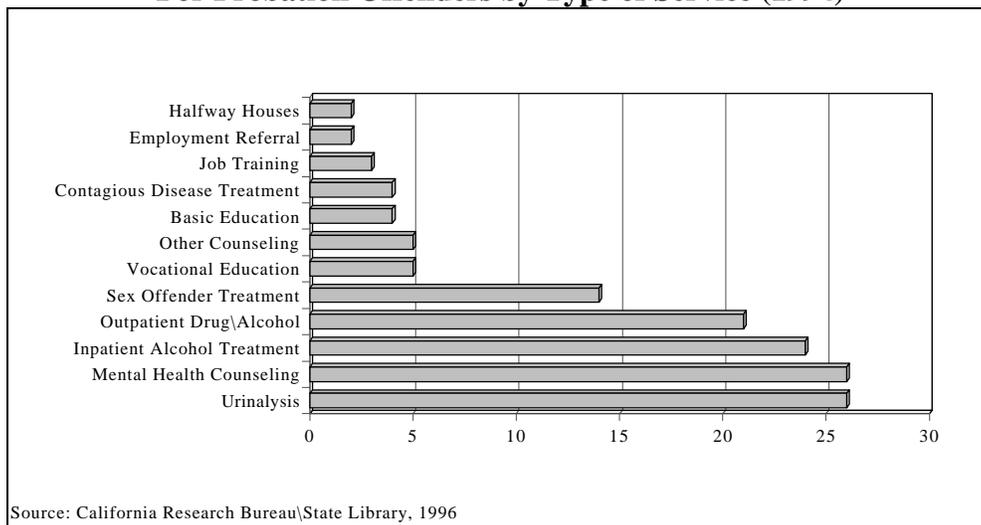
Table 17 Sheriffs Alternative Sanction Programs (1994)			
Program	County Sheriffs Programs	Average Monthly Offender Census	Staff PYs
Work Release	6	2,831	NA
Jail Diversion	1	300	NA
Community Service	2	3,151	NA
Electronic Monitoring	1	110	
Totals	10	6,392	N/A
California Research Bureau/California State Library, 1996			

Privatization and Contract Services

In recent years, a growing number of California counties have contracted-out state mandated jail health care services (*Penal Code Section 4023 and California Administrative Code Section 1207*) in part because it is more cost effective. Survey respondents were asked if probation services are also privatized.

While the response was not overwhelming, some rehabilitation-related activities such as urinalysis testing, out-patient drug and alcohol treatment, and residential alcohol treatment are contracted-out. One county probation officer speculated that urinalysis testing is frequently contracted-out because county crime labs have an enormous volume of other work to analyze such as crime scene evidence and forensic work.

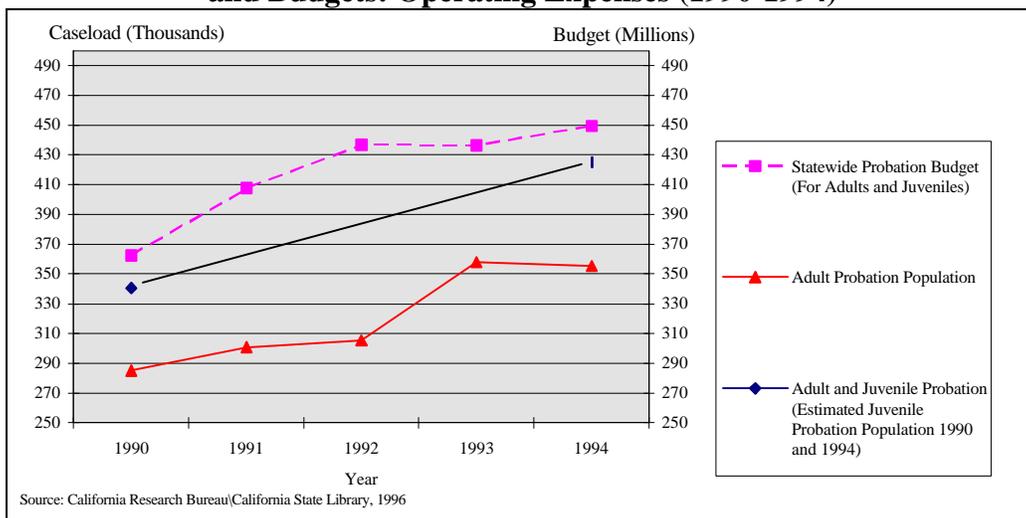
Chart 15
Number of Counties That Contract-Out Services
For Probation Offenders by Type of Service (1994)



Probation Budgets and Grant Supplements

California’s statewide combined county probation budget in FY 1994 totaled \$449.6 million, an increase of 4.6 percent from FY 1993.²⁸ As seen in Chart 16, county probation department budgets have generally increased over the last 5 years, but not as much as caseload increases. [California counties have not kept juvenile probation data since 1990 when they reported a juvenile probation population of 55,500.²⁹ The survey results indicate that juvenile offenders receive 45 percent of all probation staff resources. Juveniles are estimated to be only one-fifth of the caseload.]

Chart 16
California County Probation Caseload Population
and Budgets: Operating Expenses (1990-1994)



The county FY 1994 budgets were supplemented by \$24.2 million in U.S. Department of Justice anti-drug abuse grants (Edward Byrne Memorial Fund), and \$140 million in U.S. Department of Health and Human Services grants (through inter-agency agreement with the State Department of Social Services). County probation officials assert that these two federal funding sources are critical to meeting the public safety requirements of probation departments.

The federal government assists state and local criminal justice agencies primarily by providing funds through the Omnibus Crime Control and Safe Streets Act of 1968 (OCCSSA), the Crime Control Act of 1990 (CCA), and the 1994 Violent Crime Control and Law Enforcement Act (VCCLEA).³⁰ Federal discretionary grants are available to local criminal justice agencies for alternative sanction programs such as boot camps, electronic monitoring, day reporting centers, and drug and alcohol treatment programs.

Federal anti-drug grants fund probation officer training for the surveillance and monitoring of high-risk adult offenders in alternative sanction programs. Probation officials contend that intensive supervision, electronic monitoring, house arrest, and special counseling and treatment programs for high-risk probationers would probably not exist in California without the federal grants (Edward Byrne Memorial Fund).

The on-going \$140 million that California county probation departments received in FY 1995 from the U.S. Department of Health and Human Services (HHS) grants is a major source of concern. These funds have been used during the last 3 years for juvenile probation programs which house, counsel, evaluate, and treat juveniles in secure camp settings under strict supervision. The Department of Health and Human Services recently stopped funding these programs in California. DHHS officials contend that program funds are designed to assist poor children and families in emergency circumstances: "When a child is placed in a juvenile justice system due to a need for supervision, it is because of the child's behavior rather than a family emergency."³¹

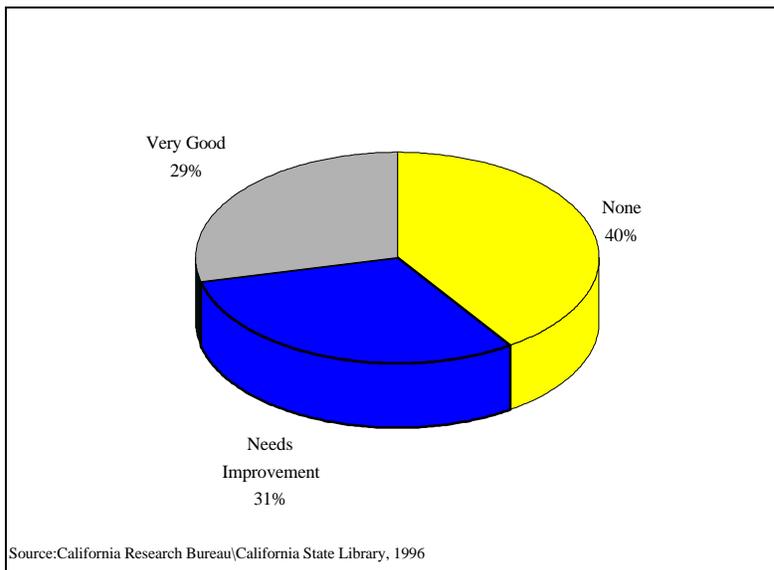
According to California probation officials, the loss of these grants could devastate the county juvenile probation camp system and its rehabilitation mission. Funding losses range from 7 to 40 percent of county probation department budgets. Probation officials contend that many counseling and treatment programs will face closure. The result could be that juvenile probation will become more like adult probation--large banked (unsupervised) caseloads.

Urgency legislation was recently enacted which appropriates \$33 million (*Chapter 7, Statutes of 1996*) to continue the existing county juvenile probation camp system. In addition, the California Department of Social Services has agreed to continue its funding relationship with county probation departments. Possible federal welfare block grants might allow for this type of discretionary use by states in the future.

Caseload Management-Information Systems

Lack of data integration creates problems when crimes are committed by probationers in another county. An offender who has completed court sentencing requirements and is placed on probation is no longer actively listed on the court or the sheriff database. If that offender re-offends in another county, the supervising probation department would not be notified. In addition, the offender might not receive the same level of punishment

Chart 17
Percentage of County Probation Departments
With Automated Linkages to the Courts (1995)



required by an active criminal file. This offender is also more likely to be found in the state Department of Justice database than an active county probation department database.

Three quarters of the responding county agencies indicate that their agencies have an automated adult offender information base for internal purposes.

However computerized integration with other local criminal justice agency data bases is often lacking. For example, nearly 32 percent of the respondents need either an automated communication system link with the county sheriff and juvenile hall, or major improvements to an existing system. The traditional reliance on pen, paper, and telephone are an effective, although slow way to access offender data utilized by the courts, sheriffs, police, and district attorney.

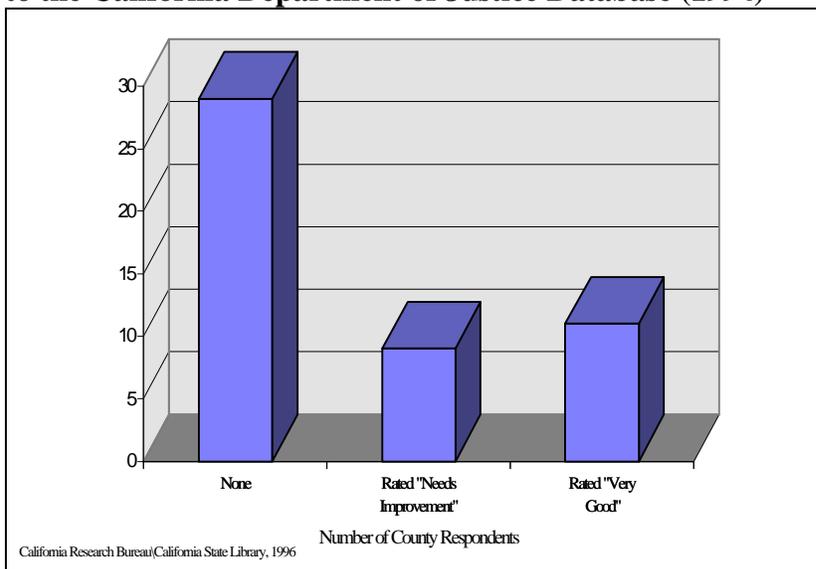
Only 37 percent of the survey respondents said that county probation's data integration with the court system is very good. Nearly 24 percent of the respondents have yet to establish any integrated linkages with the local court system data base and 21 percent have systems that require major improvement.

Communication problems are particularly severe in rural counties and counties with populations of less than 100,000 where criminal justice resources are spread thin. However, communication problems can also occur in large counties with automated probation information systems. In a recent incident, a multiple offender on probation was set free due to jail overcrowding and a high courtroom caseload. Had the judge had access to a county computerized probation database, the judge probably would have found this

offender to be very dangerous and in need of incarceration. The unfortunate result was a random murder spree.

The limited range of automated and integrated criminal justice data appears to extend to the state level as well. Over 44 percent of the probation departments surveyed have no automated linkages with the state Department of Justice, and another 25 percent require improvements according to survey respondents (Chart 18).

Chart 18
County Probation Departments with Automated Linkages to the California Department of Justice Database (1994)



County probation departments which have good communications linkages with the state Department of Justice gain access through sheriffs and city police department computer nodes. There is a wealth of criminal justice-related information available. The California Law Enforcement Telecommunication System (CLETS), which allows for quick

response to warrant information, is available to all 58 counties. The Violent Criminal Information Network (VCIN) is under development. This system will contain active files on persons with outstanding arrest warrants, registered sex offender and child abusers, persons considered to be career criminals, and persons on parole or probation. The system is being pilot-tested in San Mateo and San Diego counties.

Health Information

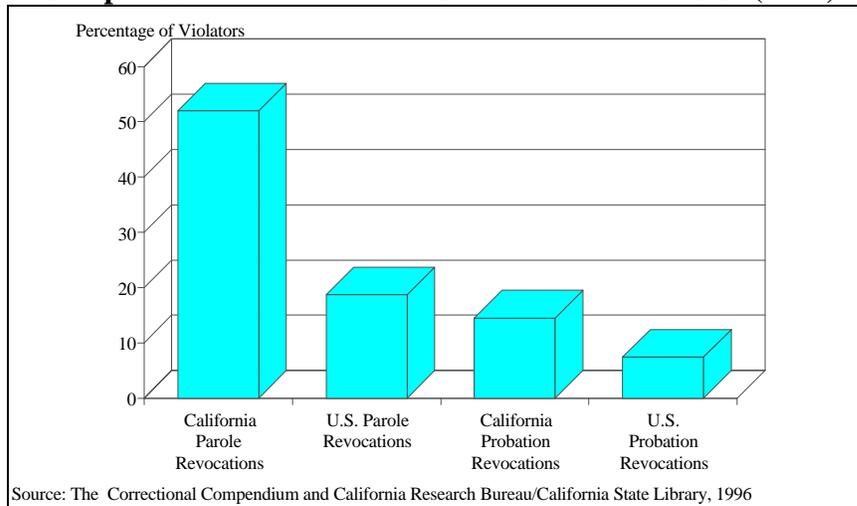
There are a growing number of infectious disease cases in U.S. jail and prisons, most importantly HIV and tuberculosis: 28,249 cases of both diseases were reported in 1993. It may be important for all county-level criminal justice agencies (including probation) to know the medical status of probation offenders since they could introduce serious infectious diseases to the jail community if they re-offend or have their probation revoked. These diseases are of concern to the larger community as well. However, nearly 80 percent of the responding county probation departments do not regularly share information with the county jail hospital or county health department. An additional 10 percent of the county respondents said their health data system needs major improvement. Containing the spread of communicable diseases such as HIV and tuberculosis among offenders is a major

concern. In addition, accessible health information might save unnecessary duplication of medical services each time that an offender re-enters the system.

Probation Revocation and Sanctions

CRB survey results show that violation of the conditions of probation is common and leads to revocation and incarceration. According to county survey respondents, 50,355 offenders had their probation revoked in California in 1994: one in seven offenders. When compared to 1993 national survey data, which found one in ten probation revocations, the percentage of California probation revocations is much higher. As Chart 19 indicates, California's parole revocation rates for state prison are even higher.³²

Chart 19
Parole and Probation Revocations in the Nation:
A Comparison of Violations in California and the U.S. (1993)



Survey respondents estimate that as many as one fifth (20 percent) of the offenders whose probation was revoked were sent to prison as a result during the year. (Due to technical problems in collecting this information, probation officials caution that this

probably understates the actual figure).

When a probation offender commits a new offense, it is easier for criminal justice officials to revoke probation for a technical violation than to try the new offense in court. This is facilitated by the broad power available to the courts in granting probation (*Penal Code Section 1203*) when setting conditions in lieu of jail which an offender must follow. Probation agreements vary from court to court and county to county. If an offender violates any or all of the conditions established by the court, probation is immediately revoked and the offender is arrested. During site interviews, probation officials said that the primary rationale for using technical violations to revoke probation is to streamline case flow and improve operating efficiency. By targeting these offenders for swift revocation, they cut the time staff spends on new prosecutions and the time violators spend in jail awaiting disposition. Depending on the nature of the offense, other options available to the court and probation officials include execution of the original sentence, a new court date, or a stricter imposed sanction.

Failure to report to probation officers, unfulfilled participation in required treatment programs, leaving an assigned work area, or violations of other conditions imposed by the court are the most common reasons for probation revocations. For example, a misdemeanor offender convicted of a drug offense who violates a condition of probation would face a harsher sanction such as intensive supervision or electronic monitoring. Other options could include a combination of jail and work release.

Chart 20A
Consequences of Probation Failure in an Alternative Sanction Program in California (1994)

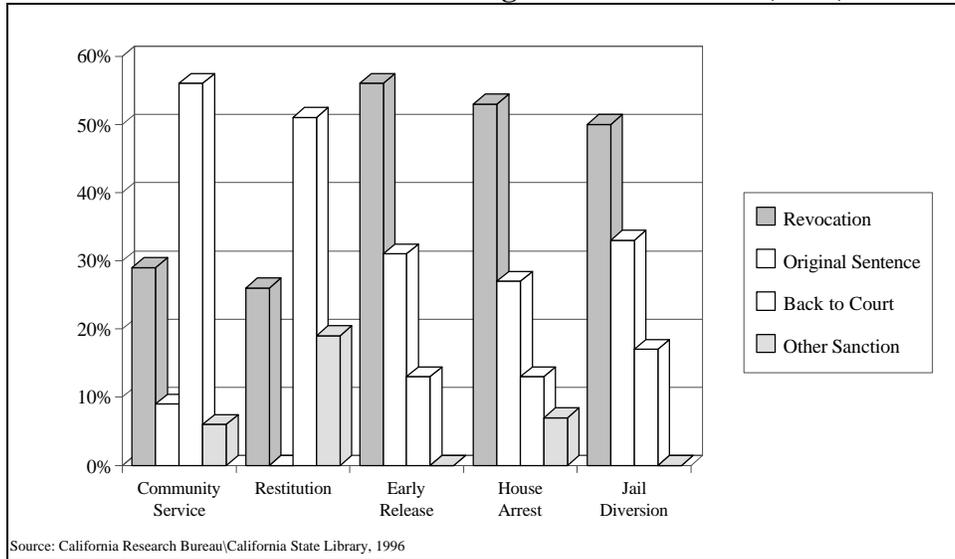
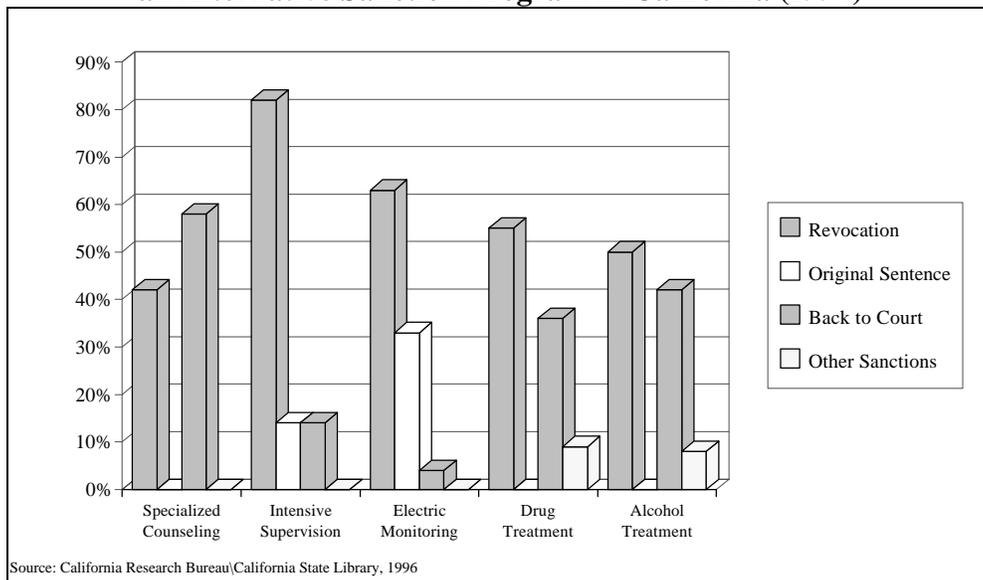


Chart 20B
Consequences of Probation Failure in an Alternative Sanction Program in California (1994)



Probation Officer Standards, Training, and Salary

The California Board of Corrections, Standards and Training for Corrections Program, establishes minimum standards for recruitment and training and provides all local corrections and probation officer training (*California Penal Code Section 6035*). The Board manages a “corrections training fund” which receives 7.3 percent of the court-levied fines and penalties assessed on offenders. In order for county corrections and probation personnel to receive the training, county boards of supervisors must first adopt local ordinances specifying the standards and selection criteria established by the board. Local correction agencies are subsequently responsible for submitting annual training and core training plans which meet the needs of their employees.

Entry level probation officers must take between 160 and 200 hours of core curriculum, depending on the specific nature of the job. The requirements for juvenile probation program employees tend to involve more training time than for adult probation employees. Entry level requirements for probation officers include a Bachelor’s Degree or equivalent, no criminal history, and a minimum age of 21 years. The average starting salary is about \$36,000 per year, with some variation depending on location and county population, while the statewide average is about \$40,000. The parole officers who monitor the state prison offender population are state employees and have an average starting salary of \$41,450.

Career corrections and probation personnel receive annual training as needed to update offender supervision techniques, improve case management, learn specialized assignments, and master technical automation.

Survey responses indicate that training in the methods of traditional probation is readily available in all counties, involving activities such as intake, pre-sentence investigation, revocation procedures, investigation techniques, officer safety, and counseling techniques.

However, the survey reveals shortcomings in several key areas:

- 1.) 86 percent of the county survey respondents state that their probation personnel need to improve bilingual capabilities;
- 2.) 67 percent of the counties need to improve alternative sentencing caseload management; and
- 3.) 84 percent of the counties need to improve supervision of contagious disease management.

LEGISLATIVE AND ADMINISTRATIVE OPTIONS

While not necessarily the recommendations of the author or the Bureau, the following are potential options for action.

I. Integrate Adult Probation Services in Sheriff Departments

Some researchers have discussed the possibility of having probation surveillance performed by police or sheriffs rather than probation agencies. They reason that sheriffs are better structured, staffed, and trained for that activity than probation agencies.³³ In contrast, some probation agencies are neither staffed nor organized to provide surveillance and control.

- County sheriffs could be encouraged to assume a greater role in managing adult offender probation programs. Ten county jails already operate a variety of alternative sanction programs (see page 30 for discussion). County sheriffs could assume responsibility for all probation activities. There is a related and important set of budgetary issues which would need to be resolved to implement this option.
- Probation centers for selected high risk offenders and offenders under intensive supervision could be expanded, perhaps under sheriff responsibility, allowing probation to focus on the less resource intensive cases.
- The goal of probation is to rehabilitate as well as punish offenders. The punishment component could be managed by the law enforcement agencies that already perform surveillance and control (police and sheriffs). Logically, this option has much to recommend. Traditional law enforcement are trained for this kind of activity and are accustomed to dealing with serious offenders. Probation could then focus on providing rehabilitation or therapeutic services to nonviolent offenders, a logical targeting of probation resources. Once again, budgetary issues would also need to be addressed.
- While probation has traditionally had dual goals of rehabilitation and supervision, rehabilitation is increasingly considered a fortunate but unlikely side effect. However, many probation agents would consider abandoning the goal of rehabilitation as a betrayal of their mission. An option is to increase specialization within probation. For example, some states are now employing teams of probation officers; one responsible for alternative sentencing programs and another for traditional probation.³⁴

Implications of Local Consolidation

Considering moving probation into sheriffs agencies raises fundamental questions as to the role and goals of probation. To what extent should rehabilitation be a goal of the criminal justice system? Should probation have primary responsibility for rehabilitation, and if so, what resources, sanction programs and staff training are required to effectively meet that goal? What is the public safety/cost trade-off? In contrast, if public safety through control and surveillance is the major goal of probation, the large caseloads documented in the CRB

survey are a concern. Most offenders are placed in “banked” or unsupervised caseloads. Probation might be more effectively managed by traditional law enforcement control functions.

II. Probation Risk Assessment Tools

Risk assessment and offender classification systems are effective probation management tools (see page 48 for discussion). However, a classification risk assessment system requires a range of sanction options to effectively function. Evaluation research (see Appendix A) indicates that high risk offenders are best targeted for certain kinds of alternative sanctions such as intensive probation supervision, for example. An accurate and reliable risk/needs instrument to assess high-risk cases could be developed to determine which offenders should be selected for electronic monitoring, ISP, and other alternative sanctions programs.

- The Legislature could direct the Board of Corrections to develop a standardized risk/needs assessment available to all county probation departments.

III. Should the State Establish a Statewide Firearms Policy?

Probation officers are classified as peace officers under *California Penal Code Section 830.5* and are authorized to carry firearms while on duty. However, only the chief probation officer of each county can grant a probation officer the right to carry a firearm while on duty. As noted in the CRB survey, there is wide variation among counties in determining who can carry a firearm while on duty and under what circumstances. Some county probation officials do not view their mission as that of a peace officer but rather as a counselor; carrying firearms is not part of their mission. On the other hand, probation officers are sometimes involved in apprehending serious offenders for probation violations. Firearm protection could be necessary for public safety purposes.

- The state could continue its current local option policy of allowing counties to determine if and when a probation officer should carry a firearm. Conversely, the state could standardize this policy. Many probation officers would prefer to be given this authority.

IV. Should The State Establish Minimum Caseload Management Standards?

The State of California has not established standards setting probation officer/offender caseload ratios. As the CRB survey indicates, there is considerable variation--from 300 to 3,000 offenders per probation officer. Establishing a standard might discourage the further growth of “banked” probation. This would also require a realistic evaluation of the necessary resources to meet that standard, and could be a state mandate.

- The state may want to place some limits on banked caseloads, particularly for serious categories of offenders such as sex offenders. Legislation could define limited state standards for limiting specialized probation caseloads involving serious offenders.

V. Privatization of Probation Services

Interest in privatizing some or all correctional functions is increasing. More jurisdictions are gaining experience with contracting out. Should rehabilitative function be publicly provided or contracted-out, or some optimum mix of the two? Some county jails (Alameda, Shasta, Butte and others) already contract-out for correctional health care services. Privatizing and/or contracting out some functions may be cost-effective. For example, county probation administrators identified day reporting centers as a desirable probation alternative in the California Research Bureau survey. Privately run day reporting centers in Colorado report that they supervise approximately 1,500 offenders at a lower cost than comparable public supervision (see page 50, Appendix A). Drug and alcohol treatment, education, and mental health services are also provided through contract with private providers.

- Day reporting centers for probation offenders could become a cornerstone of local corrections privatization in California. The 1994 Community-Based Punishment Act could serve as the funding framework. Day reporting centers might initially supervise low risk probation offenders who are not sentenced to jail. If cost expectations prove reasonable and recidivism rates decrease, the privately operated centers could be expanded to include all those offenders on probation who are not part of high risk supervision programs.
- The State Department of Corrections could transfer parole supervision to private day reporting centers.
- The Office of Criminal Justice Planning (OCJP) could study the feasibility of privatizing alternative sanction programs in California. One possibility could be privatizing probation-related functions.
- Probation bonds could be required from appropriate offenders. The bonds would be privately guaranteed, with the bonding agency ensuring that a probationer fulfills the terms of probation (this would be similar to the current bail system).

Public Owned/Volunteer-Operated Day Reporting Centers

At one time probation was primarily a volunteer activity; in fact volunteers were prevalent until the mid 20th century. Some counties (see *restitution* page 27) are experimenting with involving volunteers in mentoring probationers, encouraging restitution to victims, and assisting with successful reintegration into the community.

- Volunteers could help staff and operate county day reporting centers. Criminal justice graduate and undergraduate students, for example, could receive academic credit for providing offenders with literacy, counseling, and other professional services. Other volunteer citizens could perform time consuming administrative duties, allowing probation staff more time to supervise and interact with probationers during the day. The state may want to encourage such activities.

VI. Integrating Local Criminal Justice Information Systems

The inability of state and county justice agencies to exchange and share information about offenders on probation in a timely manner is one of the problems cited by probation agencies in the CRB survey (see page 33). Many county probation departments also lack the staff resources necessary to input offender information into a database system.

Should county probation departments merge with sheriff departments, the automated information resources available for probation management would probably increase. However, integrating that information with the court system and across county jurisdictional lines would remain a challenge.

- The Legislature could initiate a challenge grant program to improve cross-jurisdictional and agency data sharing. Several levels of information management integration could be required:
 - 1.) Between local law enforcement, probation, and judicial agencies;
 - 2.) Across county lines; and
 - 3.) Between state and local government.
- The California Violent Criminal Information Network (VCIN) data base will eventually include active files on probation offenders. However, the state Department of Justice lacks an identifiable funding source to complete this task. The Legislature could authorize funding to fully implement VCIN. The estimated cost of staff and material for inputting probation data (based on the volume of offenders in the county probation system) would be approximately \$1 million. A fully operational system could help to prevent future crimes and might prove cost-effective by improving caseload management.
- The Legislature and the Governor could direct the Office of Criminal Justice Planning to apply to the U.S. Department of Justice for grants to improve cross jurisdictional automation and local access to statewide criminal databases. Grants to counties could fund placing active offender probation data into the state VCIN, developing automated probation links to statewide databases through existing local law enforcement nodes, and/or improving court and probation access to all active offender probation records.

VII. Evaluation Studies

Given the important role that probation plays in the criminal justice system, surprisingly little is known about the impact of different probation strategies.

- The Legislature could fund local evaluations and studies of the effectiveness of alternative sanction programs operated by county probation departments or state parole programs. Specialized caseloads for re-offenders could be established as pilot projects with specific outcomes as measurable goals. Banked probation caseloads could also be studied and evaluated, focusing on certain related outcomes (revocations vs. successful completion). The OCJP, could be the central coordinating and dissemination mechanism for this effort.
- Local community policing programs established with the help of federal grants could be asked to supervise or monitor certain probationers. Some federal money could be provided to fund an evaluation.

VIII. Health Data

The CRB survey found that eighty-four percent of the county probation agencies believe that their counties need to improve supervision of contagious disease management. This is a serious issue, given the increasing prevalence of virulent communicable diseases, both for the jail population and for the general population. Further, the courts are increasingly mandating health standards for jail and prison care.

- The Legislature could fund a statewide correctional HIV and tuberculosis data collection and tracking project coordinated among county justice and health agencies. The data could be used by local and state government agencies to contain the spread of communicable diseases among offenders many of whom revolve in and out of the criminal justice system. The project could save money and unnecessary medical duplication. Currently each time that an offender re-enters the system, a new medical profile must be created.

IX. Consolidate State Parole and County Probation Functions

Consolidation

All of the probation and sheriffs officials interviewed during the course of this survey contend that some form of criminal justice realignment between state parole and county probation ought to be explored. They opined that combining probation and parole would be a good use of resources, especially in rural counties. Most thought that the state should be responsible for the cost of such an undertaking. Who would control the employees and where the funding would come from are clearly important related issues.

Parole differs from probation in that its services are provided statewide and coordinated on a regional basis. Parole requires formal contact between parolees and parole officers for up to 5 years, and parole officers have smaller caseload ratios. Parole will soon begin a slow downsizing process because all serious and violent offenders entering state prison must now serve at least 85 percent of their minimum sentence, leaving less required time for post-confinement supervision. In contrast, county probation caseloads have been increasing as revenues decline.

There is ample precedent for single-funded parole/probation agencies. At least 26 states currently combine parole and probation offender caseload management functions at the state level and at least five other states fund locally-operated combination programs. State probation administrators from Michigan, Florida, and South Carolina interviewed for this study assert that the immediate benefits of a combined system are a more efficient use of resources and better caseload management. Combined caseloads also facilitate improved targeting of alternative sanctions, offering a range of punishment options within a community corrections system.

Transitional Planning

The Legislature and the Governor could require a state agency, such as the Board of Corrections, to establish a transition team of state parole and county probation administrators as a necessary first step to merging these law enforcement systems. An immediate task of the transition team would be to identify the fiscal, operational, and personnel issues posed by such a merger, and to develop of a 1 to 5 year master plan detailing how the merger could be implemented.

- The Legislature could centralize all adult probation/parole functions in one state department. The state could directly provide services or contract with counties. The adult probation/parole department could determine levels of supervision, maximize public resources by targeting services and set benchmark standards for funding alternative sanctions. Alternatively, the state could contract with county probation agencies to manage parolees, moving the entire post-confinement supervision function to the county level.
- The Legislative Analyst Office and the Little Hoover Commission have proposed that all juvenile criminal justice responsibilities, including probation, be centralized at the county level.

Merging Probation and Parole Within A Community Corrections Framework

Community correction centers are transitional facilities which help offenders leaving prison adjust to civilian life. Most centers utilize a classification system that allows offenders to progress through the program in three phases: total confinement, community service and work release. Many states use community correction centers to relieve prison overcrowding by transitioning offenders who are in good standing and within 24 to 30

months of their likely parole or sentence completion date. During this period of time offenders can complete high school, learn a trade, take college approved course-work, or seek out daytime employment to help pay their room and board and restitution, and support their families.

- The Legislature could create a pilot community correction center project which would merge and integrate the supervising functions of parole and probation for selected offenders in a transitional facility. Eligible offenders might be individuals within 12 months or less of their parole date and/or probation violators. The community corrections center might house between 200 and 400 offenders in a supervised transitional living environment. Probation offenders could serve up to 6 months at the facility while parole offenders could serve up to 12 months. Parole/probation officers would supervise a full array of mandatory services including job training, GED and community college equivalent education, and drug or alcohol counseling and treatment. Counties might contract out for the facility and/or specialized training, counseling, and placement services. Benchmark goals could be established, such as decreased revocation rates, to evaluate results.
- One of the major concerns that counties have about community corrections programs is a potential shift of state prison costs to local government. Currently adult felony offenders can be punished by imprisonment in county jail for up to one year (*California Penal Code Section 18*). Extending the time frame of jail as a sentencing option might encourage increased local utilization of alternative sentencing programs for selected offenders. County probation departments might be responsible for managing the programs. Should the state decide to re-direct targeted groups, such as nonviolent first or second time offenders, it could reimburse local counties for each offender not sent to state prison (or charge for each offender that is sent to state prison).
- The state could pay counties for diverting offenders sentenced to state prison to community correction programs. In 1992, the Blue Ribbon Commission recommended that the state reimburse counties 85 percent of the present cost to maintain a state offender in prison for each deterred offender. An ad hoc committee of criminal justice officials representing California county governments recommended that the state's share of the cost should cover inmate days at "rated capacity" (\$19,000 per year).³⁵ In contrast, it costs \$28,000 to house an offender in state prison for a year.

APPENDIX A

PROBATION MANAGEMENT AND EVALUATION ASSESSMENT

Given the important role that probation plays in the criminal justice system, surprisingly little is known about the impact of different probation strategies on offenders. Only one of 200 criminal institutional and community treatment evaluation studies published since 1945 randomly assigned offenders to different types of probation.³⁶

Some research suggests that regular probation (which does not require daily or weekly structured programming) leaves too many offenders in the community virtually unsupervised and free to commit new crimes.³⁷ Other scholars argue that low-risk probationers could be handled successfully through the use of nonsupervisory alternatives, such as day fines, in conjunction with other less intensive community-based sanctions, such as community service or work release.³⁸ One study suggests that up to 80 percent of all probationers complete their terms without a new arrest.³⁹

As far as we know, the majority of offenders placed on probation do not re-offend. However, some researchers contend that a large percentage of the high-risk offenders (multiple offenses, drug addicts, etc.) placed on probation do re-offend. A Massachusetts study estimated that up to 60 percent of the high-risk offenders placed on probation will be re-arraigned within one year of probation. A 1985 California county study by RAND found that 65 percent of the high risk felons placed on probation were re-arrested for burglary, assault, and/or robbery.⁴⁰

Some researchers contend that an offender classification system is the best way for conventional probation programs to focus scarce resources on high risk offenders. Classification involves the use of a standardized scale to assess the risks that individual offenders pose to the community. Probationers are differentiated into risk levels (usually low, medium, and high). High risk cases get maximum supervision while the medium and low risk cases receive less supervision.

Improved Information

In the late 1970s and early 1980s the rapidly increasing criminal offender population challenged the criminal justice system, which responded by increasing its use of information technology. Computer technology and sophisticated systems analysis allowed criminal justice agencies including probation to develop new kinds of information management systems. Integrating information systems across jurisdictions remains a challenge, however.

The availability of operational information about an offender's past history and current status gives probation officers a new tool to curtail further criminal activity and predict future behavior. It is essential to know, for example, prior arrests, court dispositions, and participation in correctional programs. Similarly, information on current court status, including pending warrants and recent criminal activities, is also useful. In addition, probation officers benefit from information obtained during police field interviews or when an offender is subject to questioning about a recent committed crime. The information

gathered from these diverse sources allows for an in-depth portrayal of an offender, and is valuable in determining the nature and degree of probation supervision.⁴¹ A command and control philosophy has emerged within probation. Operational information on the identity, location, characteristics, and description of criminal offenders is important, particularly given the relative mobility of offenders who commit crimes in multiple jurisdictions.

Aggregate offender information is used by the courts and probation departments to assess and improve existing criteria for bail release decisions, and for selecting and targeting specific offenders and offender groups for probation. Given jail overcrowding in many jurisdictions, this increasingly sophisticated use of offender indicators may encourage the best utilization of limited space. States have found that offenders who are detained in jail pending trial often have characteristics that make them less prone to pretrial misconduct than other offenders who were released on bail. Research suggests that using empirically sound data for selecting persons for pretrial probation programs could be applied by the courts on a larger scale. Release of such offenders might decrease jail populations without increases in either pretrial crime or failure to appear in court.⁴²

The National Institute of Corrections (a division of the Federal Bureau of Prisons) developed one of the first model “risk assessment” classification systems 10 years ago. Other risk assessment systems have since been developed to predict which offenders are likely to re-offend. Data from these systems are continuously gathered and analyzed to fine-tune the assessment tools.

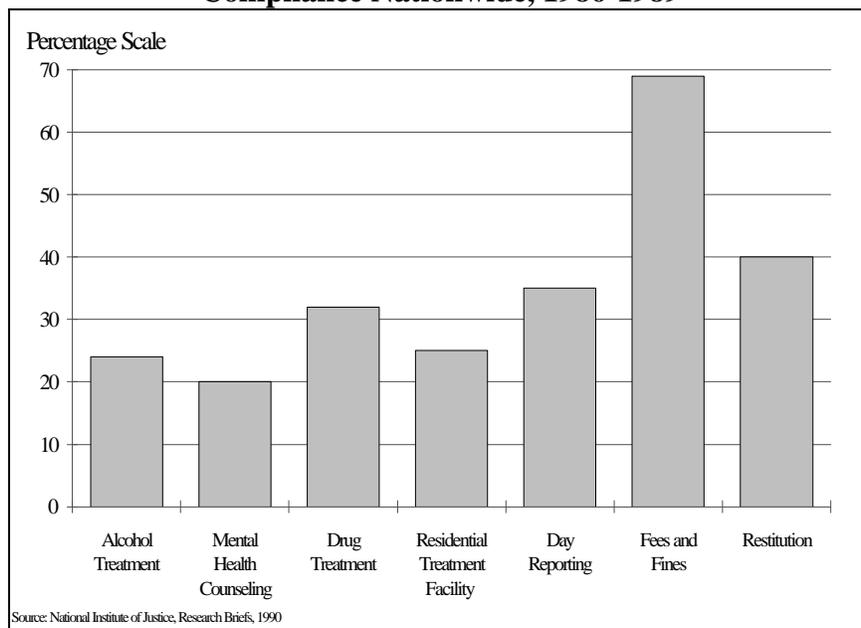
A probation risk assessment system was recently tested by the U.S. Probation Office in Florida. The system’s key variables include stability of residences, report of fake residence, number of drug treatment experiences, amount of assessed fines\restitution, pattern of payment, lifestyle and reported living expenses, and criminal activity during supervision. All data elements are for high risk offenders. Data was collected on each offender and classified into three groups: probation revoked within 6 months; probation revoked after 6 months; and probation completed. The objective was to assess the system’s potential to correctly identify the candidates who would succeed on probation. The automated probation risk assessment model made correct predictions in 84 percent of the cases tested. (In contrast, traditional statistical risk assessment models report 55 percent to 60 percent success rate).⁴³

Some research suggests that when judges attach a number of working and financial conditions to the terms of probation, this may increase the likelihood of an offender violating these terms. For example, the increased use of financial conditions, such as restitution or supervision fees may increase offender violation rates if the fines exceed an offender’s ability to pay: many offenders lack a consistent income. The relative severity of the fine may also exceed incarceration.⁴⁴ Financial penalties are not a priority for many probation departments.⁴⁵

A nationwide investigation conducted by the US Bureau of Justice Statistics examined the prevalence of 7 community-based sanctions and found that 49 percent of offenders in the

study were discharged from probation before having fully complied with all the required terms. Fifty-two percent of the offenders who violated the terms of their probation did not receive disciplinary hearings or additional punishment.⁴⁶

Chart 21
Offenders Released From Probation Without Full Compliance Nationwide, 1986-1989



These results suggest that community-based probation programs are not rigorously enforced. One reason may be a lack of resources for enforcing and monitoring drug tests, house arrests, community service, payment of fines, treatment participation, and other sanctions. Some researchers have discussed the possibility of having probation surveillance performed by police rather than probation agencies. They reason that police are better structured, manned, and trained for that activity than probation agencies.⁴⁷

Evaluation of Alternative Sanctions

Day Reporting and Community Residential/Restitution Centers

Day Reporting centers began as an early release option for sentenced inmates and were later expanded to also monitor pre-trial detainees in the community. The concept is that some offenders require a period of structured and supportive living as they transition from incarceration to the community. Day reporting centers are seen as a viable way to safely manage in the community an otherwise incarcerated population.

Day Reporting centers address three sanctioning purposes: individual deterrence, punishment and rehabilitation. Deterrence is achieved through intensive controls on the offender's activities. Punishment is the purpose of community work service requirements,

curfew and other limits on personal liberty. Rehabilitation and community re-integration are the treatment services in each offender's program plan.

Day Reporting centers are operated by both public and private agencies: sheriff's departments, probation departments, and nonprofit private agencies. For example, Colorado's private Day Reporting centers operate within a state community corrections framework and supervises over 1,500 offenders annually. In six other states (Connecticut, New Jersey, New Mexico, Massachusetts, Minnesota, and Wisconsin) private organizations operate Day Reporting centers in conjunction with local correctional systems. While programs vary in detail, in general, offenders must physically report to the center on a daily basis, participate in designated programs, services, and activities provided by the center or other community agencies.

Most Day Reporting centers target nonviolent inmates charged or convicted of property offenses, drug or alcohol related offenses, or misdemeanor offenses. Typically, offenders must be within 90 to 120 days of release from the correctional authority; pretrial detainees are screened after 48 hours of detention.

Day Reporting Centers

Day reporting centers are highly structured non-residential programs utilizing supervision, sanctions and services coordinated from a central location. It is to provide a structured transition for offenders to be contributing members of the community.

The majority of Day Reporting centers usually average 10 to 30 offenders per day. The ideal caseload ratio is 10 offenders to one probation case manager or supervising officer. Center size depends on the target population and on the effectiveness of the referral system. Offender stays can vary from less than a month to twenty-four months, but national correctional officials suggest a program length of about four months.⁴⁸

Some of the Day Reporting center variations from state to state include:

- *South Carolina* operates a "Staying Straight" intensive day treatment and reporting program which includes drug treatment and education, individual and group counseling, and job and life skills classes at a cost of \$6.39 per day;
- *Colorado* contracts out its drug and alcohol testing, basic life skills, GED preparation, literacy skills, and mental health counseling at a cost to the state of \$14.00 per day; and
- *Texas'* programs include mandatory employment, community service, and a minimum six month program stay followed by two months of intensive supervision at a cost to the state of \$27.00 per day.

Community Residential/Restitution Centers
A community *restitution center* is a residential facility that provides 24 hour supervision of nonviolent offenders. The unique feature is that paychecks and all other earnings are surrendered directly to the center to pay restitution.

Typically, offenders remain in restitution centers from 3 to 12 months, although courts have sentenced offenders for as long as 24 months. Some centers provide employment and educational opportunities, substance abuse treatment, and job skills training. Community service may also be

required. The goal is to facilitate the integration of offenders back into their local environments and to provide the skills which could allow the participants to avoid future criminality.⁴⁹

Some of the Residential/Restitution Center variations from state to state include:

- *Florida* requires mandatory employment and community service at a daily cost to the state of \$31.00 per day.
- *Georgia* requires that offenders be employed and pay for their own room and board in diversion centers, at a cost to the state of \$32.00 per day.
- *South Carolina* requires mandatory employment, victim restitution, and pay for their own room and board in diversion centers, at a cost to the state of \$23.90 per day.

Residential Probation Center Evaluation Findings

The Twin Counties Community Probation Center study in Michigan analyzed the re-arrest rate of offenders admitted to the program between July 1, 1988, and July 1, 1991. The program was restricted to male adults convicted of nonviolent crimes who were deemed to require tighter and more structured supervision than regular probation. All offenders received employment skills classes, basic life skills classes, substance abuse counseling, and vocational training. They were also required to perform 20 hours of community service, and pay court costs and restitution to their victims. Stays at the center ranged from 1 to 11 months, with an average of 5 months.

Researchers analyzed data from the Michigan Law Enforcement Information Network to trace each probationer. The results showed that 41 percent of the probationers were re-arrested within the study's 46-month timeframe, nearly half for property crimes. Length of time in the program was the most significant factor associated with re-arrest. Offenders who spent more than three months in the program were less likely to be re-arrested than offenders who spent less than three months. In addition, offenders who abused drugs or alcohol were twice as likely to be re-arrested as non-abusers.⁵⁰

The high program failure rate was disappointing to state officials. According to the researchers, more study needs to be done to determine which offenders benefit the most

from this type of sanction, perhaps using risk assessment and/or offender classification systems (see discussion on page 52).

The National Institute of Justice (NIJ) examined four model residential probation centers in Oregon and found more positive outcomes. Oregon's day reporting centers offer relatively brief program stays (30-60 days) as an alternative sanction to jail or prison. Most participants are sentenced directly to the centers, while others complete jail sentences for parole or probation violations. Like Michigan's program, the centers offer drug and alcohol treatment, life skills classes, employment training, and restitution. The NIJ compared participating offenders to a control group with similar risk characteristics over a one year period. Researchers found that participants from the four probation centers who were incarcerated and placed on probation had significantly fewer re-arrest incidents (1.18 vs. 1.44) and lower average re-arrests (1.08 vs. 1.31) than the control group. NIJ concluded that the probation centers were achieving their primary goal of diverting offenders from local jails, thereby reducing facility crowding. However, the program had little overall impact on subsequent jail, prison, or probation sentences.⁵¹

Intensive Supervision (ISP)

ISP is a method of surveillance which requires a high level of contact with probation officers and members of the community and participation in counseling, community services, and restitution programs (payment of fines and fees), with the goal of reducing recidivism.

Intensive Supervision Programs are the most widely used alternative sanction in the country (at least 45 states), and the most widely studied. Basic elements include increased supervision, surveillance and control (usually achieved through reduced probation caseloads), and a range of mandated offender activities such as work, or

vocational training and/or a curfew.

Much of the initial evaluation literature (1985-1991) found ISP to be more effective in managing high-need/high-risk offenders than low-risk offenders.⁵² In contrast, added control and surveillance was more likely to result in increased program failure for low risk offenders.⁵³ Consequently, more states and local probation agencies are using sophisticated risk assessment tools and developing alternative sanction programs to ensure placement of the appropriate offenders.

Specialized caseloads allow ISP to target offenders by providing close supervision by highly trained officers and specialized counseling, including for alcohol and drug abuse, mental impairments, family violence, and/or sex offender treatment and supervision. The number of offenders varies from 30 to 40 per probation officer.

In California, specialized ISP probation caseloads are usually composed of drug offenders, sex offenders, domestic violence offenders, and violent gang offenders. Offenders are usually seen four times per month at a residence or probation office and are subject to random searches and urinalysis. In comparison to regular probation which usually involves only one visit per month, this is considered intensive. Many of these offenders are awaiting

trial for felony offenses. Some jurisdictions combine ISP with electronic monitoring to enhance supervision of high-risk probationers. In most cases, the supervising probation officers carry firearms. The California Research Bureau survey discussed in the next chapter found that probation administrators sometimes direct pre-trial release offenders and work furlough offenders to ISP to alleviate jail overcrowding.⁵⁴

Despite the development of better assessment tools for selecting offenders, the goals and operations of ISP have been affected by prison and jail overcrowding. Many ISP programs exercise a “prison type of control” over habitual and abusive offenders who would probably be in jail if the jails were not already overcrowded with more serious offenders.

Recent ISP evaluation studies by the National Institute of Justice and RAND Corporation have not been promising.⁵⁵ RAND Corporation studies of programs in Oregon, Texas, and Georgia noted that:

- ISP failed to alleviate prison crowding because of recidivism;
- There were no significant differences between the recidivism rates of ISP offenders and offenders under routine supervision; and
- ISPs cost more than originally thought.⁵⁶

Residential Treatment

A free standing facility for persons who require long periods of structured supervision and supportive therapy for substance abuse or alcohol related problems.

Residential Treatment centers provide supervision, specialized services, and treatment to felony and misdemeanor offenders with alcohol and drug dependencies, mental impairments, and emotional problems. Typically, one or more of these problem areas have contributed to the offender’s criminal

justice record. Treatment center staff regularly evaluate the offenders’ behavior, attitude, and progress. All evaluations are filed with the sentencing judge.

An offender may be sentenced to a residential treatment program for one to twenty-four months. Judges also place offenders in treatment centers as a condition of pretrial release. In California, residential treatment programs are often a component of Drug Court programs in lieu of regular probation. Failure to complete the treatment usually results in a jail sentence.

The crack cocaine epidemic and increased enforcement of laws prohibiting drunk driving have motivated some states to re-prioritize their community corrections strategies. Some states (such as Texas, Michigan, Florida, South Carolina, and Oregon) have made drug and alcohol treatment a major components of their community corrections sanctions. First time offenders must undergo varying degrees of risk assessment prior to sentencing to determine the required level of supervision and the intensity of drug or alcohol treatment. Repeat

offenders who are sentenced to jail or prison must also be assessed and could be eligible for further treatment inside the jail or prison system.

Studies in Texas indicate that the longer an offender remains in a treatment program and completes the program (more than 3 months) the less the likelihood of recidivism.⁵⁷ Studies of drug and alcohol treatment programs in Oregon and Michigan show similar results: reduced jail and probation and a reduction in future criminal arrests and convictions.⁵⁸

Successful treatment programs are personnel intensive, highly structured and very costly. Private residential drug and alcohol treatment program costs range from \$55.00 per day per offender in Massachusetts to \$61.00 in Colorado. Texas has invested in public treatment facilities which can cost as much as \$80.00 per day per offender. In comparison, prison costs in California are about \$60.00 per day and jail costs are about \$55.00 per day.

Home Confinement

Home confinement is a judicial or administratively imposed condition that requires an offender to remain in his or her residence for any portion of the day.

Home confinement is an increasingly popular sanction in many states which serves as an alternative to incarceration at every point in the criminal justice system: in lieu of pretrial detention, as a front-end sentence for prison-bound offenders, as a condition of furlough or early release from prison, and as a “halfway-back” alternative to reincarceration on a violation of probation or parole. However,

home confinement is not widely used in California.

There are three distinct versions of home confinement, each with a different degree of restricted freedom, offering a range of sanctions at the local level:

- *Curfew* requires offenders to be in at their residence during limited, specified hours, generally at night. The offender’s movements outside of the curfew hours are unregulated. This sanction may be coupled with other treatment or service conditions.
- *Home Detention* requires offenders to remain at home at all times except for employment, education, treatment, or other pre-approved activities. Although offenders need not spend all of their time at home, their movement throughout the day is completely structured. Their schedules must be pre-approved by probation officials. This sanction is often coupled with other treatment programs or conditions. In many cases supervision is assisted by electronic monitoring.
- *Home Incarceration* requires offenders to remain at home at all times, with very limited exceptions for religious or medical purposes. At a minimum, offenders are subject to random contacts across all hours covered by the condition in order to verify compliance.

Michigan, Florida, Oklahoma, and North Carolina are major proponents of home confinement. They divert 1,400 to 2,000 offenders per year into home confinement programs, at an annual cost of \$1,300 to \$7,000 per offender. RAND Corporation estimates that the annual cost per offender of home confinement with electronic monitoring is between \$2,500 and \$8,500. Offenders sentenced to these sanctions have lower rates of recidivism, cost much less than incarcerated offenders, and offer some prospects for rehabilitation. The key to success is to target the appropriate offenders, sentence them to surveillance and treatment, and quickly remove failures from the program in order to maintain public confidence. Home confinement sanctions are imposed more frequently for pre-sentence surveillance in conjunction with electronic monitoring than as a stand alone sanction.

Electronic Monitoring

Electronic monitoring is a form of surveillance in which an electronic device is attached to an offender's body, warning the person that "someone is watching."

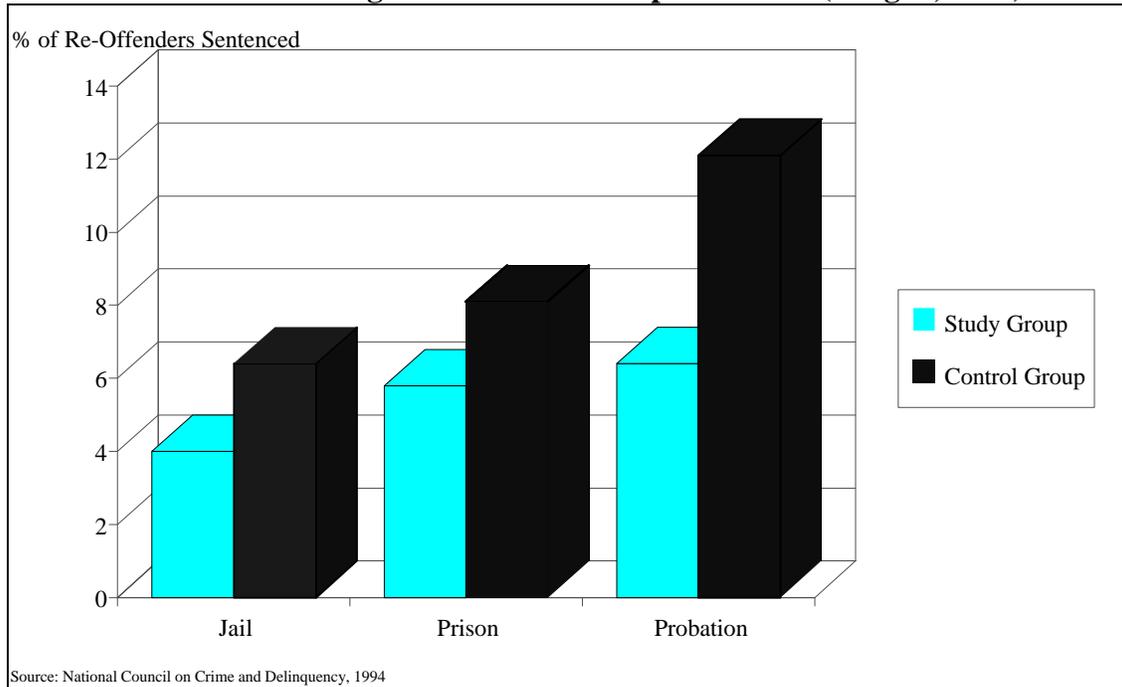
Electronic monitoring allows for long distance surveillance of offenders by either passive or active devices. Passive devices operate via radio transmissions in a wrist or ankle bracelet. Active devices use home telephones and computerized random calls to an offender's residence.

Electronic monitoring is a component of many house arrest and ISP programs. Offenders may be sentenced directly to electronic monitoring, but some are placed on this sanction when jail crowding occurs, while others are placed on a monitor after violating a previous probation sanction. The average length of stay is between 45 and 60 days. Fees for supervision range between \$7 and \$10 per day.

The National Institute of Justice (NIJ) reports that the number of states using electronic monitoring devices as a sanction has grown from 21 in 1987 to all fifty states in 1995. An estimated 50,000 offenders have been sentenced to this sanction (both pre-sentence and sentenced offenders). Offenses include major traffic violations (particularly driving under the influence of alcohol), property crimes, sex, and spousal abuse offenses, and drug violations.

There have been no large scale evaluations of electronic monitoring. Recent small scale evaluations by the National Council on Crime and Delinquency (NCCD) suggest mixed results.

Chart 22
Electric Monitoring One Year Follow-up Outcomes (Oregon, 1991)



The most promising study was of 346 offenders in three Oregon county electronic monitoring programs. The research found that low level drug offenders who were diverted from jails to monitoring programs exhibited less criminal behavior and re-offended less over a 12 month period than a control group supervised by standard methods.

APPENDIX B

County Probation Survey

The California Research Bureau probation survey goals are to:

- Understand the priorities which departments place on probation goals of monitoring, and rehabilitation, and the impact of changing goals on operational priorities;
- Assess the resources of county probation and sheriffs departments and the implication for program services;
- Identify the technical capacity of probation departments to share and cross reference criminal record information with local criminal justice agencies;
- Survey alternative sanction programs;
- Measure probation department workloads; and
- Assess the degree of field-level probation supervision of offenders.

Survey Methodology and Content

The development of the survey instrument involved a number of steps, including clarifying research goals, defining terminology, and designing and constructing the survey instrument. Meetings were held with statewide probation administrators and professional organizations to seek their input and cooperation in distributing the survey. Next, the survey instrument was refined further and sent out to all probation and sheriffs administrators. Finally, on-site follow-up interviews were conducted with probation administrators and line staff from counties of varying sizes in different regions of the state.

In general, the survey respondents were asked to do the following:

- Describe the department's goals and mission;
- Prioritize the department's policies, including the use of firearms;
- Indicate from a list of alternative sanction programs those which are available to local judges, the number of offenders and staff assigned to enforce and monitor each sanction, the frequency of contact, and the consequences of failure;
- Answer a series of formatted questions relating to workload, staffing, and training;
- Identify any contracted services;
- Describe the level of system automation and its integration with other agencies; and
- Provide the number of offenders in traditional probation programs and the number who had probation revoked in 1994.

Surveys were returned by 49 of the 58 county probation departments (representing counties which account for 97 percent of the state's population). In addition, 6 of 19 responding sheriffs departments indicated they are involved in supervising offenders outside of the jail environment. The overall response rate represents a relatively complete picture of probation programs and caseload practices statewide. An earlier data base developed by the Board of Corrections in 1993, provides a comparative framework for a discussion of "non-jail sanction programs."

Questionnaire 95

Introduction

This is a onetime survey of California county probation and sheriffs department administrators to determine the current level of staff and program resources. The results of the survey will help assist California Legislators to address the problems of prison and jail overcrowding.

In order for this survey to be successful, your thoughtful and detailed responses are needed. A few questions ask for data on staffing, workload, and budget. **If exact figures are not readily available, please provide estimates.** The time required for collecting this information should vary between 5 and 30 minutes, depending on the question. We would appreciate your returning the completed questionnaire in the enclosed, self-addressed envelope within the next 21 days.

After your completion of the survey we would welcome your comments or suggestions about the survey's usefulness or its length. Please attach your comments or suggestions to the survey document.

Please provide the name, position, and phone number of the person who will complete this questionnaire. This information may be used to call for clarification or for additional information on specific programs in your county.

Name: _____ **Position:** _____

Unit: _____

Phone Number: _____ / _____ **Fax Number:** _____ / _____

Policy Goals

1. Does your agency have a written mission statement describing the goals of the organization? Yes **47** No **0**

All county probation departments generally have mission statements and goals

2. Please rank the following adult probation policy goals for your agency.

<u>Policy</u>	Top Priority	Priority	Not a Priority
Offender Rehabilitation	8 percent	79 percent	13 percent
Social Reintegration of Offender	15 percent	77 percent	8 percent
Public Safety	90 percent	10 percent	0 percent
Enforcement of Probation Terms	75 percent	25 percent	0 percent

Program Policies

3. Does your agency authorize probation officers to carry firearms in the field?
Yes **30** No **19**

California Penal Code Section 830.5 allows probation officers to carry firearms while on duty with authorization from the county Chief Probation Officer.

4. If your agency authorizes probation officers to carry firearms in the field, please briefly state the elements of that policy or attach a written copy of the policy.

Each individual county probation department has its own written policy on the use of firearms.

5. Please indicate whether any of the following alternative sanction programs are available to the judge(s) in your county when assigning adult offenders to probation. For each alternative that is available to the judge(s) in your county, also indicate in the appropriate boxes below the average monthly census of offenders and the number of probation officers assigned to the program, based on budgeted Personnel Years (PY).

<u>Probation Programs</u>	Yes	No	Average Monthly Census	Number of (PYs)
Boot Camp	0	49	0	0
Day Reporting	5	44	125	2.25
Early Release	30	19	266.25	10.25
Electronic Monitoring	35	14	1,283	46
Halfway Houses	9	40	73	.10
House Arrest	20	29	238	16
Restitution	42	7	32,119	75.5
Intensive Supervision	17	32	13,189	998
Work Release	16	33	1,744	19.35
Community Service	40	9	11,130	33.25
Drug Treatment	38	11	17,011	66.5
Jail Diversion	8	41	710	18.25
Alcohol Treatment	32	17	13,130	25.5
Other Specialized Treatment	20	29	13,618	55.5

6. If any of the alternative sanction programs listed in question #5 are available to the judge(s) of your county, please indicate for each program the actual frequency of contact that probation officers have with adult offenders. Secondly, please indicate in the boxes below the average length of time an adult offender spends in each program.

Probation	Daily	Weekly	Monthly	Random	Average Time of Program (Days)
Boot Camp	0	0	0	0	0
Day Reporting	X	0	0	0	30-60
Early Release	0	0	0	0	30
Electronic Monitoring	0	X	0	0	30-90
Halfway Houses	X	0	0	0	0
House Arrest	X	X		0	0
Restitution	0	X	X	0	2-60
Intensive Supervision	X	X	0	0	14-90
Work Release	X	0	0	0	30-60
Community Service	0	X	0	0	2-30
Drug Treatment	X	X	0	0	30-90
Jail Diversion	0	X	0	0	14-30
Alcohol Treatment	X	X	0	0	10-60
Other Specialized Treatment	X	X	0	0	10-60

7. If your county is currently operating any of these alternative sanction programs, please indicate in the boxes below the consequence which best describes an adult offender failing the program.

<u>Probation Programs</u>	Revocation Leading To Jail Or Prison	New Court Date	Execution of Original Sentence	Other
Boot Camp	0	0	0	0
Day Reporting	1	2	1	0
Early Release	5	2	9	0
Electronic Monitoring	17	1	9	0
Halfway Houses	1	3	1	0
House Arrest	8	2	4	1
Restitution	8	16	1	6
Intensive Supervision	23	4	1	0
Work Release	10	6	8	1
Community Service	10	20	3	2
Drug Treatment	17	18	1	2
Jail Diversion	3	1	2	0
Alcohol Treatment	13	11	2	0
Other Specialized Treatment	8	11	2	0

Resources

8. Please indicate whether your agency *contracts-out* any of the following services for adult offenders.

Contracted Services	Yes	No
Basic Education (GED)	4	45
Employment Referral	2	47
Halfway Houses	2	47
Job Readiness Training	3	46
Mental Health Counseling	10	39
Outpatient Drug or Alcohol Treatment	15	34
Residential Alcohol Treatment	13	36
HIV or other Contagious Diseases	4	45
Sex Offender Treatment	14	35
Urinalysis	26	23
Vocational Education	5	44
Other Specialized Counseling	5	44

9. Some counties are considering whether to convert county-owned facilities which were originally dedicated to other purposes, to probation use in order to expand adult offender services.

Has your county converted any facilities?	Yes	1	No	48
Is your county considering future conversions?	Yes	2	No	47

10. If the answer to question #9 is yes, please briefly describe the type of adult offender program(s) the facility is or would be used for.

The two respondents indicated using a reporting center or boot camp facility.

11. If your agency currently does not have an alternative sanction program what would your agency need to implement one?

Resources	Yes	No
More Staff	46	3
More Facilities	42	7
Expanded Legal Authority	3	46
State Revenues For Your Agency	49	0
Local Revenues For Your Agency	45	4
Funds For Contractual Services	39	10
Other (please state)		

Workload

12. Please indicate below the frequency of contact that adult offenders on regular or banked probation have with probation officers. Also indicate the number of budgeted PY field level and supervising level probation officers.

<u>Type Of Probation</u>	Once A Week	Once A Month	Over 30 Days	Supervising (PY) Officers	Field Level (PY) Officers
Regular	4	30	15	138.45	659.70
Banked	0	5	44	53.25	249.11

13. Please briefly describe a field level probation officer’s typical probation contact with an adult offender on regular probation.

Generally, contact between probation officers and offenders takes place at a county facility, usually in a probation field office or at the main probation department.

14. Does your agency manage both adult and juvenile probation programs?
 Yes 49 No 0

15. Please indicate the total number of PY supervisory level and field level probation officers and other staff assigned to adult and juvenile probation programs in Fiscal Year 1993-94.

<u>Program</u>	Supervising Level (PY) Probation Officers	Field Level (PY) Probation Officers	Other (PY) Staff
Adult	243.15	1,893.30	761.45
Juvenile	199.35	1,476.80	613

16. Please indicate which of the following duties are the primary responsibility of probation agency staff.

<u>Work Activities</u>	Supervising Probation Officer	Field Level Probation Officer	Non Probation Officer Staff
Bond Reviews	8	20	22
Early Termination	1	46	5
Presentence Investigation- Felonies	0	45	8
Presentence Investigation- Misdemeanors	2	44	4
Probation Revocation	3	44	5
Screening For Diversion Programs	3	46	5
Warrant Service	4	9	42
Child Support Payments	0	4	45
Collection of Fees	2	16	31
Collection of Fines	2	16	31
Collection of Restitution	2	27	24
Hearings For Noncompliance	7	39	4
Urine Collection	2	44	5
Urine Testing	0	27	20
Violation Reports	3	47	1
Other Duties	12	12	12

17. Does your agency screen and test new adult probation offenders for contagious diseases such as HIV and tuberculosis? **Yes 3 No 46**

18. If you answered no to question #17, please indicate which agency in your county is responsible for screening and testing adult probation offenders for contagious diseases.

<u>Source</u>	Yes	No
County Jail	18	31
Sheriffs Department	6	43
County Health Department	31	18
District or Municipal Court	0	49
Other	1	48
This Procedure Is Not Done	7	42

Information Systems

19. Does your agency have an automated adult offender information data base?

Yes 36 No 13

20. If the answer to the previous question is yes, please check the box that best describes how well the automated system is integrated with other criminal justice agencies.

<u>Automated Information System</u>	Very Good	Needs Minor Improvement	Needs Major Improvement	Needs To Be Established
Linkage With Other Local Justice Agencies (Sheriffs and Juvenile Hall)	15	11	5	18
Courts	14	7	8	20
County Jail Health Department	2	2	3	42
State Criminal Justice Agencies	11	4	5	29
Other Agencies	6	3	9	31

Staff Training

21. Does your agency have formal training available for field staff in the following areas?

<u>Training Areas</u>	Yes	No
Bilingual Capabilities	23	26
Intake Procedures	43	6
Presentence Investigation	45	4
Revocation Procedure	45	4
Investigation Techniques	45	4
Officer Safety Procedures	44	5
Program Evaluations	24	25
Counseling Techniques	39	10
Supervision of Contagious Disease Clients	17	32
Specialized Caseload Management	17	32

22. Please indicate below whether improvement is needed in training field staff in each of the following areas.

<u>Training Areas</u>	No Improvement Needed	Some Improvement Needed	Needs Major Improvement
Bilingual Capabilities	21	14	14
Intake Procedures	17	26	6
Presentence Investigation	2	11	36
Revocation Procedure	11	31	7
Investigation Techniques	22	22	5
Officer Safety Procedures	4	26	19
Program Evaluations	13	18	18
Counseling Techniques	3	20	26
Supervision of Contagious Disease Clients	13	22	14
Caseload Management	5	23	21

23. What are the principal training needs in your agency?

Most responses indicated a need for bilingual training.

Capacity

24. During Fiscal Year 1993-94 how many regular and banked adult probationers did your agency supervise? **Regular 112,537 Banked 190,056**

25. During Fiscal Year 1993-94 how many specialized adult probationers (sentenced to an alternative sanction program) did your agency supervise? **40,601**

26. During Fiscal Year 1993-94 how many adult offenders under your agency's supervision had their probation revoked? **50,355**

27. During Fiscal Year 1993-94 how many adult offenders had their probation revoked and were sent to prison?

Total number was estimated at 10,950 offenders (most experts believe this figure is understated).

ENDNOTES

-
- ¹Naomi Hurnard, *The Kings Pardon For Homicide Before A.D.*, Oxford University Press (England), 1969.
- ²David Dressler, *Practice and Theory of Probation and Parole*, Second Edition, Columbia University Press, 1969.
- ³Task Force on Corrections, *Task Force Report: Corrections*, U.S. Government Printing Office (Washington D.C.), 1966.
- ⁴Lawrence Schultz, "The Cycle of Juvenile Court History," *Crime and Delinquency*, October, 1973.
- ⁵Howard Abadinsky, *Probation and Parole: Theory and Practice*, 2nd Edition, Prentice-Hall, Inc., 1982.
- ⁶Kim Nelson, Howard Ohmart, and Nora Harlow, *Promising Strategies in Probation and Parole*, U.S. Government Printing Office (Washington), 1978.
- ⁷Richmond Fisher, "Probation and Parole Revocation: The Anomaly of Divergent Procedures," *Federal Probation* 38 September, 1978.
- ⁸Howard Abadinsky, *Probation and Parole: Theory and Practice*, 2nd Edition, Prentice-Hall, Inc., 1982.
- ⁹Kenneth Moran, "Probation and the Hi-Technology Revolution: Is a Reconceptualization of the Traditional Probation Officer Role Model Inevitable?," *Criminal Justice Review*, Vol. 10, Number 1, Spring, 1985.
- ¹⁰Dale Parent, Dan Wentworth, Peggy Burke, and Becky Ney, "Responding to Probation and Parole Violations," National Institute of Justice, *Issues and Practices in Criminal Justice*, Washington, D.C., July 1994.
- ¹¹Mike Harkey, "National Survey of Correctional Organizations," *Correctional Compendium*, Vol. XX, No. 6, June 1994.
- ¹²Darrell Bryan, "Probation Officers: Cops or Counselors?," *Correctional Compendium*, Vol. XX, No. 2, February, 1995.
- ¹³Ibid.
- ¹⁴Marcus Nieto, Survey of County Probation Services, Field Interviews of Probation Officers and Sheriffs, California Research Bureau, 1995.
- ¹⁵Travis Hirschi, and David Rudisill, An Evaluation of California Probation Subsidy Program, Vol. 1: Commitment Reduction and Probation Subsidy: A Summary of Available Data, *Center on Administration of Criminal Justice*, University of California at Davis, (Davis), 1977.
- ¹⁶Vernon Fox, *Community-Based Corrections*, Prentice Hall, Englewood Cliffs, New Jersey, 1987.
- ¹⁷Joan Petersilia, and Elizabeth Deschenes, RAND Corporation Study, "Perceptions of Punishment: Inmates and Staff Rank The Severity of Prison Versus Intermediate Sanctions," *The Prison Journal*, Vol. 74 No. 3, Page 306-328, September 1994.
- ¹⁸Patrick A. Langan, "Between Prison and Probation: Intermediate Sanction", *Science*, Vol. 264, May 6, 1994.
- ¹⁹California Board of Corrections, *A Survey of Municipal and Superior Court Sanctions in California*, Sacramento, 1993.
- ²⁰The Los Angeles Countywide Criminal Justice Coordination Committee, "Impact of the Three Strikes Law on the Criminal Justice System in Los Angeles County," Los Angeles Times, November 16, 1995.
- ²¹Ibid.
- ²²Marcus Nieto, California Probation Study, *Site Interview with County Probation and County Sheriffs Officials*, California Research Bureau, 1995.
- ²³California Probation Officers Association, Unpublished Handbook of Standards, 1994.
- ²⁴The total number of probation officers do not include several hundred officers employed by Orange County who have been suspended due to the county's budget crisis.
- ²⁵Marcus Nieto, *Boot Camps: An Alternative Punishment Option For The Criminal Justice System*, California Research Bureau, April, 1995.

-
- ²⁶John Engellenner, "Drug Court Strives to Set Users on Straight Path," *Sacramento Bee*, February 12, 1996, Section. B, Page 1.
- ²⁷Carlos Alcala, "Fines Help Heal The Community," *Sacramento Bee*, January 25, 1996, Section B, Page 1.
- ²⁸Kathleen Connell, California State Controller, *Financial Transactions Concerning Counties of California*, Annual Report, 1993-94 Fiscal Year.
- ²⁹ California Department of Justice, *Crime and Delinquency in California*, 1989-90.
- ³⁰Marcus Nieto, *The 1994 Violent Crime Control and Law Enforcement Act Today*, California Research Bureau, April, 1995.
- ³¹Raquel Mowatt, "Probation Agency to Feel Cuts," *San Jose Mercury News*, December 26, 1995, Section. A Page 1.
- ³²Jamie Lillis, National Survey of Local and State Correctional Systems, *Corrections Compendium*, August, 1994.
- ³³Patrick A. Langan, and Mark Cunniff, Recidivism of Felons on Probation, 1986-89 U.S. Department of Justice, *Bureau of Justice Statistics*, Washington, D.C., Page 3, 1992.
- ³⁴Joan Petersilia, Expanding Options for Criminal Sentencing, *RAND*, November, 1987.
- ³⁵Richard Simpson. *Jailhouse Blues: Hard Time For County Taxpayers*, California Counties Foundation, September, 1991.
- ³⁶T. R. Clear, and A. A. Braga, "Community Corrections," *Crime*, Editors J. Q. Wilson, and J. Petersillia, 1995.
- ³⁷J. Byrne, and A. Pattavina, "The Effectiveness Issue: Assessing What Works In The Adult Community Correction System." *Smart Sentencing: The Emergence of Intermediate Sanctions*, Editors, J. Lurigio, and J. Petersilia, 1992.
- ³⁸A. Von Hirsch, M. Wasik, and J. Greene, "Punishment in the Community and the Principles of Desert," *Rutgers Law Journal*, 20:595-618, 1989.
- ³⁹Bureau of Justice Statistics, Bulletin, *Correctional Populations in the United States*, U.S. Department of Justice, 1991.
- ⁴⁰J. Petersilia, J. Kahan, and J. Peterson, "Granting Felons Probation: Public Risks and Alternatives," *RAND Corporation*, Santa Monica, CA, 1985.
- ⁴¹National Advisory Commission on Criminal Justice Standards and Goals, *Report on Corrections*, Washington D. C., U. S. Government Printing Office, 1973.
- ⁴²Jeffrey Roth, and Paul Wice, "Pretrial Release and Misconduct in the District of Columbia," Washington, D. C., *Institute for Law and Social Research*, 1990.
- ⁴³Mariceli B. Almon, Deputy Chief U.S. Probation Office, "The Automated Probation Risk Assessment Project: Development of an Automated Risk Assessment Prediction," *Advanced Computation Technologies Practice and the Justice Systems Technology Practice*, by Boz-Allen and Hamilton, Inc., September 3, 1993.
- ⁴⁴Dale Parent, *Recovering Correctional Costs Through Offender Fees*, National Institute of Justice, Washington D.C., June 1990.
- ⁴⁵N. Morris, and M. Tonry, "Intermediate Punishments in a Rational Sentencing System," Oxford University Press, New York, 1990.
- ⁴⁶Patrick A. Langan, "Between Prison and Probation: Intermediate Sanctions," *Science*, Vol. 264, May 6, 1994.
- ⁴⁷Patrick A. Langan, and Mark Cunniff, "Recidivism of Felons on Probation," 1986-89 U.S. Department of Justice, *Bureau of Justice Statistics*, Washington, D.C, Page 3, 1992.
- ⁴⁸G. T. Peters, "Intermediate Sanctions: A Discussion of Illustrative Program," *Office of National Drug Control Policy*, 1990.
- ⁴⁹Anderson Criminal Justice Series, Edited by J. Ortiz-Smykla, and W. Selke, *Intermediate Sanctions: Sentencing In The 1990s*, Anderson Publishing Co. 1995.

⁵⁰Paul Friday, and Robert Wertkin, *Residential Probation Centers: The Impact of Programming and Race on Recidivism*, Presented at the annual meeting of the Academy of Criminal Justice Science, Kansas City, Missouri, March 1993.

⁵¹Christopher Baird, "Evaluation of the Effectiveness of Supervision and Community Rehabilitation Programs in Oregon," *National Council on Crime and Delinquency*, March, 1994.

⁵²T.R. Clear, and P. Hardyman, "The Intensive Supervision Movement," *Crime and Delinquency*, 36:42-60, 1990.

⁵³D. A. Andrews, "Classification for Effective Rehabilitation: Rediscovering Psychology," *Criminal Justice and Behavior*, 17 (1): 19-52, 1990.

⁵⁴Marcus Nieto, *Survey of California County Probation and Sheriffs Departments*, California Research Bureau, October, 1995.

⁵⁵Joan Petersilia, and Steve Turner, *Evaluating Intensive Probation and Parole Supervision Programs: Results of a Nationwide Experiment*, Unpublished Manuscript, 1992

⁵⁶Susan Stone, and Betsy Fulton, "Achieving Public Safety Through Rehabilitation and Reintegration: The Promise of a New ISP," Presented at the Academy of Criminal Justice Science Conference, Kansas City, Missouri, 1995.

⁵⁷Tony Fabelo, *Treatment Alternatives to Incarceration Program: An Analysis of Retention in Treatment and Outcome Evaluation*, Prepared for the Criminal Justice Council, State of Texas, March 1, 1995.

⁵⁸Christopher Baird, and Bob Decomo, "Evaluation of the Effectiveness of Supervision and Community Rehabilitation Programs in Oregon," *National Council on Crime and Delinquency*, March, 1994.

BIBLIOGRAPHY

Administrative Office of the United States Courts. *Federal Probation*. Vol. LVIII, No. 4, December 1994

Administrative Office of the United States Courts. *Federal Probation*. Vol. LIX, No. 1, March 1995.

Administrative Office of the United States Courts. *Federal Probation*. Vol. LIX, No. 2, June 1995.

California Department of Justice. *Violence Suppression Program*. October, 1995
Michigan Office of Community Corrections. *A Response to the Judiciary Subcommittee on Community Corrections and State/Local Partnerships*. April 4, 1995.

National Conference of State Legislatures. *Legislative Guide To Improving Justice Through Informed Legislation*. December 1995.

National Council on Crime and Delinquency. *Crime and Delinquency*. Vol. 40, No. 1 January 1994.

National Council on Crime and Delinquency. *Crime and Delinquency*. Vol. 41, No. 3, July 1995.

National Council on Crime and Delinquency. *Crime and Delinquency*. Vol. 42, No. 1. January 1996.

National Council on Crime and Delinquency. *Evaluation of the Effectiveness of Supervision and Community Rehabilitation Programs in Oregon*. March 1994.

Ortiz, John. and Selke, William. *Intermediate Sanctions: Sentencing in the 1990s*. (Bloomington) 1995.

Petersilia, Joan. *Expanding Options for Criminal Sentencing*. RAND. (Santa Monica) November 1987.

Peters, G. T. Office of National Drug Control Policy. *Intermediate Sanctions: A Discussion of Illustrative Programs*. June 1990.

State of Texas, Criminal Justice Policy Council. *Texas Correctional Cost Per Day, 1993-94*. February 1995.

State of Texas, Office of the State Auditor. *Evaluating Probation Programs: A Methodology*. May 1994.

The American Society of Criminology. *Criminology*. Vol. 33, No. 2, May 1995.

The National Journal for Correctional Professional. *Correctional Compendium*. Vol. XIX, No. 8, August 1994.

The Prison Journal. *An International Forum on Incarceration and Alternative Sanctions*. Vol. 74 No. 3. September 1994.

U.S. Department of Justice, Office of Justice Programs. *A Survey of Intermediate Sanctions*. (Washington D. C.) 1990.

U.S. Department of Justice, National Institute of Justice. Issues and Practices in Criminal Justice. *Responding to Probation and Parole Violators*. July 1994.

Wilson, James Q. and Petersilia, Joan. Editors, *Crime*. (San Francisco) 1995.