





s is the case nationally, probation departments in California are responsible for supervising more people than all other correctional agencies in the state combined. In 2015, 390,000 individuals were supervised by probation departments (Chief Probation Officers of California, 2017), which in California are administered at the county level. In comparison, 129,000 individuals were housed in state prisons and 74,000 in county jails (California Department of Corrections and Rehabilitation, 2017; California Board of State and Community Corrections, 2017), and another 45,000 individuals were supervised by state parole agencies, which manage people after they are released from state prison (California Department of Corrections and Rehabilitation, 2017). Probation services have long played an essential role in the criminal justice system, and probation supervision also remains less costly than prison, jails, and state parole, even though spending on probation did grow from 2011 through 2015 (California State Controller 2017; Martin & Grattet, 2015).

California's recent corrections reforms have created new opportunities and responsibilities for county probation departments. In 2009, the passage of Senate Bill 678 (SB 678) created financial incentives for counties to lower their rates of revocations to state prison. It appears to have had the desired effect. From 2010 onward, statewide data show that probation violations resulting in prison incarceration dropped in nearly every county (Judicial Council of California, 2015). Moreover, the bill led to significant changes in how county probation departments do their work by encouraging more agencies to rely on evidence-based supervision practices (Petersilia, 2014; Turner, Fain, & Hunt, 2015; Judicial Council of California, 2015).





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In 2011, the state passed the Public Safety Realignment Act (referred to here as Realignment), which was designed to address prison overcrowding by shifting incarceration and supervision responsibility for many non-serious, non-violent, and non-sexual offenders from the state prison and parole systems to county sheriff and probation departments. More recently, in 2014, voters approved Proposition 47 (Prop 47), which required that certain drug and property offenses be charged as misdemeanors (Judicial Council of California, 2015). Prop 47 had a nearly immediate impact on probation caseloads. Soon after passage the number of new cases where courts granted probation for a felony or misdemeanor dropped by 29% compared to the previous quarter. Moreover, the proposition permitted individuals who were under supervision at the time of its passage to petition for resentencing, and many did so. Overall, the population of individuals under probation supervision dropped by 3% within the quarter after Prop 47 was passed (Judicial Council of California, 2015).

Understanding how the probation population in California is changing in the wake of Realignment and Prop 47 is critical to assessing the challenges probation departments currently face. This focus on getting accurate and complete facts leads to an examination of available data collecting systems in the state—systems that have both strengths and limitations. The California Department of Justice (2017) has captured changes in felony and misdemeanor probation back to the 1960s, and its data show that since the early 1980s the number of felony probation cases has grown fivefold in three decades, climbing from 50,000 to over 250,000. At the same time, the misdemeanor population has been falling since the 1990s, suggesting that the shift in probation toward more serious felony level offenders

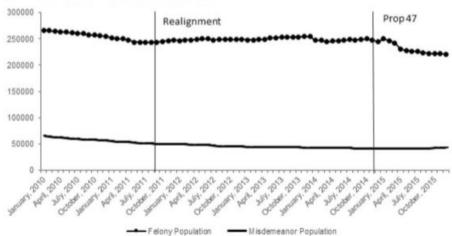
has been several decades in the making (Martin & Grattet, 2015).

Department of Justice data are collected monthly and also afford a close look at how felony and misdemeanor probation has changed after Realignment. These data show that statewide felony probation caseloads were relatively stable in the first three years under Realignment, but they began to decline in size after Prop 47 (Figure 1). Data from the Chief Probation Officers of California (2017) show growing numbers of individuals under probation supervision in 2013 and 2014 but declines in all caseloads in 2015

under Prop 47. Although these data help paint the picture of how the traditional responsibilities for supervising felony and misdemeanor cases are changing. they are less useful for characterizing the new responsibilities probation agencies have assumed as a consequence of these legislated mandates. Moreover. Realignment required that supervised individuals return to jail custody if they violate the terms of their supervision, but there is no statewide source capturing how returns to custody have changed after Realignment and Prop 47 or capturing what kind of pressure those returns place on local jail systems.

FIGURE 1

PROBATION CASELOADS, 2000-2016



SOURCE: California Department of Justice (2017)





In this essay, we draw on newly available information collected through an ongoing collaboration between the Public Policy Institute of California (PPIC), the California Board of State and Community Corrections (BSCC), and a multi-county study (MCS) group of 12 counties chosen to be representative of the state. We begin by describing how this data was compiled and the unique view it provides on county correctional systems. Using this data, we describe changes over time in the number and characteristics of individuals starting probation after Realignment and Prop 47. We go on to examine the extent of jail contact among people under supervision. focusing on how jail bookings vary across caseload types, how frequently people under different types of caseload supervision enter jail, and what types of offense or violations they are booked for. We conclude with a discussion of the next steps in the MCS data collection project.

PPIC-BSCC MULTI-COUNTY STUDY

In response to California's 2011 Public Safety Realignment, PPIC launched a data collection effort to compile information on offenders moving through 12 county correctional systems and to link that information to state data sources that can provide detailed criminal history and recidivism data. Counties were selected to reflect the diversity of the state in terms of population demographics, urbanicity, economic characteristics, and region,

as well as the diversity of approaches to implementing Realignment. Together the counties encompass three-fifths of the state's population.

The project was supported by several state-level stakeholders, including the Chief Probation Officers of California, the California State Sheriff's Association, California State Association of Counties, the County Administrative Officers Association of California, the California Department of Justice, and the California Department of Corrections and Rehabilitation. It was approved by the BSCC board members in July of 2013 as a joint project between the BSCC and PPIC.

In the spring of 2014, PPIC began receiving the first wave of data from counties. This consisted of individuallevel transactional data that cover the period from the official Realignment start date of October 1, 2011, to October 31, 2015, covering the first four years of implementation. Included is every entry into probation supervision as well as all entries and exits from county jail from the participating 12 probation and sheriff's agencies. These data allow us a window into the compositional changes occurring since 2011 within probation and a way to assess the extent to which individuals under probation supervision show up in county jails. Below we describe four segments of the probation population. which include cases traditionally

sentenced to probation for a misdemeanor, cases traditionally sentenced to probation for a felony, and two categories of "realigned" cases:

Individuals on post-release community supervision (PRCS) who have been released from state prison and prior to Realignment would have been supervised by the state parole system. The prison commitment from which these individuals are released must not have been due to a serious or violent offense, and they must not meet the California Department of Corrections and Rehabilitation definition of a "high-risk sex offender" or a "mentally disordered offender."

Individuals convicted of felony offenses who were given "split sentences," meaning they serve a portion of their sentence in jail and the remainder under mandatory supervision (MS) by county probation departments. These are individuals whose current and past offenses are non-serious, non-violent, and non-sexual. They are sentenced to MS under California Penal Code 1170(h), which defines a set of felonies that are no longer eligible for state prison sentences under Realignment.

CHANGES AFTER REALIGNMENT AND PROP 47

Under Realignment, new cases grew due to the added responsibility of managing individuals under PRCS and MS. This trend reversed following Prop 47, as the number of new felony and misdemeanor probation cases declined substantially. However, this meant realigned individuals with more serious offense histories began to make up a larger share of new probation cases.

Overall, the population of individuals under probation supervision dropped by 3% within the quarter after Prop 47 was passed.

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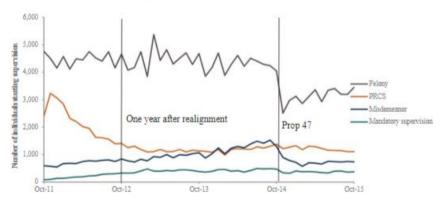


Figure 2 shows new probation cases from October 2011 to October 2015, including both the realigned segments of the probation caseloads—individuals on PRCS and MS—and the traditional felony and misdemeanor probationers. In the first year of Realignment, a high volume of PRCS cases streamed into probation departments in the 12 MCS counties, at an average rate of 2,183 per month or about 28.7% of all new probation starts.

Initially, this high volume reflected the fact that many of those under PRCS in the first year of Realignment were individuals released from prison after having had their parole revoked as opposed to being released for the first time on their current commitment. Because Realignment mandated that parolees and individuals on PRCS serve revocations in county jails, these supervision violators were no longer entering and exiting prison after

FIGURE 2

THE NUMBER OF INDIVIDUALS STARTING FELONY AND MISDEMEANOR PROBATION DECREASED AFTER PROP 47



SOURCE: Author calculations based on BSCC-PPIC Multi-County Study data (2011-2015).

NOTES: This table includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus. Contra Costa, Kern, and Shasta Counties do not have data for misdemeanor cases.



having served short revocations. The result was that by one year into Realignment, the vast majority of releases to PRCS were individuals being released after serving court commitments rather than revocations. This explains why PRCS cases dropped and leveled off between October 2012 and October 2014, averaging 1,184 per month or about 16.8% of new probation starts.

Under Realignment, growth in MS caseloads occurred more gradually, since such cases result from new convictions and are structured to include time in jail. By October 2012, such cases entered supervision at a rate of 321 cases per month, or about 4.4% of all new probation cases (Figure 2). As state policy began to encourage split sentencing over time, the MS caseload increased. By October 2014, three years after the start of Realignment, new MS cases had increased to 467 cases per month, a 45.5% increase compared with two years earlier. After Prop 47 took effect in November 2014, the number of new MS cases declined. This drop may be the result of a decrease in enforcement for Prop 47 offenses, as a portion of the affected individuals would have been likely candidates for a split sentence (Bird, Tafoya, Grattet, & Nguyen, 2016).

Figure 2 shows that the number of felons starting probation was relatively

stable in the first three years after Realignment took effect, but their numbers declined after Prop 47. For a specific set of lower-level offenses, Prop 47 changed the charge level from a felony with a potential multi-year sentence to a misdemeanor with a maximum incarceration term of one year in jail. From the beginning of Realignment to the month before Prop 47 was passed, new felony probation cases in the MCS counties averaged 4,415 per month (61.4% of all new probation cases). In the year after Prop 47, new felony probation caseloads dropped to an average of 3,119 per month, and their share of all new probation cases declined to 57.6%. Somewhat surprisingly, however, misdemeanor probation starts also declined in the wake of Prop 47. These declines in both felony and misdemeanor caseloads suggest an overall reduction in enforcement over Prop 47 offenses.

PEOPLE UNDER PROBATION SUPERVISION OFTEN ENTER JAIL

In addition to having more serious offense histories, realigned individuals under probation supervision also have higher rates of returning to jail custody and higher rates of returning to jail multiple times within a year of starting supervision when compared to traditional felony and misdemeanor probationers. Overall, a large share of individuals

PERSPECTIVES



under probation supervision are prone to engaging in behavior serious enough to result in a jail booking, and for many that behavior includes an allegation of a felony offense. Individuals on MS have the highest rate of felony bookings, whereas individuals on PRCS have the highest rate of supervision violations. These findings suggest that realigned offenders who were added to probation caseloads may be more challenging to manage compared to traditional probation caseloads.

The MCS data allow us to investigate the frequency at which people under supervision by probation departments enter jail (i.e., are booked into jail for an alleged crime or violation of their conditions of supervision) within their first year in the community. Additionally, booking data indicate the kinds of charges that brought the individual into custody. Because people can be on multiple caseloads, we classify individuals by their most serious caseload type, with PRCS classified as the most serious followed by MS, felony, and misdemeanor. Also, because bookings into jail can occur for multiple crimes or violations, we classify bookings based on the most serious crime or violation, as defined by the California Department of Justice (Tafoya, Bird, Nguyen, & Grattet, 2017).

Among those starting probation supervision between October 2011

and September 2014, 46.7% were subsequently booked into jail custody within one year. The realigned segments of the population have the highest rates of jail bookings, with 53.0% of the MS population and 50.7% of the PRCS population booked into jail within one year of starting probation (Table 1). While less than half of all people starting probation supervision were booked into jail during their first year of supervision, 27.5% were booked for felony offenses. Ten percent of individuals under felony probation supervision were booked for misdemeanors and 5.7% for supervision violations.

Table 1 further breaks down first jail bookings by charge level and charge type. The modal charge for all case types is a supervision violation (14.7%), followed by felony drug (10.9%) and felony property (8.9%) charges. However, there is quite a bit of variation across case types. Among the PRCS, 39.8% are booked into jail within one year for a supervision violation. Another 13.7% are booked for a flash incarceration. Flash incarceration, another tool introduced by Realignment, gives county probation departments an intermediate sanction for individuals on PRCS. Instead of revoking supervision or charging violators with new crimes, a department can sentence them to county jail for a short period, ranging from one to ten days. It appears probation officers



TABLE 1

INDIVIDUALS UNDER PROBATION SUPERVISION ARE MORE LIKELY TO BE BOOKED FOR FELONIES THAN FOR OTHER OFFENSES

CASE TYPE

Charge level	Booking charge	All	PRCS	MS	Felony	Misdemeanor	
	Supervision Violations	14.7%	39.8%	5.3%	6.6%	9.5%	
	Flash Incarceration	3.3%	13.7%	0.1%	0.0%	0.0%	
Misdemeanor	Drug	2.5%	2.3%	2.9%	2.4%	3.8%	
	Property	1.5%	1.0%	1.5%	1.4%	3.2%	
	Persons	1.8%	1.5%	1.1%	1.3%	6.7%	
	Other	3.9%	4.5%	2.4%	3.2%	7.8%	
Felony	Drug	10.9%	5.5%	15.1%	12.5%	11.6%	
	Property	8.9%	4.3%	21.0%	10.5%	4.4%	
	Persons	4.6%	2.4%	2.0%	6.0%	2.1%	
	Other	3.1%	1.9%	3.9%	3.8%	1.1%	
	Infraction/Other	0.4%	0.5%	0.3%	0.4%	0.4%	
Total Bookings		46.7%	50.7%	53.0%	44.8%	45.9%	

SOURCE: Author calculations based on BSCC-PPIC Multi-County Study data (2011-2015).

NOTE: "Booking offense" refers to the most serious offense in the first jail booking for individuals under probation supervision, within the first year after starting supervision. Categories are based on the charge level of the most serious offense, which is determined by the rank of that offense in the California Department of Justice seriousness hierarchy. This table includes data from the following counties: Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus,

have embraced the use of this new tool. Among the MS cases, the modal booking is for a felony property crime (21.0%), although felony drug charges are also common (15.%). For both felony and misdemeanor cases, the most common types of booking charges are felony drug and felony property offenses. Not only

were jail entries common, but they also included a large share of the most serious kinds of offenses (i.e., felonies), with the exception of the PRCS, whose first arrest is most likely to be a supervision violation or a flash.





People under probation supervision often enter jail custody more than once in a given year. Among the full probation population, 20.4% were booked into jail two or more times, 9.3% were booked three or more times, and 4.4% were booked four or more times during their first year under supervision. Realigned individuals on MS or PRCS were more likely to have multiple bookings within a year. During the first year of supervision, 26.9% of the MS population and 26.7% of the PRCS population were booked two or more times, compared with 17.6% of felony probationers and 19.6% of misdemeanor probationers. These trends also hold for individuals who were booked more than two times during their first year of supervision.

CONCLUSIONS

Taken together, Realignment and Prop 47 have made marked changes in the overall population of offenders under probation supervision in California. Realignment added two types of offenders—those under post-release community supervision and those under MS—who were previously the responsibility of the state prison and parole system and who tended to be convicted of more serious offenses. In the three years following Realignment, these populations increased as a share of all new probation cases. Following the passage of Prop 47, new misdemeanor

and felony probation cases—the traditional purview of county probation departments—declined. As a result, the share of the total probation caseload under PRCS or MS rose relative to the traditional caseload types.

Once under supervision, realigned offenders on PRCS or MS were booked into jail more frequently than felony and misdemeanor probationers. Individuals on PRCS or MS were also more likely to be booked into jail multiple times within a year after starting supervision. These findings document a significant shift in the role of county jails and probation departments.

These findings indicate that probation is now responsible for a mix of more serious offenders and offenders that pose a higher risk to reoffend than traditional felony and misdemeanor caseloads. More serious offenders present challenges not because the seriousness of their offense predicts the likelihood of reoffendingmuch research suggests that offenders with more serious current offenses often reoffend at lower rates than offenders with a less serious current offense-but because the public and policymakers see those offenders has "high stakes." When they do reoffend, they are more likely to generate negative attention and delegitimize the efforts of probation agencies, sometimes fueling a desire to

lengthen incarceration terms to enhance the system's incapacitation function.

Higher risk offenders also present challenges because they use more resources in the form of jail beds and because such offenders are the highest priority for evidence-based services and interventions. An increase in the volume of such offenders puts pressure on probation agencies to expand services and to monitor compliance with supervision guidelines. Implementing new or expanding existing service opportunities presents operational hurdles for probation agencies in terms of siting, staffing, and finding the appropriate services for the character of the supervised population. which can vary across localities.

PPIC is continuing to incorporate additional data sources in order to go beyond tracking how probation populations are changing. In particular, we have linked data on people under probation supervision to state arrest and conviction data to provide uniform recidivism reporting for the counties in the MCS project. Most probation agencies in the state either did not gather and report recidivism statistics or did so in a limited way that lacked uniformity across counties. Linking to state data sources allows us to track rearrests and reconvictions anywhere in the state, not just in the county where an individual is under supervision. Also,

because the project links state and local data, we are able to track when offenders return to custody in state prison or in any jail in the 12 counties. Together these features enable the use of a wider range of recidivism measures (ranging from rearrest to reconviction to return to custody), the use of varied observation windows (e.g., one, two, or three years), and the ability to decompose recidivism by type of offense or violation and level of seriousness.

We are also continuing to incorporate data on services and sanctions with the data obtained thus far. With resources from SB 678 and Realignment, counties have expanded or created new reentry opportunities, often in the form of day reporting centers. These "one-stop" centers allow people under supervision to access job training, education, life skills, and other kinds of programs that aim to reduce recidivism. However, counties have little capacity to link recidivism outcomes to the kinds of services offenders receive and therefore are unable to determine whether services are, in fact, reducing recidivism.

The same is true of the new sanctioning tools, like flash incarceration, that probation agencies are now able to use. Flash incarceration was included in Realignment partly as a result of research supporting its effectiveness in managing



offenders in Hawaii's Project Hope (Hawkins & Kleimann 2009). Subsequent research has provided less support for the approach (Cullen, Manchak, & Duriez, 2014; Lattimore, MacKenzie, Zajac, Dawes, Arsenault, & Tueller 2016: O'Connell, Brent, & Visher 2016). As we showed above, probation agencies in California are using flash incarceration at a high rate to manage offenders. Because the MCS project is also tracking services and sanctions received by people on probation, the project will help the state shed light on performance of community correctional institutions in ways that have not previously been possible.

ENDNOTES

- 1 The Chief Probation Officers of California (2015) also collected data to track caseload changes resulting from the implementation of realignment during from 2011 to 2015, but these efforts were then discontinued.
- 2 PPIC is not funded by any state agency to do this work; however, it has received partial support from the National Institute of Justice, the California Endowment, the California Wellness Foundation, the Robert Wood Johnson Foundation, and the Russell Sage Foundation to carry out analysis of the resulting data.
- 3 Previously, individuals sentenced to one year or more were eligible to be sent to state prison and subsequently released to state parole. Under reolignment, they are required to serve these sentences locally. Prior PPIC research has shown that the use of split sentences has increased slowly over time, with variation across counties (Martin and Grattet 2015).
- 4 Realignment also capped the maximum

- return time for revocations to 180 days. Prior to realignment, people revoked for parole violations could be returned to custody for up to one year.
- 5 One contributing factor may have been a reluctance among local courts in giving split sentences in the early phase of Realignment. In 2015, in response to the low utilization of split sentences in some counties, the legislature approved a measure that defined split sentences as the presumptive sentence in eligible cases (Martin and Grattet 2015). As of January 1, 2015, split sentences are now the presumptive sentence under Penal Code §1170(h). Thus, in the period after our data these numbers should be expected to rise as well as change in composition toward more serious offenders.
- 6 Felony probationers also have a high rate of being booked for a felony offense (32.8%), which suggests that probation departments face considerable challenges with their traditional coseloads as well.
- 7 For those with multiple jail bookings, we use the first booking during the one-year period.

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ABOUT THE AUTHORS

VIET NGUYEN is a research associate at the Public Policy Institute of California. He conducts research on corrections policy, including the effects of Realignment. He is also the data manager for a collaborative project between the California Board of State and Community Corrections (BSCC). PPIC, and several partner counties, known as the BSCC-PPIC Multi-County Study. He has published research on pretrial release, probation and jail populations, and the impacts of California's correctional reforms. Before joining PPIC, he was a survey specialist and operations analyst at NORC at the University of Chicago.

RYKEN GRATTET is an adjunct fellow at the Public Policy Institute of California and professor and chair of sociology at the University of California, Davis, Previously, he served as assistant secretary of research in the California Department of Corrections and Rehabilitation. He is a cofounder of the BSCC-PPIC Multi-County Study. He is the co-author of Making Hate a Crime: From Sodid Movement to Law Enforcement, Prorole Violations and Revocations in California, and numerous articles in professional and policy publications.

MIA BIRD is a research fellow in the areas of corrections and health and human services at the Public Policy Institute of California. She also serves on the faculty of the Goldman School of Public Policy at the University of California, Berkeley, At PPIC, she co-founded and directs a collaborative project between the California Board of State and Community Corrections (BSCC), PPIC, and twelve California counties, known as the BSCC—PPIC Multi-County Study, She has written extensively about California correctional reforms, community corrections institutes, and the Affordable Care Act.

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