
Memorandum

To: Mark Whitmore
From: Sarah Giammo
Re: Criminal Justice Coordinating Committees
Date: October 12, 2016

INTRODUCTION

In recent years, Arkansas has faced major prison overcrowding and skyrocketing costs for housing inmates. Additionally, many state and local government agencies that are responsible for various parts of the criminal justice system do not communicate with each other. Among the many initiatives state and local officials are proposing to help address these issues is the idea of criminal justice coordinating committees (“CJCCs”). CJCCs facilitate communication between different state actors that play a role in administering criminal justice and help coordinate efforts for better resource allocation. CJCCs also help communities evaluate the current criminal justice system and come up with ways to divert offenders into alternative treatment programs to avoid sending everyone to jail. Arkansas counties can learn how to implement their own CJCCs by understanding the recommended best practices for establishing CJCCs and examining how other states and local government organizations across the country have created CJCCs.

QUESTIONS PRESENTED

What are some of the best practices when implementing CJCCs? What do CJCCs look like in other states?

SUMMARY

The Department of Justice (“DOJ”) has published guidelines to help state and local governments get started setting up their own CJCCs. It covers areas such as who should serve on local committees, how large a geographic area the CJCC should cover, and what kind of data should be collected to evaluate the current status of the local criminal justice system. Although not discussed in this memo, the guidebook also delves into the details of the strategic planning process.

Arkansas counties benefit from understanding the DOJ’s recommended best practices in the abstract, and the counties can benefit from understanding how other states have implemented those best practices. This memo compares how CJCCs are set up in Tennessee, Kansas, California and Pennsylvania, and examines some of the variations in each state’s statutes and program design.

DISCUSSION

I. Best practices include: representation across legal and medical professions, data collection, and strategic planning

The DOJ has published a guidebook for implementing criminal justice coordinating committees. It prescribes best practices in a number of areas so that local governments are able to put their best foot forward when choosing to establish CJCCs.

A. Membership and By-laws

CJCCs should include representatives and stakeholders from four primary categories: (1) justice officials such as judges, attorneys, and corrections officials; (2) government officials such as city council members, county quorum court members, the mayor or the county judge; (3) officials of related non-justice agencies, such as medical and mental health professionals; (4) statesmen, including other community leaders and lay people. The goal of CJCCs is to provide alternative punishments or paths to recovery for offenders. This is best accomplished by including people with a variety of backgrounds who can help develop novel ways of solving the problems the criminal justice system faces. To that end, it is also important that the local CJCC develop by-laws to help each committee member understand his or her role on the committee, and to help govern the day-to-day operations of the organization.

B. Structure

The structure of the CJCC may depend on the goals and scope of the projects the local government bodies hope to accomplish. Many CJCCs consist of an executive board presided by a chair and perhaps a vice-chair, and some of the functions/decision making is delegated to subcommittees. Although state statutes typically provide an overall framework for the local CJCC to operate within, there is generally a degree of flexibility to allow the local CJCC to decide what works best for it and its community.

C. Geographic scope

The DOJ suggests that it is best if a CJCC's coverage encompasses a complete system of justice. In more populous areas that usually includes the whole county. In more rural areas, it may mean that several counties come together to form a regional CJCC. It may make sense to organize around existing multicounty judicial districts. The second judicial district of Arkansas, for example, encompasses six, mostly-rural counties.

D. Data collection

Before any strategic plan can be developed regarding different ways to divert offenders from traditional sentencing programs, CJCCs should start by collecting data on their criminal justice system. It is important to have a benchmark or an understanding of where the CJCC is starting from to better be able to accomplish its goals. It can help CJCC members exactly what is

wrong in your area and how to best allocate resources to addressing those issues.
Recommended/suggested data points to collect:

1. Crimes reported to police – consider including separate calculations for violent and nonviolent offenses.
2. Adult and juvenile arrests for felonies and misdemeanors.
3. Number of felony, misdemeanor, and traffic filings and dispositions in local and state courts.
4. Number of jail bookings for felony, misdemeanor, and traffic law violations, by arresting agency.
5. Average length of jail stay, by type of inmate.
6. Average daily population in jail, by inmate type.
7. Number of people on felony and misdemeanor probation.
8. Commitments to state prison.

(The DOJ Guidebook for CJCCs can be accessed here:
<http://static.nicic.gov/Library/017232.pdf>).

II. How other states have established CJCCs: from state statutes to local ordinances and bylaws

This section examines four states' Community Corrections Acts and other similar statutes, and it examines how two counties, one in Tennessee and one in Kansas, have established their own criminal justice coordinating committee. There are several variations in the way that each program is set up.

A. Tennessee and the Davidson County, Tennessee Community Corrections Advisory Board

Tennessee passed its Community Corrections Act in 1985 (“the Act”). TENN. CODE ANN. § 40-36-101 (1985). Among other things, the Tennessee legislature aspired to decrease incidences of prison overcrowding, provide a range of sanctions and services available to judges at sentencing, give offenders an opportunity to develop skills and abilities to better provide for their families, and encourage community leaders to participate in their local corrections system. TENN. CODE ANN. § 40-36-104 (1985). One major component of the Act was to facilitate the creation of local community corrections advisory boards to assess local criminal justice systems and implement the program goals. One advisory board has helped oversee the Nashville Metropolitan and Davidson County Community Corrections Program (“DCCCP”), which has served an average of 400 diversions over the last three years. *History*, Metropolitan Nashville & Davidson County Community Corrections (Sept. 26, 2016), available at <http://communitycorrections.nashville.gov/resources/history/>.

Under Tennessee law, a community corrections advisory board must be established by the county legislative body. TENN. CODE ANN. § 40-36-201(a)(1) (1985). The advisory board must include community leaders from a variety of backgrounds, including: a representative of county government, the county sheriff, a district attorney general, a criminal defense attorney, a representative from a nonprofit human service agency, two state probation and parole officers, and a minimum of three private citizens. TENN. CODE ANN. § 40-36-201(a)(1)(A)-(G) (1985).

The advisory board is primarily responsible for coming up with a plan for the county's corrections system to find the best ways to allocate resources. TENN. CODE ANN § 40-36-202(a) (1985). It is also responsible for monitoring the effectiveness of the available corrections services and advising the county of any needed modifications. *Id.* Moreover, the advisory board serves as a liaison to the community to gain greater support for proposed alternative corrections services. *Id.*

The Act provides some guidelines for the types of alternative sentencing options available, but largely leaves it up to the local advisory board to determine the range of services that will best serve its community. TENN. CODE ANN. § 40-36-302 (1985). The advisory board may design an overall plan for the community corrections program; it does not have to be responsible for oversight of individual offenders. In its by-laws, for example, the Davidson County, Tennessee Community Corrections Advisory Board specifically eschews the notion that it is responsible for the determination of the eligibility of individual offenders for its programs and services. Davidson County, Tenn., By-Laws of the Davidson County, Tenn. Community Corrections Advisory Board, Art. 2 (Dec. 15, 2011). Ultimately, that means that the board is providing general guidance and oversight for the local corrections system, not prescribing its policies are applied on a case by case basis. The DCCCP offers services such as: assessments for substance abuse and mental health issues; intervention to address substance abuse, educational deficiencies, personality disorders, and/or dual diagnosis either by inpatient or outpatient referral; and other life skills issues in order to foster appropriate functioning by the individual in his or her environment. *Overview of Programs*, Metropolitan Nashville & Davidson County Community Corrections (Sept. 26, 2016), available at <http://communitycorrections.nashville.gov/about-community-corrections/>.

B. Kansas and the Johnson County Criminal Justice Advisory Council

Kansas's statutes exemplify a much more centralized way to coordinate the operations of its criminal justice system. First of all, Kansas has established the Kansas Criminal Justice Coordinating Council ("KSCJCC") at the state level. KAN. STAT. ANN. § 74-9501 (1994). The governor, the chief justice of the Kansas Supreme Court, and the attorney general (or any of their designees) all serve on the council, in addition to the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice, and the director of the Kansas bureau of investigation. *Id.* at § 74.9501(b). The KSCJCC coordinates federal funding available to the state for criminal justice, oversees the development of a criminal justice database, and carries out other studies or tasks requested by the Governor. *Id.* at § 74.9501(e)(3)-(5). The Council also staffs a number of high level working bodies including: the Governor's Domestic Violence Fatality Review Board, which provides educational programming to prevent gender and relationship violence in secondary schools and universities; the Enhanced 911 Advisory Board, which strives to improve wireless 911 services across the state; and the Local Government Advisory Board. *Kansas Criminal Justice Coordinating Council*, The NCJA Center for Justice Planning (October 12, 2016), available at <http://www.ncjp.org/kansas>. Local corrections advisory boards are accountable then both to the public and to state officials.

Compared to Tennessee's Community Corrections Act, Kansas law provides a shorter list of recommended alternatives to incarceration and a much more extensive description of the types of offenders that can be served by the programs. KAN. STAT. ANN. § 75-5291(a)(1)-(2) (1978).

Kansas statutes that outline how to set up local corrections advisory boards also contain several differences from the Tennessee statutes. First, the Kansas statutes are far more particular about who can sit on the board. Kansas law requires that the board have at least 12, but not more than 15 members, that include representatives from law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the general public. KAN. STAT. ANN. § 75-5297(a) (1978). The statute proceeds to identify who exactly in those professions or areas of expertise can serve on the board. *Id.* at § 75-5297(a)(1)-(7). While the Tennessee statute says that "the board . . . shall ensure minority and female representation," TENN. CODE ANN. § 40-36-201(a) (1985), the Kansas statute mandates that "at least two members of the board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same sex." KAN. STAT. ANN. § 75-5297(c) (1978).

Another key difference between Kansas statutes and Tennessee statutes is that Kansas requires its counties to establish corrections advisory boards. KAN. STAT. ANN. § 75-52,110(a) (1989). It also requires its counties to form agreements with groups of cooperating counties to establish a regional or multi-county community correctional system. *Id.*

On the local level in Kansas, the Johnson County Criminal Justice Advisory Council by-laws require members to meet bi-monthly, whereas the Davidson County advisory board in Tennessee was only required to meet three times a year or once per quarter. Johnson County, Kan., Resolution No. 025-08 (Mar. 27, 2008); Davidson County, Tenn., By-Laws of the Davidson County, Tenn. Community Corrections Advisory Board, Art. 7 (Dec. 15, 2011). Furthermore, in Johnson County, the Chairman of the Board of County Commissioners shall designate a chair and vice chair of the advisory council, and members of the Johnson County Government cannot serve as officers. Johnson County, Kan., Resolution No. 025-08 (Mar. 27, 2008). In Davidson County, the executive committee of the advisory board includes a chair, vice chair, and secretary, and they are elected by the other members of the advisory board. Davidson County, Tenn., By-Laws of the Davidson County, Tenn. Community Corrections Advisory Board, Art. 5 (Dec. 15, 2011).

C. California Community Corrections Performance Incentives Act

California has one particular feature that is quite different from both Tennessee's and Kansas's: it focuses heavily on performance based evaluations and incentives. In 2009, the California legislature passed the California Corrections Performance Incentives Act of 2009 ("SB 678"). CAL. PEN. CODE §§ 1228-1233.10 (Deering 2016). The State of California has developed a revenue sharing program with its counties to encourage them to help achieve the outcomes the state desires, such as improving public safety, alleviating state prison overcrowding, and reducing costs. *Report on the California Community Corrections Performance Incentives Act of 2009*, Judicial Council of California (July 28, 2015), available at <http://www.courts.ca.gov/documents/SB-678-20150731-Letter-to-Legislature-and-SB-678-Report-2015.pdf>. The more each county can reduce its "probation failure rate" the greater the

amount of money it receives from the state for those cost savings. *Id.* The probation failure rate is calculated based on the number of adult felony probationers that have their probation revoked and are sent to prison. *Id.* Each county's probation failure rate is measured against the original statewide rate, and as long as the county's return to prison rate is less than or equal to the statewide rate, it will receive the maximum payment available. *Id.*

Since the adoption of SB 678, California passed two other laws to transform its criminal justice system and amend its sentencing structure. First, California passed the 2011 Public Safety Realignment Act, which reduced the number of probationers who are eligible for incarceration in state prison by sending them to county jail if they violate the terms of their probation. *Id.* Judging by the fact that many county jails in Arkansas are already housing state prisoners, this feature may not be one that Arkansas county officials would particularly favor. The Realignment Act also created new categories of offenders who are supervised by probation departments. *Id.* Second, California voters enacted the Safe Neighborhood and Schools Act, which reduced possessory-level felony drug offenses and thefts of property valued at less than \$950 to misdemeanors. It also created a process for people who have already been convicted and sentenced for those crimes to petition the court to reclassify the crime as a misdemeanor. *Report on the California Community Corrections Performance Incentives Act of 2009*, Judicial Council of California (July 28, 2015), available at <http://www.courts.ca.gov/documents/SB-678-20150731-Letter-to-Legislature-and-SB-678-Report-2015.pdf>.

California did not create a state level advisory board for CJCCs; instead, it delegated the task of supervising these programs to the Judicial Council, the policymaking body of the California courts. *Id.* On the local level, like the statutes in Tennessee and Kansas, SB 768 describes who should serve on the CJCCs, but it adds several representatives from groups the other statutes do not mention including: the heads of the county departments of social services, mental health, employment, alcohol and substance abuse programs, and education; a representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense; and an individual who represents the interests of victims. CAL. PEN. CODE §1230 (2016).

Another difference between California statutes and those in Tennessee and Kansas is that SB 768 authorizes counties to establish a Community Corrections Performance Incentives Fund, specifically to receive money from the state to help implement the program. SB 768 also describes how the money has to be spent and what outcomes the counties have to report.

D. Pennsylvania County Intermediate Punishment Act

Pennsylvania enacted the County Intermediate Punishment Act in 1990. Like most states interested in implementing CJCCs, Pennsylvania was concerned about overcrowded prisons and rising costs in its corrections system. Mary K. Shilton, *Community Corrections Acts for State and Local Partnerships*, American Correctional Association, 85 (1992). The County Intermediate Punishment Act was also meant to help provide intermediate sanctions for offenders who were headed to jail, which is different from how other states approached the problem. *Id.* Tennessee, Kansas, and California programs tried to provide alternatives to

incarceration altogether, not just postpone it or restrict someone's movements until they can be put in jail.

Pennsylvania requires its committees to submit an intermediate punishment plan to the Pennsylvania Commission on Crime and Delinquency ("PCCD") for approval. 42 PA. CONS. STAT. § 9805 (1990). The PCCD oversees the implementation of the County Intermediate Punishment Act, but the state does not provide any direct funds for the county advisory boards. Mary K. Shilton, *Community Corrections Acts for State and Local Partnerships*, American Correctional Association, 85 (1992). The county advisory boards may receive grant funding for certain initiatives that the boards participate in, such as treatment drug and alcohol addiction and other medical or psychological treatment programs. *Id.*

Like other states' laws that establish CJCCs, the Pennsylvania law provides a list of the types of people who should serve on the county boards. Pennsylvania's list is not as exhaustive as California's or Kansas's list, but the Pennsylvania law suggests that victims should have some input on the committee. 42 PA. CONS. STAT. § 9805 (1990).

Tenn. Code Ann. § 40-36-101

Current through the 2016 Session

Tennessee Code Annotated > **Title 40 Criminal Procedure** > **Chapter 36 Community Corrections**
> **Part 1 General Provisions**

40-36-101. Short title.

This chapter shall be known and may be cited as the "Tennessee Community Corrections Act of 1985."

History

Acts 1985 (1st Ex. Sess.), ch. 3, § 2.

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Tenn. Code Ann. § 40-36-104

Current through the 2016 Session

Tennessee Code Annotated > **Title 40 Criminal Procedure** > **Chapter 36 Community Corrections**
> **Part 1 General Provisions**

40-36-104. Goals of this chapter.

This chapter is intended to accomplish the following goals:

- (1) Maintain safe and cost efficient community correctional programs that also involve close supervision of offenders;
- (2) Promote accountability of offenders to their local community by requiring direct financial restitution to victims of crimes and community service restitution to local governments and community agencies;
- (3) Fill gaps in the local correctional system through the development of a range of sanctions and services available for the judge at sentencing;
- (4) Reduce the number of nonviolent felony offenders committed by participating counties to correctional institutions and jails by punishing these offenders in noncustodial options as provided in this chapter;
- (5) Provide opportunities for offenders demonstrating special needs to receive services that enhance their ability to provide for their families and become contributing members of their community;
- (6) Encourage the involvement of local officials and leading citizens in their local correctional system; and
- (7) Promote the development of community corrections programs which are tailored to the specific needs of each participating county, and which are creative and innovative, within this state.

History

Acts 1985 (1st Ex. Sess.), ch. 3, § 4.

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Tenn. Code Ann. § 40-36-201

Current through the 2016 Session

Tennessee Code Annotated > **Title 40 Criminal Procedure** > **Chapter 36 Community Corrections**
> **Part 2 Local Community Corrections Advisory Board**

40-36-201. Creation and composition of local community corrections advisory board.

- (a) (1) To qualify for funding under this chapter, a local community corrections advisory board shall be established by the county legislative body. The board shall represent a cross-section of the local population, shall ensure minority and female representation and shall consist, at a minimum, of the following representatives or their designees:
- (A) A representative of county government nominated by the county mayor and confirmed by the county legislative body;
 - (B) The sheriff of the county;
 - (C) The district attorney general of the judicial district in which the county is located;
 - (D) A criminal defense attorney residing in the county, nominated by the presiding judge of the judicial district in which the county is located and confirmed by the county legislative body;
 - (E) A representative of a nonprofit human service agency, nominated by the county mayor and the other local community corrections advisory board members who serve by virtue of their elected office and confirmed by the county legislative body;
 - (F) Two (2) state probation and parole officers assigned to work in the county, nominated by the department of correction and confirmed by the county legislative body; and
 - (G) At a minimum, three (3) private citizens residing in the county, nominated by the county mayor and other local community corrections advisory board members who serve by virtue of their elected office and confirmed by the county legislative body. If a city participates, a citizen shall be nominated by the mayor and confirmed by the council.
- (2) Confirmations by the county legislative body of the appropriate representatives shall be by majority vote. The size of the local community corrections advisory board shall be determined locally but must meet the minimum number and type of representatives.
- (b) The sheriff and district attorney general shall serve on the local community corrections advisory board during their terms of office. In order to provide staggered terms on the local community corrections advisory board, the positions on the board identified as the county government representative, the criminal defense attorney, one (1) of the probation and parole officers and one (1) private citizen representative shall be initially appointed to a term of three (3) years, and thereafter to terms of two (2) years. The remaining members of the board shall be appointed for a term of two (2) years. Vacancies shall be filled in the same manner as original appointments for any unexpired term. Members of the local community corrections advisory board may be reappointed to the board in accordance with the procedures set forth in subsection (a).
- (c) Where two (2) or more counties within a single judicial district combine and apply for funds under this chapter, they may establish one (1) community corrections advisory board serving the jurisdictions involved. At a minimum, this board shall include all of the positions set forth in subsection (a). The

Tenn. Code Ann. § 40-36-201

representatives to fill the positions may come from any of the participating counties and may be selected as determined by agreement of the legislative bodies of the counties involved.

History

Acts 1985 (1st Ex. Sess.), ch. 3, § 7; 1987, ch. 449, § 1; 1998, ch. 1049, §§ 44, 49-51; 2003, ch. 90, § 2; 2012, ch. 727, § 46.

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Tenn. Code Ann. § 40-36-202

Current through the 2016 Session

Tennessee Code Annotated > Title 40 Criminal Procedure > Chapter 36 Community Corrections
> Part 2 Local Community Corrections Advisory Board

40-36-202. Duties of local community corrections advisory board -- Staff -- Meetings and officers.

- (a) The local community corrections advisory board is empowered by resolution of the county legislative body to perform the following duties:
 - (1) Assess community-wide needs and advise the county legislative body regarding specific program options;
 - (2) Participate in the establishment of local eligibility standards for local community corrections programs that meet the local needs of the community;
 - (3) Adopt the local community corrections plan for submission to the county legislative body;
 - (4) Adopt program policies;
 - (5) Recommend to the county legislative body the awarding of subcontracts to proprietary, nonprofit or governmental entities to provide community corrections services, in their discretion;
 - (6) Monitor the effectiveness of local community correctional services and advise the county legislative body regarding needed modifications;
 - (7) Inform and educate the general public regarding the need for diversion of selected nonviolent offenders from confinement in correctional institutions in order to gain greater public support for corrections; and
 - (8) Make an annual report to the county legislative body of the progress of the programs.
- (b) The county legislative body may authorize either the local community corrections advisory board or the county mayor to employ, supervise and/or terminate the program staff, who shall be deemed county employees.
- (c) Employees hired by the county to administer this chapter in the community shall meet minimum qualifications as set forth by the department of correction in statewide administrative regulations. The local community corrections advisory board or the county mayor, as designated by the county legislative body, shall review and confirm all potential candidates for employment.
- (d) Any local community corrections advisory board initially created under this chapter shall receive an orientation developed and conducted by the local government with the assistance of the department of correction within thirty (30) days after the last initial appointment to the board is made.
- (e) Each local community corrections advisory board shall meet on a regular basis to transact business, and each local community corrections advisory board shall elect its own chair, vice chair, secretary and necessary committees.

History

Tenn. Code Ann. § 40-36-202

Acts 1985 (1st Ex. Sess.), ch. 3, § 8; 1986, ch. 731, § 1; 1994, ch. 819, §§ 1, 2; 1998, ch. 1049, §§ 44, 45; 2003, ch. 90, § 2; 2012, ch. 727, § 46.

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Tenn. Code Ann. § 40-36-302

Current through the 2016 Session

Tennessee Code Annotated > Title 40 Criminal Procedure > Chapter 36 Community Corrections
> Part 3 Finances

40-36-302. Community-based options and services.

- (a) Community corrections funds can be used to develop or expand the range of community punishments and services at the local level. Community-based program options may include, but are not limited to, the following:
- (1) Noncustodial community corrections options that involve close supervision but that do not involve housing of the offender in a jail, workhouse or community facility. Examples include, but are not limited to:
 - (A) Community service supervision;
 - (B) Victim restitution supervision and victim-offender mediation;
 - (C) Alcohol or drug outpatient treatment;
 - (D) House arrest; and
 - (E) Psychiatric counseling;
 - (2) (A) Short-term community residential treatment options that involve close supervision in a residential setting. Examples include, but are not limited to:
 - (i) Emergency shelters;
 - (ii) Detoxification centers;
 - (iii) Community residential restitution centers for nonviolent offenders and probation and parole violators;
 - (iv) Community residential treatment centers for special needs offenders and probation and parole violators; and
 - (v) Inpatient drug or alcohol treatment;
 - (B) The residential options are not intended to create overcrowding in the local jail, but rather to develop additional small community-based facilities whose focus is on treatment rather than detention;
 - (3) Enrolling community corrections participants in residential in-house drug and alcohol treatment for detoxification and counseling. Enrollments shall be based upon an objective assessment that a participant is alcohol or drug dependent and requires detoxification. Awards for detoxification services shall only be made for inpatient services; and
 - (4) Individualized services that evaluate and treat the special needs of the population served under this chapter. Services to the court to assist in the evaluation and screening of eligible candidates may include the purchase of psychological, medical, educational or vocational, drug or alcohol urine screening and client specific plan diagnostic evaluations. Other services that may be purchased on an individualized basis may include job training, alcohol or drug counseling, individual or family counseling, GED(R) or transportation subsidies. These services are intended to fill gaps in the local

Tenn. Code Ann. § 40-36-302

community correctional system and to enable the nonviolent offender to be treated near the offender's home.

- (b) The options set out in subsection (a) may be used in conjunction with a period of shock incarceration or in conjunction with a term of probation and/or a term of split confinement or periodic confinement as provided in chapter 35 of this title.
- (c) Community corrections funds may also be used to acquire, renovate and operate community facilities established to provide the options and services set forth in subsection (a).
- (d) Counties may provide or contract with qualified proprietary, nonprofit or governmental entities for the provision of services under this chapter.
- (e) Any options or services established under this chapter shall serve offenders from the entire judicial district in which the county is located.
- (f) Any community-based program set out in subsection (a) that provides housing for alternatively sentenced criminal offenders shall notify the chief law enforcement officer of the county and the chief law enforcement officer of the municipality in which the housing facilities exist of the identity, criminal record and location of the alternatively sentenced criminal offenders proposed to be located at the facilities. The notices shall be in compliance with the confidentiality provisions of title 33 and shall also meet the privacy requirements of the federal Health Insurance Portability and Accountability Act of 1996, compiled in 42 U.S.C. § 1320d et seq.

History

Acts 1985 (1st Ex. Sess.), ch. 3, § 10; 1986, ch. 731, § 3; 2003, ch. 287, § 1.

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**BY-LAWS OF THE DAVIDSON COUNTY, TENNESSEE
COMMUNITY CORRECTIONS ADVISORY BOARD**

Be it resolved, that the By-Laws that appear hereinafter be and hereby are approved and adopted by the Davidson County, Tennessee Community Corrections Advisory Board.

**ARTICLE 1
NAME AND DESCRIPTION**

Section 1. Name: The name of this Board is the Davidson County, Tennessee Community Corrections Advisory Board (hereinafter called the BOARD).

Section 2. Description: The BOARD was created by resolution by the Davidson County Metropolitan Council under the laws of the state of Tennessee and as required by the Community Corrections Act of 1985 (hereinafter called the ACT). The BOARD was established to make policy and monitor the Davidson County, Tennessee Community Corrections Program (hereinafter called the PROGRAM). The PROGRAM is an alternative sentencing program serving Davidson County.

**ARTICLE 2
DUTIES OF THE BOARD**

The Community Corrections Advisory Board shall be responsible for the following duties:

1. Adopt state minimum offender eligibility standards and when additional local criteria are developed, ensure that local standards conform to the mandates of the ACT and to state minimum standards.
2. Review and adopt the Community Corrections proposal submitted by the Community Corrections Manager and recommend the proposal to the Davidson County/Metropolitan Council.
3. Review and adopt PROGRAM policies and procedures which shall include, but not be limited to:
 - a.) Written by-laws of BOARD.
 - b.) Personnel qualification, standards, and duties of each staff member.
 - c.) Table of organization designating lines of authority.
 - d.) Operational procedures describing the following functions:
 - I. Intake
 - II. Eligibility
 - III. Referral Process
 - IV. Supervision Standards
 - V. Maintenance of Case Records
 - VI. Major/Minor violations of Behavioral Contract
 - VII. Client Revocation or Sentence Modification
 - VIII. Restitution Plan Development and Monitoring

- e.) Develop a public education program and implement public information activities at a minimum once per quarter, which informs and educates the general public regarding the need for diversion of non-violent offenders from confinement and the benefits of these programs to the local communities.
- f.) Monitor Program effectiveness.
- g.) Develop by-laws for the conduct of business in compliance with the Freedom of information Act.
- h.) The BOARD shall not be responsible for determinations of individual offender eligibility.

ARTICLE 3 APPOINTMENTS OF BOARD

Section 1. Appointments: The BOARD shall have the following representatives:

- A. A representative of Davidson County Government nominated by the Mayor and confirmed by the Metropolitan Council.
- B. The Metropolitan Davidson County Public Defender.
- C. The Sheriff of Davidson County.
- D. The District Attorney General of the 20th Judicial District.
- E. A Criminal Defense Attorney residing in Davidson County, nominated by the presiding Judge of the 20th Judicial District and confirmed by the Metropolitan Council.
- F. A representative of a nonprofit human service agency, nominated by the county Executive and the other board members who serve by virtue of their elected office and confirmed by the Metropolitan Council.
- G. A State Probation/Parole officer assigned to work in Davidson County, nominated by the Executive Director of the Board of Paroles and confirmed by the Metropolitan Council.
- H. At least three (3) private citizens residing in Davidson County nominated by the Mayor and other board members who serve by virtue of their elected office and confirmed by the Metropolitan Council.

Section 2. Board Term: All appointments to the BOARD shall be confirmed by the Davidson County/Metropolitan Council. The following appointments shall be initially appointed to a term of three (3) years and thereafter to a term of two years.

- 1. Criminal Defense Attorney.
- 2. State Probation and Parole representative.
- 3. One Davidson County citizen representative.
- 4. A representative of county government nominated by the Mayor and confirmed by the Metropolitan Council.

The following will be appointed for two years

1. The two remaining Citizen Representatives of Davidson County.
2. Representative of non-profit human service agency.

The Sheriff, Public Defender, and District Attorney shall serve during their terms in office.

Section 3. Vacancies: Vacancies shall be filled in the same nomination and confirmation process as original appointments for any unexpired terms.

ARTICLE 4 BOARD-GENERAL PROVISIONS

Section 1. Voting: Each member of the BOARD shall have one vote. There will be no proxy voting allowed.

Section 2. Board Compensation: No member of the BOARD shall receive a salary or compensation for services as chairman or as a BOARD member but shall be entitled to reimbursement for any actual expenses incurred in connections with such membership; provided same was authorized or ratified by said BOARD, and is within the approved program budget.

Section 3. Alternate Representatives: Alternate BOARD members shall be designated by BOARD members. Each BOARD member should have one (1) alternate. Alternates serving in the absence of a regular BOARD member thereof shall have full voting rights and privileges at such meetings as the regular BOARD members but shall have no voting rights or other privileges if their member is present at such meeting.

Section 4. Conflicts of Interest: The PROGRAM or the BOARD shall not obligate or expend any program funds for a purchase or rental of goods, space, or services from a member of the BOARD or a member of the immediate family of a BOARD member. Such limitation also applies to a.) any member of a committee, b.) Community Corrections Manager, c) any other employee of the PROGRAM whose responsibilities include procurement of goods, space or services.

ARTICLE 5 OFFICERS OF THE BOARD

Section 1 Officers: The officers of the BOARD shall be: a Chairperson, a Vice-Chairperson, and a Secretary for a total of three (3) officers; all to be elected by the BOARD at its annual meeting.

Section 2 Term of Office: All officers shall hold office for (2) years or until their successors are duly qualified or elected.

Section 3 Duties of Officers:

1. **Chairperson-** The Chairperson shall preside at all meetings of the BOARD. The Chairperson shall exercise such other duties as may be prescribed by the BOARD from time to time.
2. **Vice-Chairperson-** In the absence of the Chairperson, the vacating of said office or in the event of inability, or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson. Any Vice-Chairperson shall perform any other duties as from time to time may be assigned by the Chairperson of the BOARD.
3. **Secretary-** The Secretary shall see that the minutes of the meetings of the BOARD are kept in one or more books provided for the purpose, see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be custodian of the corporate records of the program; keep a register of the post office address of each member, which shall be furnished to the Secretary by such members; and in general perform all duties incident to the office of the secretary and such other duties as from time to time may be assigned by the chairperson of the BOARD. By action of the BOARD a recording secretary may be designated to assist in the performance of any and all of these duties.

Section 4. Election: All officers of the BOARD shall be elected at the annual meetings of the BOARD, which shall serve for a period of **two years** and may succeed them in the office upon proper action of the BOARD.

Section 5. Vacancies in Office: Any vacancy, in any office, for any reason, may be filled by the BOARD for the unexpired portion of the term.

**ARTICLE 6
COMMITTEES OF THE BOARD**

The BOARD shall have the authority to appoint specific committees from time to time as the BOARD deems necessary which shall meet as necessary. Said committees may include but are not limited to the following:

1. **Executive Committee-** to conduct transactions of the BOARD, which need to be acted upon or to discuss issues dealing with the PROGRAM. The Executive Committee shall deal with any issues or problems that might jeopardize the public image of the PROGRAM.
2. **Finance Committee-** reviews proposed program budget and makes recommendations to the BOARD regarding its adoption.
3. **Public Education Committee-** develops, conducts, and monitors a public education program for the community corrections program which informs and educates about the Community Corrections Act.

4. Program Committee- monitors the effectiveness of local community correctional service, makes recommendations to the BOARD regarding needed modification; along with the Community Corrections Manager, reviews innovative Community Corrections Programs operating in other areas; reviews and recommends potential subcontracts for the services to the BOARD. Reviews program policy and procedures and makes recommendations to the BOARD regarding their adoption.
5. Personnel Committee- shall screen all applicants for the Program Manager position and make a recommendation to the Board. The Board shall then recommend to **the Presiding Judge** the person to be hired as the Program Manager. All other program positions shall be filled through established **State Trial Court Personnel Procedures**.

Appointment must be approved by a majority vote of the BOARD.
Each committee shall elect a chairperson who will serve as spokesperson for the committee to the BOARD.

ARTICLE 7 MEETING OF THE BOARD

Section 1. Regular Meetings: Regular meetings of the BOARD shall be held quarterly or a minimum of three (3) times annually and provide a majority vote of the membership at each meeting. Such meetings shall be held at the designated time and place as provided by resolution approved by a majority of the members of the BOARD; provided further that if a regular meeting date falls on a legal holiday, the meeting shall be held the following day. The Chairperson may place on the agenda any person, group or organization wishing to appear before the BOARD and present their views on a specific subject within the PROGRAM'S province. The agenda of each meeting shall be prepared by the Chairperson, with assistance of the Community Corrections Manager and e-mailed to each member at least seven (7) days prior to every regular or special meeting. All relevant information or background materials to be considered at any meeting shall be included with the notice and agenda.

Section 2. Annual Meeting: An annual meeting of the BOARD shall be held in the month of July for the purpose of electing officers and members to the various committees and for transaction of other such business as may properly come before the meeting.

Section 3. Notice of Meetings: Written or printed notices stating the place, day and hour of any meeting of the BOARD shall be delivered by e-mail to each member not less than seven (7) days before the time of such meeting.

Section 4. Quorum Requirement: A quorum shall consist of a simple majority (51%) of the total membership of all members of the BOARD and all other committees of the BOARD. No business may be conducted at a meeting unless a quorum is present.

Section 5. Manner of Act. The act of the majority of the BOARD members at any meeting in which a quorum is present shall be an act of the BOARD.

ARTICLE 8
FINANCIAL TRANSACTIONS

Section 1. Contract: Except as otherwise provided in these by-laws, the BOARD may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name and on behalf of the PROGRAM.

Section 2. Checks, Drafts, Etc: All checks, drafts, or other orders for payment of money and all notes, bonds, or other evidences of indebtedness issued in the name of the PROGRAM or the BOARD or on its behalf shall be signed by Davidson County/Metropolitan Government agent or agents.

Section 3. Deposits: All funds of the PROGRAM shall be deposited on a timely basis to the account codes designated by Davidson County/Metropolitan Government.

Section 4. Fiscal Year: The fiscal year of the PROGRAM shall begin on the first day of July of each and every year and shall end on the last day of June.

ARTICLE 9
PARLIAMENTARY AUTHORITY

The rules contained in these by-laws shall govern the BOARD in all cases to which they are applicable and which they are consistent with the Community Corrections Act of 1985 and the Resolution creating the BOARD. When parliamentary procedures are not covered by these by-laws, Roberts Rules of Order shall control.

ARTICLE 10
AMENDMENTS TO THE BY-LAWS

Section 1. Act Required: These by-laws may be amended by a two-thirds vote of the entire BOARD.

ADOPTED, BY THE DAVIDSON COUNTY, TENNESSEE, COMMUNITY
CORRECTIONS ADVISORY BOARD ON THE 1st DAY OF December, 2011.



Chairperson

Attest:

A handwritten signature in black ink, appearing to be "J. J. [unclear]", written over a horizontal line.

Vice-Chairperson

K.S.A. § 74-9501

This document is current through the 2016 Regular and Special Sessions

LexisNexis® Kansas Annotated Statutes > Chapter 74. State Boards, Commissions and Authorities > Article 95. Kansas Criminal Justice Coordinating Council

74-9501. Kansas criminal justice coordinating council; membership; powers and duties; local government advisory group; task forces; sex offender policy board; substance abuse policy board.

- (a) There is hereby established the Kansas criminal justice coordinating council.
- (b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.
- (c) The governor shall designate staff to the Kansas criminal justice coordinating council. The staff shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.
- (d) The council shall elect a chairperson and vice-chairperson from among the members of the council.
- (e) The council shall:
 - (1) Appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, a member of a city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses.
 - (2) Define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements.
 - (3) Perform such criminal justice studies or tasks as requested by the governor, the attorney general, the legislature or the chief justice, as deemed appropriate or feasible by the council.
 - (4) Oversee development and management of a criminal justice database. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701, and amendments thereto, and the juvenile justice authority shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database.
 - (5) Develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants.
 - (6) Form such task groups as necessary and appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied, when analyzing criminal justice issues and performing criminal justice studies. Members of the legislature may be appointed ex officio members to such task groups. A member of the

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council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council.

- (7) Review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.
- (A) Establish the substance abuse policy board to consult and advise the council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation and supervision of substance abuse offenders. The board shall specifically analyze and study driving under the influence and the use of drug courts by other states.
- (B) The substance abuse policy board shall consist of the secretary of corrections, the commissioner of juvenile justice, the secretary for aging and disability services, the director of the Kansas bureau of investigation, the chief justice of the supreme court or the chief justice's designee, a member of the Kansas sentencing commission, a prosecutor appointed by the Kansas county and district attorneys association, and two persons appointed by the Kansas association of addiction professionals. Of the persons appointed by the Kansas association of addiction professionals, one shall be an addiction counselor and the other shall be a professional program administrator.
- (C) Each member of the board shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the board shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on board activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees.
- (D) The substance abuse policy board shall elect a chairperson from its membership and shall meet upon the call of its chairperson as necessary to carry out its duties.
- (E) Each appointed member of the substance abuse policy board shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.
- (F) The board shall submit its reports to the criminal justice coordinating council and to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

History

L. 1994, ch. 315, § 1; L. 1996, ch. 229, § 127; L. 1997, ch. 156, § 87; L. 2004, ch. 160, § 6; L. 2006, ch. 214, § 14; L. 2007, ch. 77, § 2; L. 2008, ch. 183, § 9; July 1; L. 2014, ch. 115, § 312; July 1, 2014.

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K.S.A. § 75-5291

This document is current through the 2016 Regular and Special Sessions

LexisNexis® Kansas Annotated Statutes > Chapter 75. State Departments; Public Officers and Employees > Article 52. Department of Corrections > Community Corrections Act

75-5291. Community correctional services; grants to counties; placement of offenders, limitations; community corrections advisory committee, membership and duties.

(a)

- (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127, and amendments thereto.
- (2) Except as otherwise provided, placement of offenders in a community correctional services program by the court shall be limited to placement of adult offenders, convicted of a felony offense:
 - (A) Who, on or after July 1, 2014, are determined to be moderate risk, high risk or very high risk by use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;
 - (B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;
 - (C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;
 - (D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;
 - (E) placed in a community correctional services program as a condition of supervision following the successful completion of a conservation camp program; or
 - (F) who have been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2014 Supp. 21-6824, and amendments thereto;
 - (G) who have been placed in a community correctional services program for supervision by the court pursuant to K.S.A. 8-1567, and amendments thereto.
- (3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2013, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district.

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The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this paragraph shall expire on July 1, 2013.

- (4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.
- (5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b)

- (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.
- (2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.
- (3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.
- (4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:
 - (A) Efficiencies in the delivery of field supervision services;
 - (B) effectiveness and enhancement of existing interventions;
 - (C) identification of new interventions; and
 - (D) statewide performance indicators.
- (5) The committee's report concerning enhanced or new interventions shall address:
 - (A) Goals and measurable objectives;
 - (B) projected costs;
 - (C) the impact on public safety; and
 - (D) the evaluation process.
- (6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

History

L. 1978, ch. 364, § 2; L. 1980, ch. 288, § 1; L. 1982, ch. 182, § 144; L. 1989, ch. 92, § 31; L. 1997, ch. 179, § 6; L. 1998, ch. 153, § 1; L. 2000, ch. 182, § 11; L. 2002, ch. 177, § 2; L. 2003, ch. 135, § 8; L. 2004, ch. 160, § 1; L. 2006, ch. 172, § 2; L. 2008, ch. 116, § 2; L. 2009, ch. 132, § 15; L. 2011, ch. 100, § 14; L. 2012, ch. 150, § 50; July 1; L. 2015, ch. 54, § 2; May 21, 2015.

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K.S.A. § 75-5297

This document is current through the 2016 Regular and Special Sessions

LexisNexis® Kansas Annotated Statutes > Chapter 75. State Departments; Public Officers and Employees > Article 52. Department of Corrections > Community Corrections Act

75-5297. Corrections advisory boards; membership, qualifications, appointment; alternative membership, qualification and appointment provisions for cooperating counties.

- (a) Subject to the other provisions of this section, each corrections advisory board established under this act shall consist of at least 12, but not more than 15, members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:
- (1) The law enforcement representatives shall be: (A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff, and (B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph (1) in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;
 - (2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;
 - (3) the judiciary representative shall be the chief judge of the district court of the judicial district containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the chief judge of each such judicial district, or a judge of the district court designated by each such chief judge;
 - (4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;
 - (5) a court services officer designated by the chief judge of the district court of the judicial district containing the county or group of counties or, if counties in two or more judicial districts are cooperating, a court services officer designated by the chief judges of those judicial districts;
 - (6) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint at least three, but not more than six, additional members of the corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and
 - (7) three members of the corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows: (A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each

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appoint one member; (B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member; (C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and (D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

- (b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), members shall be representative of one or more of the following: (1) Parole officers; (2) public or private social service agencies; (3) ex-offenders; (4) the health care professions; and (5) the general public.
- (c) At least two members of each corrections advisory board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same sex.
- (d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of K.S.A. 75-52,110, and amendments thereto, may establish a corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of this act, except that if two or more counties in two or more judicial districts are cooperating, the chief judge of each such judicial district, or a judge of the district court designated by each such chief judge shall be a member of such board. In determining the membership of the corrections advisory board pursuant to this subsection, such group of counties shall appoint members who are representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public. Any corrections advisory board established and the membership determined pursuant to this subsection shall be subject to the approval of the secretary of corrections.

History

L. 1978, ch. 364, § 8; L. 1984, ch. 112, § 16; L. 1989, ch. 92, § 10; L. 1999, ch. 57, § 69; L. 2009, ch. 31, § 1; July 1.

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**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS HELD ON THURSDAY, MARCH 13, 2008.**

A regular meeting of the Board of County Commissioners of Johnson County, Kansas was held on Thursday, March 28, 2008, with the following members being present and participating; to-wit:

Chairman Annabeth Surbaugh
Commissioner C. Edward Peterson
Commissioner John P. Segale
Commissioner David A. Lindstrom
Commissioner Ed Eilert
Commissioner Douglas E. Wood
Commissioner John M. Toplikar

WHEREUPON, there came before the Board for consideration the formation of the Criminal Justice Advisory Council, defining its membership, establishing its mission, purpose, and objectives. The Board, after thorough discussion and deliberation of the matter, upon a motion duly made, seconded, and carried, adopted the following Resolution; to-wit:

**A RESOLUTION ESTABLISHING
THE JOHNSON COUNTY CRIMINAL JUSTICE ADVISORY COUNCIL**

Resolution No. 025-08

WHEREAS, public safety and the administration of justice are essential functions of County Government and are basic elements for the preservation of the general welfare of the community; and

WHEREAS, the Board of County Commissioners serves as the governing body of the County Government and has the overall responsibility for the effective delivery of its services and programs, which includes the planning, coordination, and management of certain public safety functions and the administration of justice; and

WHEREAS, the effective planning, coordination, and management of public safety functions and the administration of justice among the various officials, agencies, departments, and operating units of the County Government is necessary for the efficient operation of County Government and maintaining the confidence of the citizens of the County; and

WHEREAS, public safety related expenditures are the largest major service area within the County's operating budget, with a steady growth rate that outpaces all other governmental service areas; and

WHEREAS, coordinated efforts between key justice officials, agencies, and departments and the community is important to identify, address, and resolve concerns in the area of public safety and the administration of justice; and

WHEREAS, the Board of County Commissioners deems it advisable to form a Criminal Justice Advisory Council as an advisory body to support and enhance collaborative efforts between key justice officials, agencies, and department and to provide a forum for public participation with respect to improvements to the criminal justice system; and

WHEREAS, the Board of County Commissioners, through its Chairman, has coordinated with the Sheriff, the District Attorney, the Chief Judge of the Tenth Judicial District, and other interested officials and persons, as well as community leaders, on the development of a Criminal Justice Advisory Council, and those officials and persons support establishing the Council as proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Johnson County, Kansas, that the Johnson County Criminal Justice Advisory Council shall be and hereby is established as an advisory body to the Board of County Commissioners and officials of the County Government, and, as established, the Council shall have the membership and perform the duties and responsibilities specified in this Resolution.

- I. **CREATION AND PURPOSE.** The Johnson County Criminal Justice Advisory Council is hereby created for the purpose of providing a working forum to support communications and collaborative coordination between and among key justice system officials, advisory bodies, agencies and departments, and community leaders, to promote public safety, to address the root causes of criminal behavior, and to help create a better community.

- II. **MEMBERSHIP.** The Criminal Justice Advisory Council shall consist of not less than 20 members, who shall include or be representative of the following designated officials, organizations or classifications. All appointments shall be made by the Board of County Commissioners and shall be made in accordance with the appointment policy and procedures adopted by the Board. The designations are:
 - a) Johnson County Sheriff, or designee;
 - b) Johnson County District Attorney , or designee;
 - c) Chief Judge of the Tenth Judicial District Court, or designee;
 - d) Chief Public Defender for Johnson County, or designee;
 - e) District Court Administrator, or designee;

- f) County Manager;
- g) Executive Director of Johnson County Mental Health Center;
- h) Executive Director of the Kansas Reentry Policy Council, or designee;
- i) Designee of the Johnson County Chiefs' and Sheriffs' Association;
- j) Designee from the Juvenile Corrections Advisory Board, who shall be an active member of the Juvenile Corrections Advisory Board;
- k) Designee from the Community Corrections Advisory Board, who shall be an active member of the Community Corrections Advisory Board;
- l) Designee of the Johnson County Bar Association;
- m) Director of the Johnson County Department of Corrections, or designee;
- n) Designee of the Johnson County Council of Mayors
- o) Designee of a Johnson County Schools Superintendents Group;
- p) Designee of the Johnson County League of Women Voters;
- q) Two to three community leaders with experience/knowledge of State Government;
- r) An ex-offender; and
- s) Two to three representatives of faith-based or nonprofit organizations.

All appointments shall be for the term of office for elected officials of the County, for a term of two years for all members who are not county government officials, and for the term as specified by the Board for other County Government employees.

III. **GOALS AND RESPONSIBILITIES.** The goals of the Criminal Justice Advisory Council shall be to maintain public safety through the creation of alternatives for long-term offender success; to improve identification and analysis of corrections problems; to improve communication, cooperation, and coordination among all stakeholders; to establish clear goals, objectives, and priorities for public safety programs and policies related to the administration of justice; and to ensure the effective allocation of resources amongst the inter-related programs. Without limiting the generality of the foregoing, it shall be the duty of the Criminal Justice Advisory Council to:

- a) Study and evaluate the County's criminal justice system;
- b) Oversee the collection of criminal justice data for use by the council and, as required, the Board or other County officials, agencies, departments, and operating units;
- c) Identify causes for past and current increases in jail populations, analyze the flow of processes in the criminal justice system, especially those directly impacting the County's

jail population, and make recommendations for process improvement that will directly impact the jail population;

- d) Identify gaps or deficiencies in the criminal justice system and make recommendations that will eliminate duplication of services and fill service gaps;
- e) Make recommendations that will help control the costs of managing offenders;
- f) Evaluate and recommend crime prevention programs and early intervention and prevention programs, or other initiatives or programs that will reduce recidivism; and
- g) Increase community support for the criminal justice system, strategies for reducing the need for jail beds, and the overall goals established by the Board of County Commissioners.

IV. **MEETINGS.** The Criminal Justice Advisory Council shall meet no less often than bi-monthly. All meetings of the Council shall be subject to and comply with the Kansas Open Meetings laws.

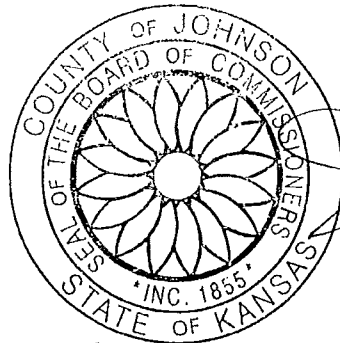
V. **COUNCIL CHAIR.** The Chairman of the Board of County Commissioners shall designate the chair and vice chair of the advisory council, both of whom shall be selected from those members appointed from outside the organization of Johnson County Government. The chair of the Criminal Justice Advisory Council shall have and perform the following duties:

- a) Convene all meetings of the council and preside over its proceedings, ensuring orderly procedures in conducting business and maintaining decorum to ensure that business is not disturbed or disrupted;
- b) When necessary or advisable, call special meetings of the council in accordance with the applicable legal requirements;
- c) In consultation with the membership, define an annual work plan for the council and provide leadership in communicating the plan and related priorities to the key stakeholders and the general public;
- d) Sign documents, records, and reports, when authorized, on behalf of the council; and
- e) Perform such other and additional duties as are incidental to or customary for such office or which are prescribed or approved by the council.

The vice chair shall serve in the absence or temporary disability of the chair of the advisory council and perform those duties prescribed for the chair or as directed by the membership.

- VI. **BOARD LIAISON**. A non-voting liaison to the Criminal Justice Advisory Council shall be designated each year by the Chairman from the Members of the Board of County Commissioners, consistent with other liaison assignments to appointed boards and commissions by the Board of County Commissioners.
- VII. **COMMITTEES AND SUBCOMMITTEES**. The Criminal Justice Advisory Council may establish and utilize committees or subcommittees of its members to assist in the performance of its goals and duties. Meetings of the committees or subcommittees shall be subject to and comply with the Kansas Open Meetings laws.
- VII. **STAFF SUPPORT**. Staff support and coordination for the effective operation of the Criminal Justice Advisory Council shall be provided by the Criminal Justice Coordinator position within the Office of the County Manager. The Criminal Justice Coordinator shall prepare such reports or papers as may be required by the Criminal Justice Advisory Council, and shall file biannually a report with the Board of County Commissioners detailing the council's activities and such other and further data or information as may be directed by the council.

This resolution shall become effective upon its adoption.



BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

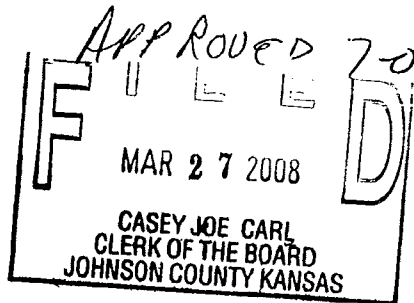
Annabeth Surbaugh
Annabeth Surbaugh, Chairman

ATTEST:

Casey Joe Carl
Casey Joe Carl, Clerk of the Board
032708

APPROVED AS TO FORM:

Donald D. Jarrett
Donald D. Jarrett, Chief Counsel



Cal Pen Code § 1229

Deering's California Codes are current with urgency legislation through Chapter 893 of the 2016 Regular Session and Chapter 8 of the 2015-16 2nd Extraordinary Session, and ballot measures approved by the electorate at the June 7, 2016, Presidential Primary Election.

Deering's California Code Annotated > PENAL CODE > Part 2. Of Criminal Procedure > Title 8. Of Judgment and Execution > Chapter 3. California Community Corrections Performance Incentives

§ 1229. Definitions

As used in this chapter, the following definitions apply:

- (a) "Community corrections" means the placement of persons convicted of a felony offense under probation supervision, mandatory supervision, or postrelease community supervision for a specified period.
- (b) "Chief probation officer" or "CPO" means the chief probation officer for the county or city and county in which an adult offender is subject to probation for the conviction of a felony offense.
- (c) "Community corrections program" means a program established pursuant to this act consisting of a system of services for felony offenders under local supervision dedicated to all of the following goals:
 - (1) Enhancing public safety through the management and reduction of offender risk while under local supervision and upon reentry from jail or prison into the community.
 - (2) Providing a range of supervision tools, sanctions, and services applied to felony offenders subject to local supervision based on a risk and needs assessment for the purpose of reducing criminal conduct and promoting behavioral change that results in reducing recidivism and promoting the successful reintegration of offenders into the community.
 - (3) Maximizing offender restitution, reconciliation, and restorative services to victims of crime.
 - (4) Holding offenders accountable for their criminal behaviors and for successful compliance with applicable court orders and conditions of supervision.
 - (5) Improving public safety outcomes for persons subject to local supervision for a felony offense, as measured by their successful completion of the period of local supervision and the commensurate reduction in the rate of offenders sent to prison as a result of a revocation of supervision or conviction of a new crime.
- (d) "Evidence-based practices" refers to supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.
- (e) "Local supervision" means the supervision of an adult felony offender on probation, mandatory supervision, or postrelease community supervision.

History

Added Stats 2009 ch 608 § 2 (SB 678), effective January 1, 2010, repealed January 1, 2015. Amended Stats 2010 ch 328 § 168 (SB 1330), effective January 1, 2011; Stats 2013 ch 31 §§ 10, 22 (SB 75), effective June 27, 2013

Cal Pen Code § 1230

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Deering's California Code Annotated > PENAL CODE > Part 2. Of Criminal Procedure > Title 8. Of Judgment and Execution > Chapter 3. California Community Corrections Performance Incentives

§ 1230. Community Corrections Performance Incentives Funds authorized; Community corrections program; Community Corrections Partnership; Use of funds; Accounting

- (a) Each county is hereby authorized to establish in each county treasury a Community Corrections Performance Incentives Fund (CCPIF), to receive all amounts allocated to that county for purposes of implementing this chapter.
- (b) Notwithstanding any other law, in any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the moneys, including any interest, shall be made available to the CPO of that county, within 30 days of the deposit of those moneys into the fund, for the implementation of the community corrections program authorized by this chapter.
 - (1) The community corrections program shall be developed and implemented by probation and advised by a local Community Corrections Partnership.
 - (2) The local Community Corrections Partnership shall be chaired by the CPO and comprised of the following membership:
 - (A) The presiding judge of the superior court, or his or her designee.
 - (B) A county supervisor or the chief administrative officer for the county or a designee of the board of supervisors.
 - (C) The district attorney.
 - (D) The public defender.
 - (E) The sheriff.
 - (F) A chief of police.
 - (G) The head of the county department of social services.
 - (H) The head of the county department of mental health.
 - (I) The head of the county department of employment.
 - (J) The head of the county alcohol and substance abuse programs.
 - (K) The head of the county office of education.
 - (L) A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.
 - (M) An individual who represents the interests of victims.

Cal Pen Code § 1230

- (3) Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs, as defined in subdivision (d) of Section 1229, which may include, but are not limited to, the following:
- (A) Implementing and expanding evidence-based risk and needs assessments.
 - (B) Implementing and expanding intermediate sanctions that include, but are not limited to, electronic monitoring, mandatory community service, home detention, day reporting, restorative justice programs, work furlough programs, and incarceration in county jail for up to 90 days.
 - (C) Providing more intensive local supervision.
 - (D) Expanding the availability of evidence-based rehabilitation programs including, but not limited to, drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and employment services.
 - (E) Evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.
- (4) Notwithstanding any other law, the CPO shall have discretion to spend funds on any of the above practices and programs consistent with this act but, at a minimum, shall devote at least 5 percent of all funding received to evaluate the effectiveness of those programs and practices implemented with the funds provided pursuant to this chapter. A CPO may petition the Judicial Council to have this restriction waived, and the Judicial Council shall have the authority to grant such a petition, if the CPO can demonstrate that the department is already devoting sufficient funds to the evaluation of these programs and practices.
- (5) Each probation department receiving funds under this chapter shall maintain a complete and accurate accounting of all funds received pursuant to this chapter.

History

Added Stats 2009 ch 608 § 2 (SB 678), effective January 1, 2010, repealed January 1, 2015. Amended Stats 2010 ch 328 § 169 (SB 1330), effective January 1, 2011; Stats 2011 ch 36 § 23 (SB 92), effective June 30, 2011, ch 39 § 32 (AB 117), effective June 30, 2011, operative July 27, 2011; Stats 2013 ch 31 §§ 11, 22 (SB 75), effective June 27, 2013 (repealer repealed) (ch 31 prevails), ch 76 § 154 (AB 383), effective January 1, 2014; Stats 2015 ch 26 § 14 (SB 85), effective June 24, 2015.

Former Sections:

Former § 1230, relating to the death penalty, was enacted Stats 1872, amended Stats 1891 ch 191 § 10, and repealed Stats 1941 ch 106 § 16.

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Cal Pen Code § 1230.1

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Deering's California Code Annotated > PENAL CODE > Part 2. Of Criminal Procedure > Title 8. Of Judgment and Execution > Chapter 3. California Community Corrections Performance Incentives

§ 1230.1. Recommendation of local plan for implementation of 2011 public safety realignment; Community Corrections Partnership executive committee to be established

- (a) Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the county board of supervisors for the implementation of the 2011 public safety realignment.
- (b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the chief probation officer of the county as chair, a chief of police, the sheriff, the District Attorney, the Public Defender, the presiding judge of the superior court, or his or her designee, and one department representative listed in either subparagraph (G), (H), or (J) of paragraph (2) of subdivision (b) of Section 1230, as designated by the county board of supervisors for purposes related to the development and presentation of the plan.
- (c) The plan shall be deemed accepted by the county board of supervisors unless the board rejects the plan by a vote of four-fifths of the board, in which case the plan goes back to the Community Corrections Partnership for further consideration.
- (d) Consistent with local needs and resources, the plan may include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, mental health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, and work training programs.

History

Added Stats 2011 ch 15 § 458 (AB 109), effective April 4, 2011, operative October 1, 2011, repealed January 1, 2015. Amended Stats 2011 ch 39 § 33 (AB 117), effective June 30, 2011, operative July 27, 2011; Stats 2013 ch 31 § 22 (SB 75), effective June 27, 2013 (repealer repealed).

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Deering's California Code Annotated > PENAL CODE > Part 2. Of Criminal Procedure > Title 8. Of Judgment and Execution > Chapter 3. California Community Corrections Performance Incentives

§ 1232. Report to Governor and Legislature

Commencing no later than 18 months following the initial receipt of funding pursuant to this chapter and annually thereafter, the Judicial Council, in consultation with the Department of Corrections and Rehabilitation, the Department of Finance, and the Chief Probation Officers of California, shall submit to the Governor and the Legislature a comprehensive report on the implementation of this chapter. The report shall include, but not be limited to, all of the following information:

- (a) The effectiveness of the community corrections program based on the reports of performance-based outcome measures required in Section 1231.
- (b) The percentage of offenders subject to local supervision whose supervision was revoked and who were sent to prison for the year on which the report is being made.
- (c) The percentage of offenders subject to local supervision who were convicted of crimes during their term of supervision for the year on which the report is being made.
- (d) The impact of the moneys appropriated pursuant to this chapter to enhance public safety by reducing the percentage and number of offenders subject to local supervision whose supervision was revoked for the year being reported on for violations or new convictions, and to reduce the number of offenders subject to local supervision who are sentenced to prison for a new conviction for the year on which the report is being made.
- (e) Any recommendations regarding resource allocations or additional collaboration with other state, regional, federal, or local entities for improvements to this chapter.

History

Added Stats 2009 ch 608 § 2 (SB 678), effective January 1, 2010, repealed January 1, 2015. Amended Stats 2013 ch 31 §§ 13, 22 (SB 75), effective June 27, 2013 (repealer repealed); Stats 2015 ch 26 § 16 (SB 85), effective June 24, 2015.

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42 Pa.C.S. § 9802

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§ 9802. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Board.” —A county prison board, in counties of the first and second class, the Criminal Justice Coordinating Commission or its successor agency.

“Commission.” —The Pennsylvania Commission on Crime and Delinquency.

“County intermediate punishment plan.” —A document which describes a proposed intermediate punishment program.

“County intermediate punishment program.” —A residential or nonresidential program provided in a community for eligible offenders.

“Court.” —The trial judge exercising sentencing jurisdiction over an eligible offender under this chapter. Trial judge may include a magisterial district judge if use of intermediate punishment programs by the minor judiciary is approved by the court of common pleas via administrative order or local rule.

“Eligible offender.” —Subject to section 9721(a.1) (relating to sentencing generally), a person convicted of an offense who would otherwise be sentenced to a county correctional facility, who does not demonstrate a present or past pattern of violent behavior and who would otherwise be sentenced to partial confinement pursuant to section 9724 (relating to partial confinement) or total confinement pursuant to section 9725 (relating to total confinement). The term does not include an offender who has been convicted or adjudicated delinquent of a crime requiring registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders) or an offender with a current conviction or a prior conviction within the past ten years for any of the following offenses:

18 Pa.C.S. § 2502(relating to murder).

18 Pa.C.S. § 2503(relating to voluntary manslaughter).

18 Pa.C.S. § 2702(relating to aggravated assault).

18 Pa.C.S. § 2703(relating to assault by prisoner).

18 Pa.C.S. § 2704(relating to assault by life prisoner).

18 Pa.C.S. § 2901(a)(relating to kidnapping).

18 Pa.C.S. § 3122.1(a)(1)(relating to statutory sexual assault).

18 Pa.C.S. § 3301(relating to arson and related offenses).

18 Pa.C.S. § 3502(relating to burglary) when graded as a felony of the first degree.

18 Pa.C.S. § 3701(relating to robbery).

18 Pa.C.S. § 3923(relating to theft by extortion).

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18 Pa.C.S. § 4302(a)(relating to incest).

18 Pa.C.S. § 5121(relating to escape).

“Nonprofit agency.” —A not-for-profit human service organization which provides treatment, guidance, counseling, training or rehabilitation services to individuals, families or groups.

History

Act 2000-41 (H.B. 28), P.L. 345, § 6, approved June 22, 2000, eff. in 60 days; Act 2004-207 (S.B. 904), P.L. 1618, § 19, approved Nov. 30, 2004, eff. in 60 days; Act 2004-233 (S.B. 959), P.L. 1778, § 2, approved Dec. 1, 2004, eff. in 60 days; Act 2012-122 (S.B. 100), P.L. 1050, § 3.2, approved July 5, 2012, eff. in 60 days.

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42 Pa.C.S. § 9803

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§ 9803. Purpose.

County intermediate punishment programs shall be developed, implemented and operated for the following purposes:

- (1) To protect society and promote efficiency and economy in the delivery of corrections services.
- (2) To promote accountability of offenders to their local community.
- (3) To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court.
- (4) To provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

History

Act 2000-41 (H.B. 28), P.L. 345, § 6, approved June 22, 2000, eff. in 60 days.

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42 Pa.C.S. § 9804

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§ 9804. County intermediate punishment programs.

- (a) **Description.** —County intermediate punishment program options shall include the following:
- (1) Restrictive intermediate punishments providing for the strict supervision of the offender, including programs that:
 - (i) house the offender full or part time;
 - (ii) significantly restrict the offender's movement and monitor the offender's compliance with the program; or
 - (iii) involve a combination of programs that meet the standards set forth under subparagraphs (i) and (ii).
 - (2) When utilized in combination with restrictive intermediate punishments, restorative sanctions providing for nonconfinement sentencing options that:
 - (i) Are the least restrictive in terms of the constraint of the offender's liberties.
 - (ii) Do not involve the housing of the offender, either full or part time.
 - (iii) Focus on restoring the victim to pre-offense status.
- (b) **Eligibility.**
- (1) No person other than the eligible offender shall be sentenced to a county intermediate punishment program.
 - (i) No person other than the eligible offender shall be sentenced to a county intermediate punishment program.
 - (ii) The prosecuting attorney, in the prosecuting attorney's sole discretion, may advise the court that the Commonwealth has elected to waive the eligibility requirements of this chapter if the victim has been given notice of the prosecuting attorney's intent to waive the eligibility requirements and an opportunity to be heard on the issue.
 - (iii) The court, after considering victim input, may refuse to accept the prosecuting attorney's waiver of the eligibility requirements.
 - (2) The Pennsylvania Commission on Sentencing shall employ the term "eligible offender" to further identify offenders who would be appropriate for participation in county intermediate punishment programs. In developing the guidelines, the commission shall give primary consideration to protection of the public safety.
 - (3) (Deleted by amendment).
 - (i) Any person receiving a penalty imposed pursuant to 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), 3804 (relating to penalties) or 3808(a)(2) (relating to

42 Pa.C.S. § 9804

illegally operating a motor vehicle not equipped with ignition interlock) shall undergo an assessment under 75 Pa.C.S. § 3814 (relating to drug and alcohol assessments).

- (ii) If the defendant is determined to be in need of drug and alcohol treatment, a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c) (relating to mandatory sentencing). The defendant may only be sentenced to county intermediate punishment in:
 - (A) a residential inpatient program or a residential rehabilitative center;
 - (B) house arrest with electronic surveillance;
 - (C) a partial confinement program such as work release, work camp and halfway facility; or
 - (D) any combination of the programs set forth in this subparagraph.
- (iii) If the defendant is determined not to be in need of drug and alcohol treatment or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1) (relating to operating watercraft under influence of alcohol or controlled substance), the defendant may only be sentenced to a county intermediate punishment program in:
 - (A) house arrest with electronic surveillance;
 - (B) partial confinement programs such as work release, work camps and halfway facilities; or
 - (C) any combination of the programs set forth in this paragraph.
- (5) A defendant subject to 75 Pa.C.S. § 3804 (relating to penalties) or 30 Pa.C.S. § 5502(c.1) may only be sentenced to county intermediate punishment for a first, second or third offense under 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) or 30 Pa.C.S. § 5502.

History

Act 2000-41 (H.B. 28), P.L. 345, § 6, approved June 22, 2000, eff. in 60 days; Act 2003-24 (S.B. 8), P.L. 120, § 6, approved Sept. 30, 2003, eff. Feb. 1, 2004; Act 2004-112 (S.B. 217), P.L. 855, § 7, approved Nov. 19, 2004, eff. in 180 days; Act 2007-27 (H.B. 778), P.L. 82, § 4, approved July 8, 2007, eff. immediately; Act 2012-122 (S.B. 100), P.L. 1050, § 4, approved July 5, 2012, eff. in 60 days.

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§ 9805. Boards.

- (a) **Duty of board.** —To qualify for funding under this chapter, a board must develop a county intermediate punishment program plan to be submitted to the commission.
- (b) **Joint judicial districts.** —Where two counties comprise a joint judicial district, the counties may jointly submit a plan which shall require the concurrence of a majority of members from the boards of each county. The president judge of the judicial district shall chair the meetings of both boards for actions necessary pursuant to this chapter.
- (c) **Counties with no board.** —If a county of the sixth, seventh or eighth class does not have a prison board, the county shall establish an intermediate punishment board for the purpose of complying with the requirements of this chapter. The intermediate punishment board shall consist of the president judge of the court of common pleas or his designee, the district attorney, the sheriff, the controller and the county commissioners.
- (d) **Powers and duties.** —A board has the following powers and duties:
- (1) To assess available countywide correctional services and future needs.
 - (2) To work with the county office of probation and parole in developing the county intermediate punishment plan.
 - (3) To adopt a county intermediate punishment plan, including program policies for administration.
 - (4) To make recommendations to the board of county commissioners, or chief executive officer in counties of the first class, on contracts with private providers or nonprofit agencies for the provision of intermediate punishment programs.
 - (5) To monitor the effectiveness of county correctional services and identify needed modifications.
 - (6) To make recommendations to the board of county commissioners, or chief executive officer in counties of the first class, regarding the purchase, lease or transfer of lands, buildings and equipment necessary to carry out the intermediate punishment plan.
 - (7) To designate the appropriate county office to maintain a case record for each individual admitted to a county intermediate punishment program within the county.
 - (8) To make an annual report on the program to the governing body of the county, the Pennsylvania Commission on Sentencing and the commission.
 - (9) To develop the county intermediate punishment plan under section 9806 (relating to county intermediate punishment plan).
- (e) **Advice to board.**
- (1) When developing the county intermediate punishment plan, the board shall consult with county criminal justice and related human service providers as well as the public.

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- (2) At a minimum, the following shall be consulted for the purpose of developing the plan:
- (i) Court of common pleas.
 - (ii) Board of county commissioners.
 - (iii) Intermediate Punishment Office.
 - (iv) Adult Probation and Parole Office.
 - (v) County jail.
 - (vi) District attorney.
 - (vii) Public defender or defense bar.
 - (viii) Single county authority.
 - (ix) Mental Health/Mental Retardation Office.
 - (x) Citizen input.
 - (xi) Victim input.
- (3) The board may elect one of the following methods to solicit plan input from providers and the public:
- (i) Expand the membership of the board for purposes of developing the county intermediate punishment plan to include those listed in paragraph (2).
 - (ii) Appoint an intermediate punishment advisory committee to include those listed in paragraph (2) to undertake any duties assigned by the board.
 - (iii) Develop an alternate process approved by the Pennsylvania Commission on Crime and Delinquency and involving those listed in paragraph (2).

History

Act 2000-41 (H.B. 28), P.L. 345, § 6, approved June 22, 2000, eff. in 60 days.

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§ 9806. County intermediate punishment plan.

(a) **Requirement.** —The board may develop a plan for the implementation and operation of intermediate punishment programs in the county. The plan shall provide for all of the following:

- (1) An assessment of available countywide correctional services and future needs.
- (2) A review of current sentencing procedures and the impact these procedures have on county correctional resources.
- (3) A review of current alternatives to pretrial detention and the potential these programs have for affecting the jail population.
- (4) A description of the existing resources in the county which can be used as intermediate punishments or services to offenders sentenced to intermediate punishment.
- (5) The formulation of policy statements targeted to the needs identified by the county and the impact these policies will have on the use of confinement and intermediate punishment.
- (6) The development of goals and objectives which are aimed at effective utilization of existing and projected correctional resources.
- (7) The development of an evaluation strategy which measures the qualitative and quantitative performances of all programs.

(b) **Technical assistance.** —The commission shall provide technical assistance to develop community corrections plans.

(c) **Review and approval.** —The plan shall be submitted to the commission for review and approval in the format designated by the commission. The commission shall complete its review within 90 days of submission. Failure to disapprove or recommend amendment within 90 days shall constitute approval.

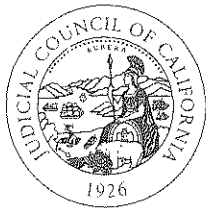
(d) **Formal submission.** —The plan and any proposed changes thereto shall be submitted on an annual basis.

History

Act 2000-41 (H.B. 28), P.L. 345, § 6, approved June 22, 2000, eff. in 60 days.

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MR. MARTIN HOSHINO
*Administrative Director,
Judicial Council*

July 31, 2015

Ms. Diane F. Boyer-Vine
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Mr. Daniel Alvarez
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *Report on the California Community Corrections Performance
Incentives Act of 2009: Findings from the SB 678 Program (2015),
as required under Penal Code section 1232*

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

Attached is the Judicial Council report required by Penal Code section 1232 on the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678).

If you have any questions about this report, please contact Shelley Curran, Senior Manager, Judicial Council's Criminal Justice Services, at 415-865-4013 or shelley.curran@jud.ca.gov.

Sincerely,

Martin Hoshino
Administrative Director, Judicial Council

Ms. Diane F. Boyer-Vine

Mr. Daniel Alvarez

Mr. E. Dotson Wilson

July 31, 2015

Page 2

MH/SC/lg

Attachment

cc: Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin León
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Report title: *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program (2015)*

Statutory citation: Penal Code section 1232

Date of report: July 28, 2015

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

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

The California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) is designed to alleviate state prison overcrowding and save General Fund monies by reducing the number of adult felony probationers who are sent to state prison or county jail for committing a new crime or violating the terms of county-supervised probation. The report recommends that the Legislature preserve the fundamental formula of the SB 678 program—performance-incentive funding coupled with the use of EBPs—and explore other ways to expand the use of performance-incentive funding. In addition to the aggregate crime data that probation departments are currently collecting, the Legislature should also consider whether to require a more robust study of felony probationer recidivism using individual-level data. In addition, to continue to measure the effectiveness of the program and develop appropriate resource allocations, county probation departments should maintain their reporting on the use of EBPs and other related data.

The full report can be accessed here: www.courts.ca.gov/7466.htm

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

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**REPORT ON THE
CALIFORNIA COMMUNITY CORRECTIONS
PERFORMANCE INCENTIVES ACT OF 2009**

FINDINGS FROM THE SB 678 PROGRAM

JULY 2015



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Acknowledgments

Pursuant to Penal Code section 1232, this report was written in consultation with the California Department of Corrections and Rehabilitation, the California Department of Finance, and the Chief Probation Officers of California.

We would like to thank the following for providing information, insight, feedback, and support:

Judge J. Richard Couzens (Ret.), Superior Court of California, County of Placer; the Chief Probation Officers of California; the California Department of Finance; and the California Department of Corrections and Rehabilitation. We would like to acknowledge staff in the Judicial Council's Criminal Justice Services office whose work contributed to the SB 678 program and report: Tara Agnese, Francine Byrne, Jay Fraser, Eve Hershcopf, Arley Lindberg, and Barbara Whiteoak.

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Executive Summary

When originally passed, the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678) was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers who are sent to state prison for committing a new crime or violating the terms of probation, and to meet these objectives without compromising public safety. The SB 678 program shares state savings from lower prison costs with county probation departments that implement evidence-based supervision practices and achieve a reduction in the number of locally supervised felony offenders who are revoked to state prison.

The SB 678 program and its performance-based funding mechanism created significant state savings by lowering the number of supervised offenders sent to state prison over the past five years. The original baseline failure rate dropped from 7.9% in the baseline years of 2006–2008 to 5.6% in 2014. This resulted in statewide savings of approximately \$970.6 million over five years with 60%, or \$577.8 million, allocated to county probation departments for their continued efforts to effectively supervise individuals under local supervision.

The enactment of the 2011 Public Safety Realignment Act greatly reduced the number of felony offenses that are punishable by state prison sentences, and in order to continue to incentivize effective supervision practices, in 2013 the Legislature modified SB 678 to include probationers returning to county jail. In June 2015, the Legislature passed and the Governor signed SB 85, which changes the probation failure rate to include the total prison returns for all individuals under felony supervision by the county probation departments (probation, mandatory supervision and postrelease community supervision) and eliminates funding for jail avoidance.

A fundamental component of SB 678 is the implementation of evidence-based practices (EBPs) by county probation departments. SB 678 defines evidence-based practices as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under probation, parole, or postrelease supervision.” While no probation department in the state has fully implemented evidence-based practices in all facets of supervision, all counties report expanded use of some EBP elements, including application of actuarial risk and needs assessments, increased collaboration among local justice system partners, more effective supervision of offenders, more effective treatment programs for offenders, and more effective management practices.

While the number of probationers revoked has decreased since the SB 678 program’s inception and probation departments have expanded their implementation of evidence-based supervision practices, California’s crime rates remain below the 2008 baseline levels, indicating that public safety has not been negatively affected by the SB 678 program. Given these positive outcomes, the state and the counties have an interest in sustaining and expanding upon the effectiveness of the SB 678 program.

The recent enactment of Proposition 47, the Safe Neighborhoods and Schools Act, by California voters in November 2014 will also affect SB 678. Although it is too soon to understand the full impact of Proposition 47 on the program, there has been an observable and immediate drop in the supervised felony population since the initiative passed; there may also be an effect on the type of offenders supervised by probation. The Judicial Council's Criminal Justice Services office is currently gathering data to assess how Proposition 47 may impact community supervision in the coming years, and whether the immediate drop in the supervised felony population continues.

With adequate resources, probation departments will be able to continue using evidence-based practices developed through the SB 678 program to save state funds by reducing the number of felony offenders who are reincarcerated. The effectiveness of probation departments in continuing to lower incarceration costs and increase their use of evidence-based practices demonstrates that the counties' ongoing efforts to implement SB 678's careful design are meeting the legislation's objectives. With secure funding for the future, the SB 678 program has the potential to more fully achieve the Legislature's goals.

Introduction

The California Community Corrections Performance Incentives Act of 2009¹ (implementation of which is hereafter referred to as the “SB 678 program”) was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of their county-supervised probation, and to meet these objectives without compromising public safety. The SB 678 program allocates a portion of reduced incarceration costs to county probation departments to support the use of evidence-based supervision practices and achieve a reduction in the number of supervised felony offenders who are revoked to state prison.

The Judicial Council has been charged by the Legislature to annually report on the implementation and outcomes of the SB 678 program.

This report:

- Presents a brief background on the SB 678 program, and documents changes made to the program as a result of public safety realignment and the enactment of Proposition 47;
- Provides results from the first five years of the program, including the impact of the SB 678 program on probation failure rates and public safety, the amount of state savings from the reduction in probation failures, and funding allocations to the counties; and
- Provides information on county probation departments’ reported use of funds and implementation of evidence-based practices.

¹ SB 678 (Stats. 2009, ch. 608), www.courts.ca.gov/documents/sb678.pdf.

I. SB 678 Background

A. Legislative Enactment of SB 678

The Legislature enacted the California Community Corrections Performance Incentives Act of 2009 (SB 678) with bipartisan support.² This legislation created an incentive program designed to improve public safety, alleviate state prison overcrowding, and save state General Fund monies by supporting effective probation practices and reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of probation.

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

Each of California’s 58 counties administers its own adult felony probation system.⁴ Historically, the probation departments’ inability to significantly reduce offender recidivism and revocations had been a major contributor to California’s incarceration costs.⁵ In a 2009 report, the Legislative Analyst’s Office (LAO) estimated that 40% of new prison admissions from the courts were due to probation revocations.⁶ The report also acknowledged that, in the preceding years, many county probation departments had insufficient resources to implement evidence-based probation supervision practices⁷ that could help reduce probation failures. The LAO recommended creation of a program to provide counties with a financial incentive to improve their community corrections practices and lower their probation failure rates.

The SB 678 program established a performance-based funding system for county probation departments that shares state savings from lower prison costs with probation departments that implement evidence-based supervision practices and achieve a reduction in the number of felony probationer commitments to state prison. Following California’s 2011 Public Safety

² *Ibid.*

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

⁴ Probation differs from parole, which is a form of supervision that takes place upon release from prison for specified offenders and is administered by the California Department of Corrections and Rehabilitation (CDCR).

⁵ Legislative Analyst’s Office, *Achieving Better Outcomes for Adult Probation* (May 2009), http://www.lao.ca.gov/2009/crim/Probation/probation_052909.pdf.

⁶ *Ibid.*

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

Realignment Act⁸ (discussed in section D, below), legislation enacted in 2013 expanded the SB 678 program to include reductions in felony probationer commitments to county jail.⁹ The 2015–2016 State Budget further changes the program to include incentive-based funding for all types of local felony supervision (mandatory supervision and postrelease community supervision populations) and omits incentive funding for commitments to county jail. Critical to the effectiveness of the SB 678 program is the requirement for county probation departments to reinvest their share of the savings in enhanced implementation of evidence-based probation programs and practices.¹⁰

B. The SB 678 Framework

Implementation of the SB 678 program began in FY 2009–2010 when the Legislature appropriated \$45 million in federal American Recovery and Reinvestment Act stimulus funds¹¹ as seed money for county probation departments to begin expanding the use of evidence-based practices with adult felony probationers. After the first year of the program, the SB 678 state funding mechanism was activated, although the precise formula has been modified each year.

Funding Methodology: FY 2010–2011 to FY 2012–2013

The SB 678 funding formula emphasizes county performance.¹² As originally designed, probation departments received a portion of the state’s savings in incarceration costs¹³ resulting from reduction in the probation failure rate (PFR). The PFR was initially defined in statute as the number of adult felony probationers revoked to state prison in a year as a percentage of the average probation population during the same year.

The amount of savings the state shared with probation departments each year was determined by each county’s improvement in their PFR, as compared to their 2006–2008 baseline rate¹⁴ (see

⁸ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

⁹ SB 75 (Stats. 2013, ch. 31),

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB75&search_keywords

¹⁰ “Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs... .” (Pen. Code, § 1230(b)(3).)

¹¹ This was based on a one-time expansion of the Edward Byrne Memorial Justice Assistance Grant Program.

¹² Pen. Code, § 1233.1(d).

¹³ *Id.*, § 1233.1(a).

¹⁴ The baseline probation failure rate is a weighted average of the PFR in 2006, 2007, and 2008. After the conclusion of each calendar year, the Director of Finance, in consultation with the Department of Corrections and Rehabilitation, the Joint Legislative Budget Committee, the Chief Probation Officers of California, and the Judicial Council, calculates for that calendar year an estimate of the number of adult felony probationers each county successfully prevented from being sent to prison (or to jail, following realignment) based on the reduction in the county’s probation failure rate. In making this estimate, DOF is required to adjust the calculations to account for changes in each county’s adult felony probation caseload in the most recently completed calendar year as compared to the county’s adult felony probation population during the baseline period. (Pen. Code, §§ 1233.1(c),(d).)

Appendix A). A county that returned fewer individuals to prison than would be expected (compared to their baseline rate) received a share of the state savings from reduced incarceration costs. Depending on how a county's PFR compared to the statewide average, a county received either 40% or 45% of the state savings. The amount varied depending on the individual probation department's level of success as calculated by comparing the county's PFR (measured by felony probationer returns to state prison) with the state's average PFR. Counties that were unsuccessful in reducing their PFR were also provided with a small amount of funding to bolster their efforts to implement evidence-based practices and reduce recidivism. The SB 678 program included a provision for high performance awards to counties with very low probation failure rates. These awards supported the ongoing use of evidence-based practices in counties with probation failure rates more than 50% below the statewide average.¹⁵

Funding Methodology Post-Realignment: FY 2013-2014 and FY 2014-2015

The SB 678 program and its funding formula were affected by California's 2011 Public Safety Realignment Act¹⁶ (discussed in section D, below). Following realignment, a substantial number of felony probationers are no longer eligible for incarceration in state prison when they violate conditions of probation or commit a new offense and instead may be revoked and sentenced to county jail. Following this realignment-driven change, the funding formulas for FY 2013–2014 and FY 2014–2015 (which shared savings for counties' performance in calendar year 2012 and 2013, respectively) were revised. The PFR used in the revised formula continued to include adult felony probationers who were revoked to state prison, but was amended to also include revocations to county jail.¹⁷ The PFR for these years is calculated using the combined revocations to jail and prison as a percentage of the average statewide adult felony probation population for that year.

Funding Methodology: Changes for FY 2015–2016

The 2015–2016 State Budget updates the SB 678 funding formula to include all types of local felony supervision (adult probation, mandatory supervision, and postrelease community supervision), and refocuses the grant on local supervision admissions to prison.

The formula now measures each county's performance against statewide failure rates. If a county's return to prison rate (RPR) is less than or equal to the original statewide baseline of 7.9%, the county will receive a percentage of its highest SB 678 payment from the period between program inception and FY 2014–2015. Depending on how a county's RPR compares to

¹⁵ For FY 2010-2011 to FY 2014-2015, these awards were funded with 5% of the overall savings to the state. A county could receive an award based on state incarceration cost savings or a high performance grant payment but not both; the county could choose which award to receive in a year when it qualified for both. (Pen. Code, § 1233.4(e).)

¹⁶ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

¹⁷ Pen. Code, § 1233.1(b)(2). These felony probationers were revoked to county jail pursuant to Penal Code section 1170(h)(5).

statewide RPRs, a county can receive between 40 and 100% of its highest payment. A second funding component continues to allocate a percentage of funds based upon how each county performs in comparison to their PFR in the previous year. Specific details of these changes are outlined in Appendix C.

C. SB 678 Monitoring and Reporting

SB 678 requires county probation departments to report on their implementation of evidence-based practices and probationer outcomes to enable the Legislature to monitor whether each program is having its intended effect.¹⁸ The Judicial Council collects quarterly statewide outcome data reported by the counties and works with the California Department of Corrections and Rehabilitation (CDCR) and the Chief Probation Officers of California (CPOC) to ensure the accuracy and reliability of this data.¹⁹ Since the start of the SB 678 program, the Judicial Council has provided technical assistance in data quality assurance to probation departments through site visits, multicounty conference calls, and contacts with individual counties.²⁰

The Judicial Council's data collection methods obtain the most critical data, balancing county resource constraints with the Legislature's interest in program evaluation based on accurate and detailed information, as mandated by statute. Data reported by county probation departments focus on quantitative outcomes, including the number of felony offenders placed on probation, the number revoked to prison or jail, and the number convicted of a new felony offense during the reporting period (see Appendix B). The Judicial Council reports program data to the Department of Finance (DOF), which uses it to determine the appropriate annual level of performance-based funding for each county probation department.²¹

In addition to collecting quarterly outcome-focused data, the Judicial Council developed an annual survey, *Implementation of Evidence-Based Practices: Annual Assessment Survey* (Annual Assessment), to gather information on probation departments' implementation of evidence-based practices (EBPs) and assist them in fulfilling the legislative mandate for evaluation of the effectiveness of the SB 678 program.²² The Annual Assessment focuses on five critical evidence-based practices: (1) use of validated risk and needs assessments; (2) effective probationer supervision practices, including training on EBPs; (3) effective treatment and targeted intervention; (4) effective management practices; and (5) collaboration among justice

¹⁸ Pen. Code, § 1231(a): "Community corrections programs funded pursuant to this chapter shall identify and track specific outcome-based measures consistent with the goals of this act." *Id.*, § 1231(c): "Each CPO receiving funding pursuant to Sections 1233 to 1233.6, inclusive, shall provide an annual written report to the Judicial Council, evaluating the effectiveness of the community corrections program, including, but not limited to, the data described in subdivision (b)."

¹⁹ *Id.*, § 1231(b).

²⁰ The Judicial Council's Criminal Justice Services office has developed uniform data definitions, created and administered surveys, checked data submissions, matched revocation records submitted by probation departments with CDCR records, and investigated record inconsistencies.

²¹ Pen. Code, §§ 1231(d), 1233.

²² *Id.*, §§ 1231(c), 1232.

system partners.²³ The survey is designed to measure probation departments' reported EBP implementation changes over time and to identify program spending priorities.

D. California's 2011 Public Safety Realignment Act and the Impact on the SB 678 Program

Two years after the SB 678 program went into effect, the California Legislature enacted the 2011 Public Safety Realignment Act,²⁴ the most far-reaching transformation of California's criminal justice system in more than 30 years. Realignment has had an impact on the SB 678 program by significantly reducing the number of probationers who are *eligible* for incarceration in state prison when they fail on probation, and instead are revoked to county jail. Public safety realignment also created new categories of offenders who are supervised by probation departments and similarly limited these offenders' eligibility for incarceration in state prison when they fail on supervision.

Prior to the enactment of the realignment legislation, a person convicted of a felony and denied probation was generally sentenced to state prison. After realignment, however, with the exception of serious or violent felony offenses, and for felony offenders with serious or violent criminal histories, the general rule is that the court must commit these persons to county jail.

Due to this change in the sentencing structure, offenders granted felony probation for section 1170(h) offenses and who violate probation or commit a new 1170(h) offense may only be revoked to county jail rather than state prison. Approximately half of all revoked probationers now serve their time in county jail instead of state prison, which significantly reduces the amount of direct state savings related to the SB 678 program. The SB 678 program continues to reduce state prison costs through enhanced supervision of those probationers who remain eligible to be incarcerated in state prison if probation is revoked. The program also provides savings for counties (and, potentially, for the state) by reducing the number of revoked offenders who would serve their terms in county jail, though there are no direct state savings associated with lowering the probation failure rate (PFR) for offenders who are not eligible for revocation to state prison.

In addition to the immediate impact of realignment legislation on the SB 678 program, significant additional ongoing responsibilities have been placed on probation departments, including supervision of two new populations of offenders: (1) offenders released from state prison on a new form of supervision, called postrelease community supervision (PRCS); and (2) offenders placed on mandatory supervision under Penal Code section 1170(h)(5).

²³ The importance of each of these areas has been supported in a number of reports; see, for example, Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, Oct. 2009) available at http://www.crj.org/cji/entry/publication_integratedmodel.

²⁴ 2011 realignment legislation addressing public safety, also known as the 2011 Public Safety Realignment Act (AB 109; Stats. 2011, ch. 15 and AB 117; Stats. 2011, ch. 39).

After realignment legislation passed, the Judicial Council began collecting additional data on felony probation revocations to account for realignment's impact on revocation practices. The data include the number of felony probationers who would have been sent to state prison for a revocation of probation or for a conviction of a new felony offense prior to realignment but who are now revoked to county jail when they fail on probation.²⁵

E. Proposition 47

On November 4, 2014, California voters enacted Proposition 47 (Prop. 47), the Safe Neighborhoods and Schools Act. The major components of Prop. 47 are (1) reducing possessory-level felony drug offenses and thefts of property valued under \$950 that had previously been “wobblers” to straight misdemeanors; (2) creating a process for persons currently serving a qualified felony sentence for theft and drug offenses to petition the court for resentencing as a misdemeanor; (3) creating a process for persons who have completed qualified felony sentences to petition the court for reclassification of the crime as a misdemeanor; and (4) forming a Safe Neighborhoods and Schools Fund to receive the state savings achieved by the change in the sentencing laws.²⁶

Of these components, (1) and (2) will likely have an impact on felony probation caseloads and, as a result, on the SB 678 program. Beginning with Quarter 4, 2014 (October 1 to December 31) the Judicial Council began asking probation departments to report two additional data points related to Prop. 47.²⁷ Preliminary data indicate that statewide, over 5,000 Prop. 47 terminations from felony supervision occurred in the fourth quarter of 2014, and that the overall population of felony probationers decreased by nearly 3% in that time frame. This compares to an increase of 0.25% for the same time period in 2013. The number of new felony probation grants was reduced by nearly 29% in the fourth quarter of 2014. (See figure 1.) This reported decrease was not experienced by every jurisdiction however; some counties have seen an increase in their felony probation population during the same time frame.

More time and data will be needed to evaluate the long-term impact that Prop.47 will have on supervised populations. In addition to affecting the size of the felony probation population, and therefore potentially having an impact on the probation failure rate,²⁸ Prop. 47 may also lead

²⁵ Pen. Code, § 1231(d)(8) and (9).

²⁶ www.voterguide.sos.ca.gov/en/propositions/47/analysis.htm

²⁷ The two additional quarterly data points are:

Prop 47 Terminations: Count of all supervised individuals who have been resentenced under Prop 47 during the quarter, and as a result of the resentencing, have been completely terminated from all forms of felony supervision.

Individuals should be counted only if they are no longer under any form of felony supervision by the probation department.

Prop 47 Reductions: Count of all supervised individuals who have been resentenced under Prop 47 during the quarter, but remain on misdemeanor supervision by the probation department.

This item should be a subset of item 19.

²⁸ Because PFR is calculated as the number of probation failures as a proportion of the overall probation population, significant reductions in the population could result in increases in the *rate* of probation failures.

local probation departments to adapt practices to accommodate changes resulting from implementation of the new regime. If the lower felony probation populations prove to be sustainable, this provides an opportunity for probation departments to implement or maintain lower caseload ratios, an important aspect of EBP. Anecdotal information suggests that probation departments are expanding their misdemeanor probation caseloads and are considering modifications to supervision policies to respond more directly to probationers' risk of reoffending rather than making a distinction between misdemeanor and felony supervision practices. Although the immediate effect of Prop. 47 on the SB 678 program remains unclear, Judicial Council staff will continue to gather information from the county probation departments on the changes that result from the initiative and the probation departments' responses.

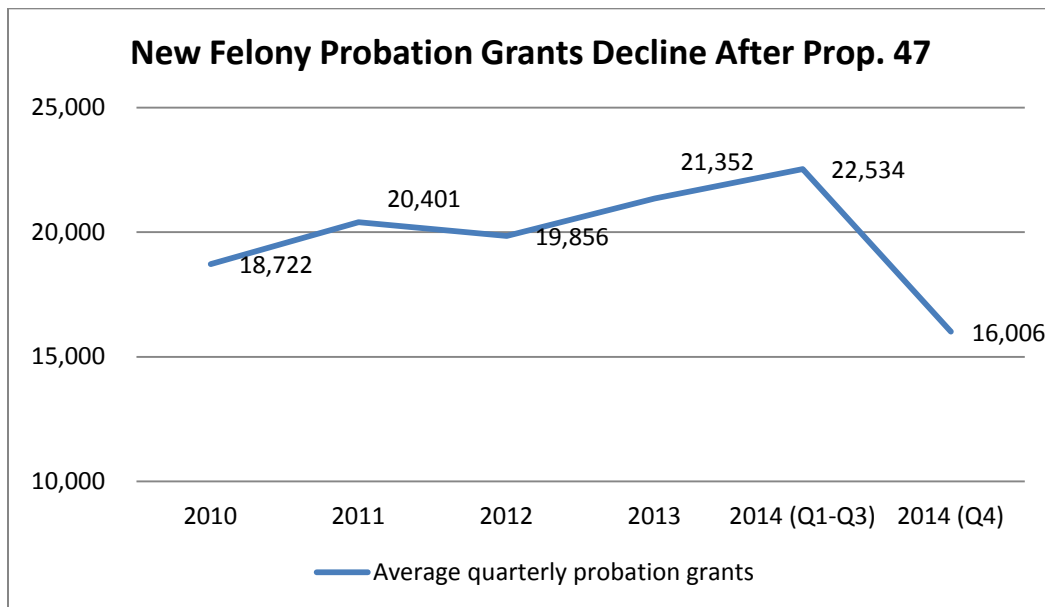


Figure 1. New felony probation grants data reported by probation departments to the Judicial Council.

II. Program Results

The analysis of SB 678's effectiveness is guided by the Legislature's stated intent²⁹ and summarized in three overarching questions:

- A. How did the SB 678 program impact the probation failure rate, and what was the effect on public safety?
- B. Did the state save money due to reductions in probationers sent to state prison, and was a portion of these savings directed to county probation departments to implement evidence-based practices?
- C. Did county probation departments implement evidence-based practices and how did these practices impact probationer outcomes?

A. SB 678 Program Impact on Probation Failure Rate and Public Safety Outcomes

Probation Failure Rate for SB 678 Program: Analysis

The SB 678 program's effectiveness has been measured by comparing each calendar year's probation failure rates (PFR) to a baseline period before the program was implemented (a weighted average of the PFR in 2006, 2007, and 2008).³⁰ While the statewide PFR has varied from year to year, including an increase from 2012 to 2013, in each of the five years since the start of the SB 678 program the state's overall PFR has been lower than the baseline PFR rate of 7.9% (see figure 2).³¹ In 2014, the PFR was 5.6%.

²⁹ "Providing sustainable funding for improved, evidence-based probation supervision practices and capacities will improve public safety outcomes among adult felons who are on probation. Improving felony probation performance, measured by a reduction in felony probationers who are sent to prison because they were revoked on probation or convicted of another crime while on probation, will reduce the number of new admissions to state prison, saving taxpayer dollars and allowing a portion of those state savings to be redirected to probation for investing in community corrections programs." Pen. Code, § 1228(d).

³⁰ The statewide probation failure-to-prison rate was initially calculated as the total number of adult felony probationers sent to prison in the year as a percentage of the average statewide adult felony probation population for that year. (Pen. Code, § 1233.1(b)(1).) In response to California's 2011 Public Safety Realignment Act (discussed in section I.D of this report), section 1233.1(b) was revised by SB 105 (Stats. 2013, ch. 310) to include subsection (b)(2): "The statewide probation failure rate *for the 2012 calendar year* shall be calculated as the total number of adult felony probationers statewide sent to prison, *or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170*, as a percentage of the average statewide adult felony probation population for that year." (Emphasis added.) Section 1233.1(b) was further amended by SB 105, operative July 1, 2014, to place this revised statewide probation failure rate formula in effect each year, beginning with the 2013 calendar year. Similarly, each county's probation failure-to-prison rate was initially calculated as the number of adult felony probationers sent to prison from that county in the previous year as a percentage of the county's average adult felony probation population for that year. (Pen. Code, § 1233.1(c)(1).) In response to California's 2011 Public Safety Realignment Act, section 1233.1(c) was also revised by SB 105 (Stats. 2013, ch. 310) to include subsection (c)(2): "The probation failure rate for each county *for the 2012 calendar year* shall be calculated as the total number of adult felony probationers sent to prison, *or to jail pursuant to paragraph (5) of subdivision (h) of Section 1170*, from that county as a percentage of the county's average adult felony probation population for that year." (Emphasis added.) Section 1233.1(c) was further amended by SB 105, operative July 1, 2014, to place this revised county probation failure rate formula in effect each year, beginning with the 2013 calendar year.

³¹ Probation departments are allowed to revise previously submitted data. As a result of several resubmissions, the 2012 PFR referenced in prior documents may be different from what is reported here.

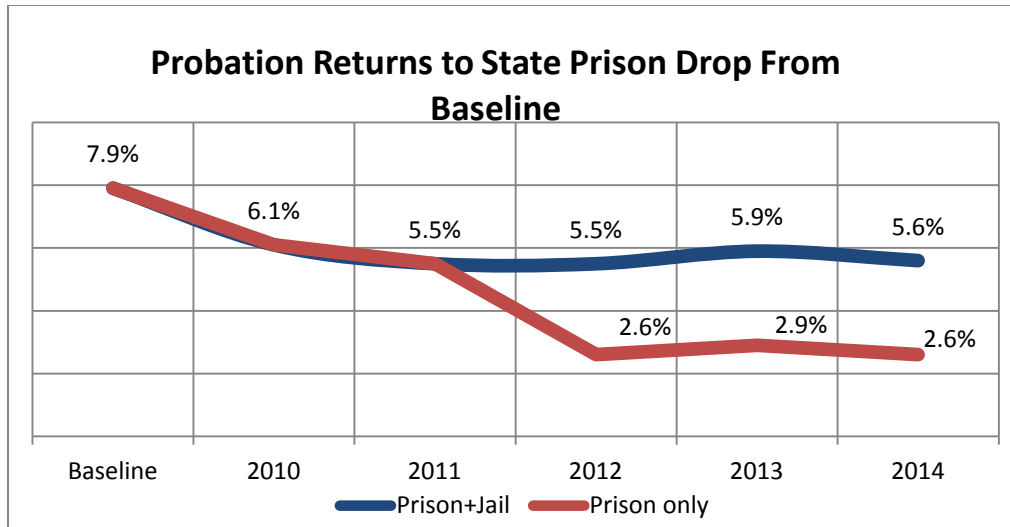


Figure 2. Probation revocation data reported by probation departments to the Judicial Council.

In order to determine whether probation departments statewide have reduced the number of felony probation failures, a calculation involving the baseline PFR was required. First, the baseline PFR of 7.9% was applied to the statewide probation population in each year of the program. This provided an estimate of the number of felony probationers that probation departments would have sent to prison (and to jail, post-realignment) if counties had continued using the same supervision practices as those in place during the baseline period (see figure 3, below). The dark bars in figure 3 show the *projected* number of revocations to state prison (and to county jails, post-realignment); that is, the number of revocations one would expect to see if there had been no change in probation supervision practices. The number of projected revocations (represented by the dark bars) was then compared to the actual number of felony probationers revoked to state prison each year under the SB 678 program (represented by the light bars) and revoked to prison and county jails, post-realignment (represented by the split bars). In each year of the program, the actual number of revoked felony probationers was lower than the projected number of revocations.

As reported by probation departments and indicated in table 1, below, in 2010, the first calendar year of SB 678 implementation, the probation failure rate declined to 6.1%, with 20,044 actual revocations—a reduction in the expected average daily prison population of 6,008 offenders. By 2014, the state’s probation failure rate declined to approximately 5.6% with 6,911 fewer offenders than expected having their probation revoked.³²

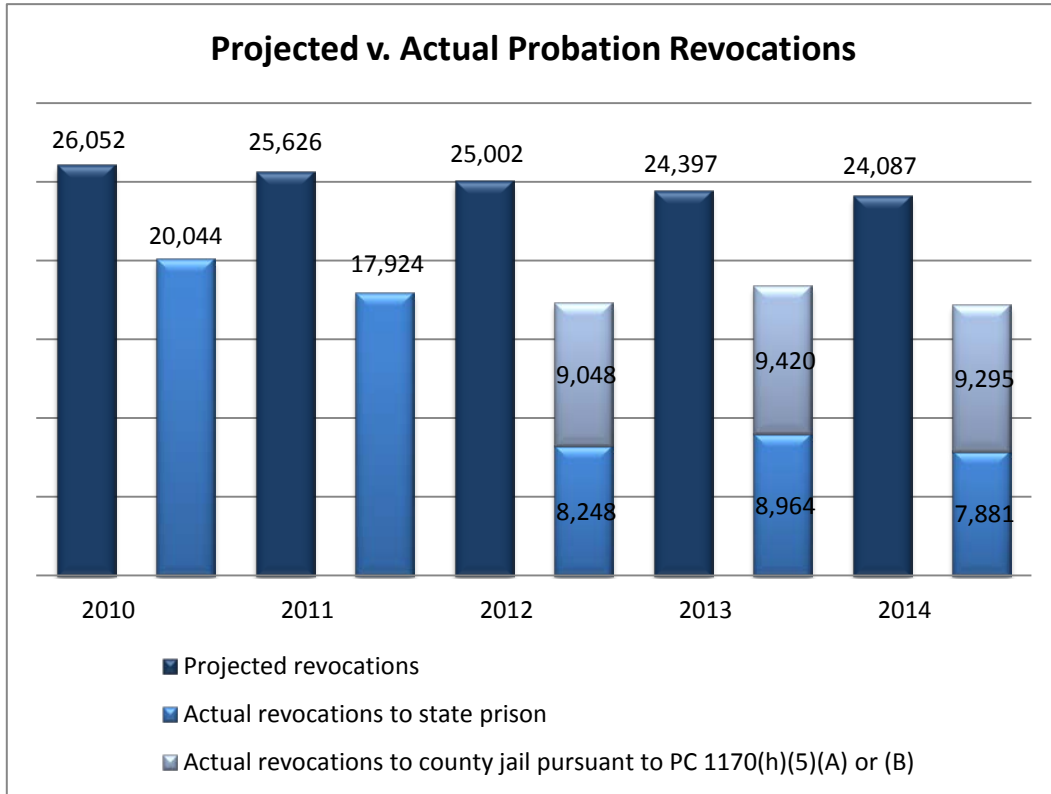


Figure 3. Probation revocation data reported by probation departments to the Judicial Council.

To take the impact of realignment into account, county jail and prison revocations were summed to calculate the total number of felony probation revocations post-realignment. In 2012, probation departments maintained their PFR at 5.5% and revoked approximately 7,706 fewer felony probationers to either state prison or county jail. Of the probationers who were revoked in 2012, 48% were revoked to state prison, 52% to county jail. In 2013, the statewide PFR increased to 5.9%. Even with this rise in the PFR, approximately 6,013 fewer felony probationers were revoked to state prison or county jail as compared to the number of projected revocations. Of those revoked in 2013, 49% were revoked to state prison and 51% to county jail. In 2014 the PFR declined to 5.6%, indicating that approximately 6,911 fewer probationers were revoked than expected in that year. Of those that were revoked approximately 46% were sent to state prison.

³² The estimated reduction in the average daily prison population calculated by the Department of Finance each year is based on the average length of stay in prison, which fluctuates from year to year and may or may not equal 12 months.

Table 1: Felony Probation Revocation Rates: Prison Only and Jail Only			
	2012	2013	2014
Prison Only	2.6%	2.9%	2.6%
Jail Only	2.9%	3.0%	3.0%

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

It is important to note that the size of the adult felony probationer population has declined steadily since the baseline period. This population decline reduces the denominator used to calculate the probation failure rate and may result in higher PFRs even if the actual number of probationers revoked is reduced. For example, although the 2012 *rate* of probation failures is the same as the rate in 2011 (5.5%), the actual number of revocations to prison or jail avoided in 2012 is approximately 3.5% lower. As previously mentioned, it is anticipated that Prop. 47 will further impact the probation population, which may have an effect on the probation failure rate in the future.

Table 2: Summary of Probation Revocations Since Program Inception						
	Baseline	2010	2011	2012	2013	2014
Probation Failure Rate (PFR)	7.9%	6.1%	5.5%	5.5%	5.9%	5.6%
Average daily felony probation population	331,617	329,767	324,382	316,478	308,622	305,515
Expected revocations (based on baseline PFR)	N/A	26,052	25,626	25,002	24,381	24,087
Actual revocations	N/A	20,044	17,924	17,296	18,687	17,176
% revocations sent to prison vs. jail (pursuant to PC 1170(h))	N/A	N/A	N/A	48%	47%	46%
Avoided revocations	N/A	6,008	7,702	7,706	5,694	6,911

Probationer revocation data reported by probation departments to the Judicial Council.

Moving forward, Senate Bill 85 (SB 85, Stats. 2015, Ch. 26) revised the PFR to combine all supervised felony offenders, and returns to prison only, creating a prison return rate rather than the probation failure rate used in previous years. This change in the SB 678 formula to include all population types will make comparisons to previous years invalid. The Judicial Council also began to collect additional data to determine the size of the mandatory supervision and PRCS populations and to assess whether there are differences in probation departments' supervision of these new populations as compared with traditional adult felony probationers.³³ Preliminary data

³³ Pen. Code, § 1231(d)(10-19).

for returns to prison for all supervision types are shown below. Although distinct trends cannot be established, return rates for felony probationers and individuals on mandatory supervision seem to be similar; individuals on postrelease community supervision are returned to prison at a much higher rate. It is unclear as to whether these observed differences may be more attributable to the policies and practices of supervising agencies, other local criminal justice system practices, or offender behavior.

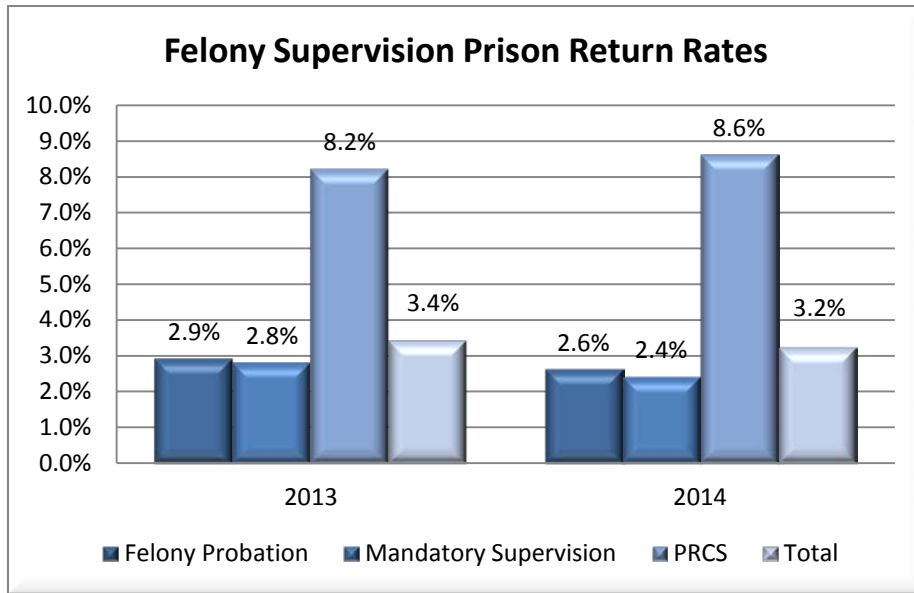


Figure 4. Probationer revocation data reported by probation departments to the Judicial Council.

Crime Rates in California, Realignment, and the SB 678 Program Impact on Public Safety

The sweeping changes to the criminal justice system that resulted from realignment and other recent criminal justice initiatives make it difficult to isolate and measure the SB 678 program’s impact on public safety. Although it is not possible to make a definitive statement about whether and how the program has affected crime, it should be noted that in the five years since SB 678 was implemented crime rates in California have generally continued the downward trend of the past decade. Data from 2013 and preliminary data from the first six months of 2014 indicate that crime rates continue to drop.

After increasing slightly in 2012, California’s crime rates are once again declining. Between 2012 and 2013, California’s violent crime rate decreased 6.5% and the property crime rate decreased by 3.9%.³⁴ The state’s 2013 crime rates remained lower than the rates from the 2008 SB 678 baseline period (21% lower for violent crime; 11% lower for property crime).³⁵

³⁴ California Department of Justice, Division of California Justice Information Services, Bureau of Criminal Information and Analysis Criminal Justice Statistics Center, *Crime in California, 2013*, <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/candd/cd13/cd13.pdf?>

³⁵ *Ibid.*

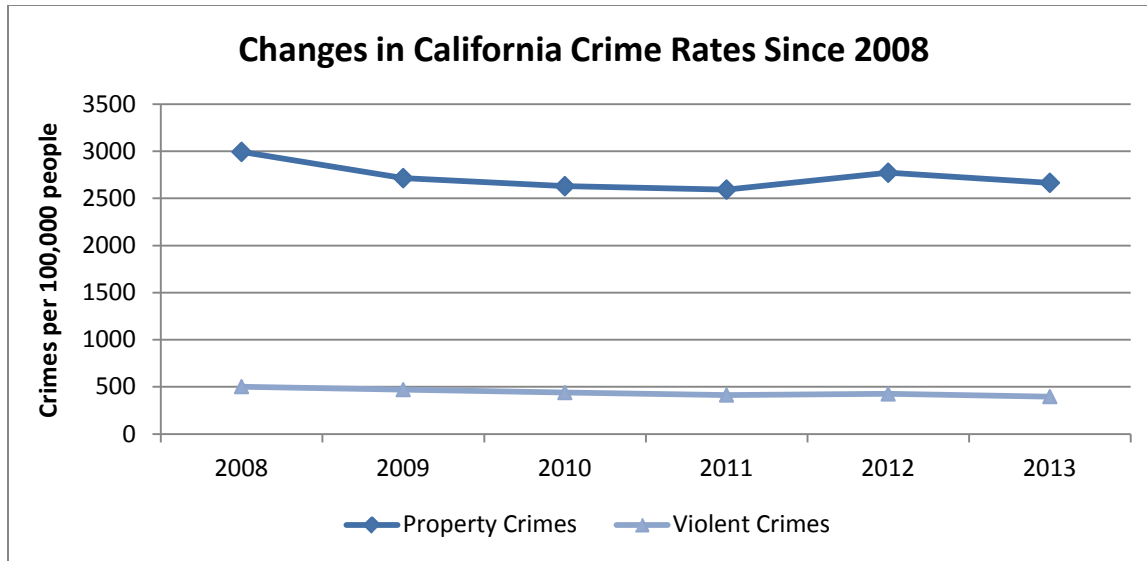


Figure 5. Property and violent crime data from the California Department of Justice, Office of the Attorney General, *Crime in California, 2013* report.

An analysis of preliminary FBI crime data that includes the first six months of 2014 also suggests that the increase in California’s crime rates reported in 2012 is not part of an ongoing trend, and may continue to decline. In the first six months of 2014, the property crime rate decreased from 2013 by approximately 7.2%, and the violent crime rate decreased by 3.1%; see table 3, below.

	Property	Violent
January–June 2012³⁶	2,856	474
January–June 2013³⁷	2,849	448
January–June 2014³⁸	2,644	434
Percent change (2012 to 2014)	-7.4%	-8.4%
*Annualized number based on January–June 2012–2014 data for California cities of 100,000 persons or more (does not include arson).		

³⁶ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2012), retrieved from <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/preliminary-semiannual-uniform-crime-report-january-june-2012>.

³⁷ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2013), retrieved from www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/preliminary-semiannual-uniform-crime-report-january-june-2013/preliminary-semiannual-uniform-crime-report-january-june-2013.

³⁸ Federal Bureau of Investigation, Preliminary Semiannual Uniform Crime Report (January–June 2014), retrieved from www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/preliminary-semiannual-uniform-crime-report-january-june-2014/preliminary-semiannual-uniform-crime-report-january-june-2014.

The Legislature designed the SB 678 program to save state funds and improve the effectiveness of community supervision practices without compromising public safety.³⁹ Although it is not possible to confidently identify the specific impact of the program on crime, these data suggest that public safety has not been compromised as a result of SB 678.

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

State Savings and Allocation to County Probation Departments

The SB 678 program has been effective in saving state General Fund monies. The 23% reduction in felony probation revocations in 2010 resulted in state savings of approximately \$181.4 million in FY 2011–2012. County probation departments received \$88.6 million of these savings to further their implementation of evidence-based supervision practices. In calendar year 2011, the probation departments further reduced the probation failure rate, resulting in state savings of approximately \$284.6 million, of which \$138.3 million was distributed in FY 2012–2013 for local probation departments to reinvest in effective supervision practices.⁴⁰

Prior to FY 2013–2014, SB 678 funding allocations to county probation departments were calculated based on savings to the state resulting from reductions in felony probationer prison commitments. The state shared funds with probation departments for those reductions in the state prison population that could be attributed to the counties' diversion of probationers who would have gone to state prison. As noted in section I.D, under the 2011 public safety realignment, hundreds of felony offenses previously punishable by a term in state prison may now be punished only by the same term in county jail.⁴¹ After realignment went into effect, approximately half of all felony probationers who are revoked or commit new crimes serve their time in county jail instead of state prison.

Given this effect of realignment, beginning in FY 2013–2014 the state adjusted the formula for calculating savings to take into account the incarceration costs for prevented felony probation failures to both prison and jail. The Department of Finance determined that the improvements in 2012's PFR resulted in savings of \$203.2 million, and county probation departments received \$101.0 million as their share of the SB 678 program savings. For 2014–2015, DOF calculated the total 2013 SB 678 program savings as \$250.4 million, with \$124.8 million as the county probation departments' share, an increase of \$23.8 million from FY 2013–2014.

The 2015–2016 State Budget makes significant changes to the SB 678 funding formula for the

³⁹ Pen. Code, §§ 1228(c), 1229(c)(1).

⁴⁰ The probation revocation reductions achieved in a calendar year are used to calculate state savings in the following fiscal year. County payments in FY 2012–2013 represent a portion of the state's cost savings resulting from reductions in felony probation revocations in 2011. The calculation for the payments takes into consideration the number of felony probationers who were not sent to prison in the prior calendar year, as well as the average length of stay avoided.

⁴¹ Pen. Code, § 1170(h).

FY 2015–2016 distribution, including the addition of mandatory supervision and postrelease community supervision populations and a portion of stable funding based on a county’s past success. The changes for the FY 2015–2016 allocations include a new baseline; the revisions to the formula also remove county jail admissions from the formula. The new baseline consists of the 2013 percentage of total state prison admissions, for both technical violations and new offenses for felony probationers and individuals on mandatory supervision and postrelease community supervision. The proposed formula provides \$125.8 million to county probation departments, similar to the allocation in FY 2014–2015.

Probation Departments’ Reported Use of Funds for Evidence-Based Practices and Evaluation

Although not charged with conducting a formal accounting of funds received through the SB 678 program, the Judicial Council incorporates a limited number of funding questions in the Annual Assessment⁴². County probation departments across California reported using SB 678 program funds to implement a variety of evidence-based practices (detailed in table 4, below).⁴³ The Judicial Council uses the probation departments’ self-reported information to provide context for the ways in which resources are allocated within the program.

Probation departments have consistently reported using the majority of their SB 678 funds on the hiring, retention, and training of probation officers to supervise medium- and high-risk probationers. Probation departments also report using a sizable proportion of their SB 678 funds on evidence-based treatment programs and services for probationers. The departments reported spending funds on five major categories of evidence-based treatment programs and services: (1) cognitive behavioral therapy, (2) outpatient substance abuse treatment programs, (3) day reporting centers, (4) vocational training/job readiness programs, and (5) other treatment programs/services. As noted in the table, the use of the funds shift over time in anticipated ways. For example, the need for EBP training in the earlier years diminishes over time as the use of EBP is more fully implemented within probation departments. It should be noted that the spending categories used in the Annual Assessment are not mutually exclusive. For example, funds for support of officers may be used for training or for the improvement of data collection because it is often case-carrying officers that perform these data collection functions.

⁴² The SB 678 Annual Assessment is an annual survey of each probation department to measure their current level of implementation of evidence-based practices (EBP), as well as the programs and practices used or funded during the previous fiscal year. The Annual Assessment is used to satisfy the outcome-based reporting requirements outlined in SB 678 (See Penal Code § 1231(b)). This survey also fulfills the requirement in PC § 1231 (c) that counties provide an annual written report to the Judicial Council. The Annual Assessment has been administered each year beginning FY 2010-2011.

⁴³ Caution is advised when interpreting these results as the reporting categories are not mutually exclusive and the reported proportions are likely representative of the SB 678 funds *spent* on the implementation of EBPs separate and apart from the amount of SB 678 funds *received* in a given fiscal year for EBP implementation. Information on the use of the 5% evaluation funds was asked separately and may overlap with information presented in table 4.

Table 4: Reported Use of Funds for Evidence-Based Practices

Spending Category	Average % Spent FY 2010–2011 (N=50)	Average % Spent FY 2011–2012 (N=48)	Average % Spent FY 2012–2013 (N=48)	Average % Spent FY 2013–2014 (N=50)
Hiring, support, and/or retention of case-carrying officers/supervisors	28%	48%	60%	60%
Evidence-based treatment programs	28%	27%	20%	18%
Improvement of data collection and use	4%	3%	7%	2%
Use of risk and needs assessment	12%	5%	5%	4%
Use/implementation of intermediate sanctions	NA	NA	3	7%
Training for officers/supervisors on EBP	7%	8%	<3%	3%
Other evidence-based practices ^b	10%	3%	3%	5%

^a The following counties provided incomplete or invalid responses to these questions and were excluded from these analyses:
FY 2010–2011 — Colusa, Kings, San Diego, San Luis Obispo, Santa Clara, Sierra, Tehama, Tulare
FY 2011–2012 — Alpine, Amador, Butte, El Dorado, Imperial, Kings, Napa, Plumas, Sierra, Tehama
FY 2012–2013 — Butte, Del Norte, Imperial, Madera, Modoc, San Benito, Santa Clara, Shasta, Sierra, Tulare
FY 2013–2014 — Alpine, Amador, Contra Costa, Del Norte, Lake, Modoc, Nevada, Yolo

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

Annual Assessment data reported by probation departments to the Judicial Council.

C. Reported Implementation of Evidence-Based Practices and Impact on Outcomes

Reported Implementation of Evidence-Based Practices

The SB 678 program was designed to improve the effectiveness of probation departments’ supervision practices through increased use of evidence-based practices, defined in statute as “supervision policies, procedures, programs, and practices demonstrated by scientific research to reduce recidivism among individuals under local supervision.”⁴⁴

The term denotes a wide range of systematic supervision practices that research has demonstrated to be effective in promoting and supporting positive individual behavioral change in people with criminal convictions. The SB 678 program provides support to probation departments in their efforts to implement necessary programmatic and systemic changes, and to improve practices that directly target probationer behavior.⁴⁵ There are five areas of EBPs that the SB 678 program recognizes as critical for improvement. These crucial components include the appropriate and effective use of the practices listed below.

⁴⁴ Pen. Code, § 1229(d).

⁴⁵ *Id.*, § 1230(b)(3)(A–E).

Validated risk and needs assessments

Validated tools for risk and needs assessment are standardized instruments that typically measure both static risk factors (those that do not change, e.g., criminal history) and dynamic risk factors (those that potentially may change). The use of validated risk and needs assessment tools has been substantiated as one of the most valuable components of evidence-based practices for supervision of felony probationers.⁴⁶ The tools can be used to provide caseload information to probation departments, helping officers to identify and focus on higher-risk populations while investing fewer resources (“banking”) in low-risk probationers. Using validated risk and needs assessments to focus resources on higher-risk offenders and to structure caseloads so low-risk offenders are supervised separately from higher-risk offenders has been demonstrated to be effective EBPs.

Evidence-based supervision practices

The relationship between a probation officer and a probationer plays an important role in increasing the probability of an individual’s success on probation. Officers can support probationers’ positive behavior changes by forming appropriate, motivating relationships with those they supervise.⁴⁷ Providing swift, certain, and proportionate responses to probationers’ negative behavior is also an important element in supervision that can increase the likelihood of success on probation.⁴⁸

Treatment and targeted intervention

Research suggests that treatment programs should address the individual offender’s assessed risk and needs, with a primary focus on dynamic risk factors. Cognitive behavioral therapy that addresses probationers’ antisocial thinking patterns has been demonstrated to be an effective technique for high-risk offenders. Research has also confirmed that the effectiveness of treatment programs is increased when the programs are tailored to characteristics such as gender and culture.⁴⁹

Collaboration among justice system partners

Effective implementation of evidence-based supervision practices requires “buy-in” from criminal justice partners. The collaboration of judges, district attorneys, public defenders, sheriffs, service providers, and others facilitates efforts by probation departments to put new procedures and protocols into place. Collaboration enables the entire justice system to

⁴⁶ Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Policy and Practice in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, Oct. 2009).

⁴⁷ M. L. Thigpen, T. J. Beauclear, G. M. Keiser, and M. Guevara, *Motivating Offenders to Change: A Guide for Probation and Parole* (Washington, D.C.: National Institute of Corrections, U.S. Department of Justice, 2007).

⁴⁸ M. A. R. Kleiman and A. Hawken, “Fixing the Parole System—A System Relying on Swift and Certainty of Punishment Rather Than on Severity Would Result in Less Crime and Fewer People in Prison” (2008) 24(4) *Issues in Science and Technology* 45; F. S. Taxman, D. Soule, and A. Gelb, “Graduated Sanctions: Stepping Into Accountable Systems and Offenders” (1999) 79(2) *The Prison Journal* 182–204.

⁴⁹ D. A. Wilson, L. A. Bouffard, and D. L. Mackenzie, “A Quantitative Review of Structured, Group-Oriented, Cognitive-Behavioral Programs for Offenders” (2005) 32(2) *Criminal Justice and Behavior* 172–204.

provide a consistent focus on probationer behavior change and recidivism reduction.⁵⁰

Management and administrative practices

Clear direction, support, and oversight from probation department management are necessary to ensure that officers understand the department's evidence-based practices and protocols and are motivated to work toward full implementation.⁵¹

County probation departments are required to provide an annual report to the Judicial Council evaluating the effectiveness of their programs.⁵² To facilitate this requirement and promote reporting consistency, the Judicial Council created the Annual Assessment. This survey, which was pilot-tested in eight counties, is designed to measure probation departments' self-reported EBP implementation levels in the five categories described above,⁵³ and changes in EBP implementation over time.⁵⁴ The survey is administered at the beginning of each fiscal year and is designed to measure practices of the previous year. Because the survey was developed prior to realignment, it was initially focused solely on the felony probation supervision population. In 2014 probation departments were asked about their use of evidence based practices in supervising all felony populations, including individuals on mandatory supervision and postrelease community supervision.

Findings from the Annual Assessment indicate that the SB 678 program has been highly successful in increasing the levels of EBP implementation throughout the state (see figure 6, above). All components of EBP measured in the survey are substantially higher than they were at baseline; however, improvements may have begun to level off.⁵⁵ As is typical with any project aimed at improving outcomes, it is expected that the most significant advancements occur in the earliest stages of the program and level off over time. The leveling reported in the FY 2013–2014 survey may be due in part to the natural stabilization of practices and policies.

Another factor that might influence the measured level of implementation is the change to include all supervised felony offenders and to measure practices related to the mandatory

⁵⁰ Crime and Justice Institute at Community Resources for Justice, *Implementing Evidence-Based Practices in Community Corrections*, 2nd ed. (Washington, D.C.: National Institute of Corrections, Oct. 2009).

⁵¹ P. Smith, P. Gendreau, and K. Swartz, "Validating the Principles of Effective Intervention: A Systematic Review of the Contributions of Meta-analysis in the Field of Corrections" (2009) 4(2) *Victims & Offenders* 148–169.

⁵² Pen. Code, § 1231(c).

⁵³ The Annual Assessment consists of 51 scaled and non-scaled items. Scaled items are scored on a 4-point scale from 0 to 3, with 3 as a gold standard rating for a given aspect of EBP. Implementation levels for the five EBP categories are calculated by summing a department's responses in a particular category and dividing that sum by the total possible points for that category. Overall EBP implementation levels for each probation department are calculated by taking the average of a department's scores across the five EBP categories.

⁵⁴ Increases in the self-reported levels of EBP implementation may gradually flatten over time given the structure of the Annual Assessment's scoring scheme. It may be challenging for counties to achieve the highest/gold standard rating across multiple items and multiple categories. As a result, increases in the percentage change in EBP implementation in the future may be less than that reported in the current or previous years.

⁵⁵ Overall reported levels of EBPs implementation are calculated by taking the average of a department's scores across the five EBP categories.

supervision and PRCS populations. For example, some probation departments reported that all individuals on PRCS were supervised on high-risk caseloads, regardless of the outcomes of their risk assessments. The FY 2014–2015 assessment will be focused on all locally supervised individuals and will provide more definitive information regarding continued implementation of EBP in probation departments. Statewide levels of EBP implementation are shown in figure 7, below.

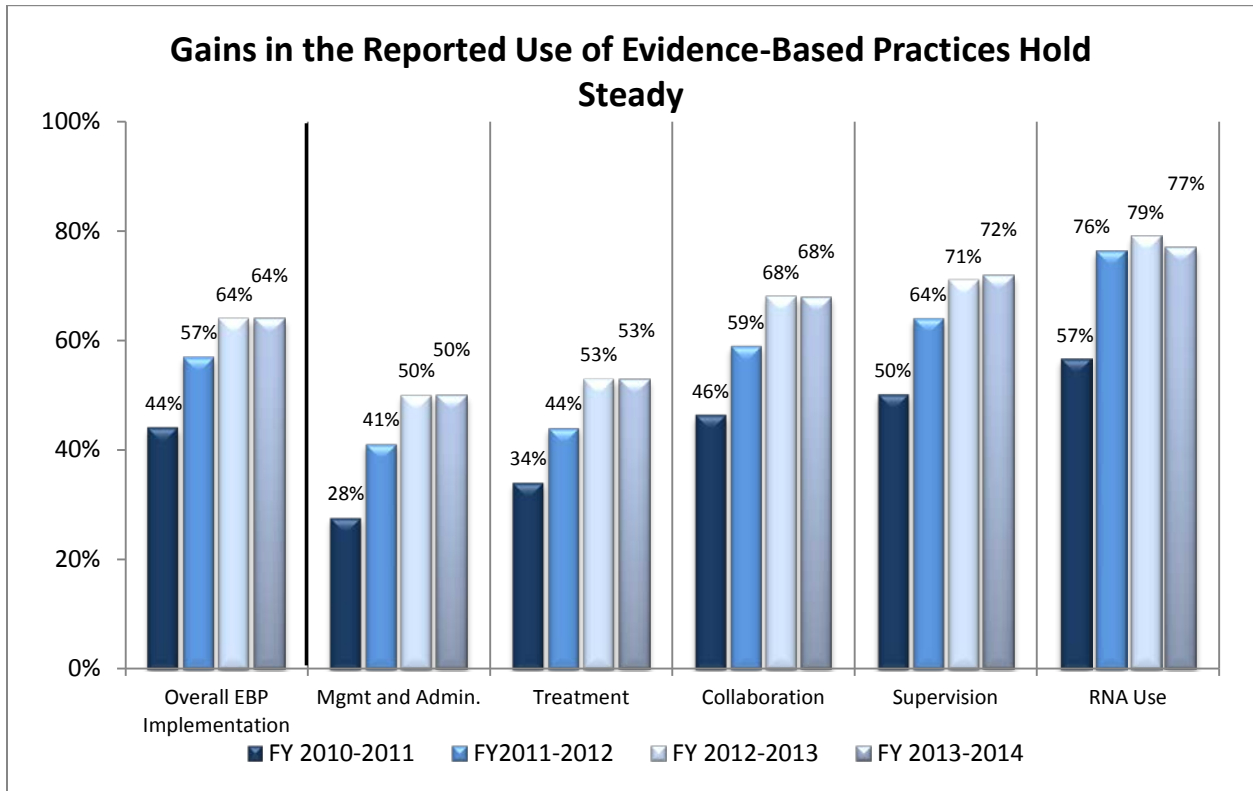


Figure 6. Levels of EBPs implementation reported by probation departments to the Judicial Council.

The effective use of resources to manage and supervise high-risk offenders is a cornerstone of evidence based supervision. Results from the Annual Assessment suggest that probation departments have continued to focus their active supervision caseloads on high-risk offenders in accordance with evidence based practices.

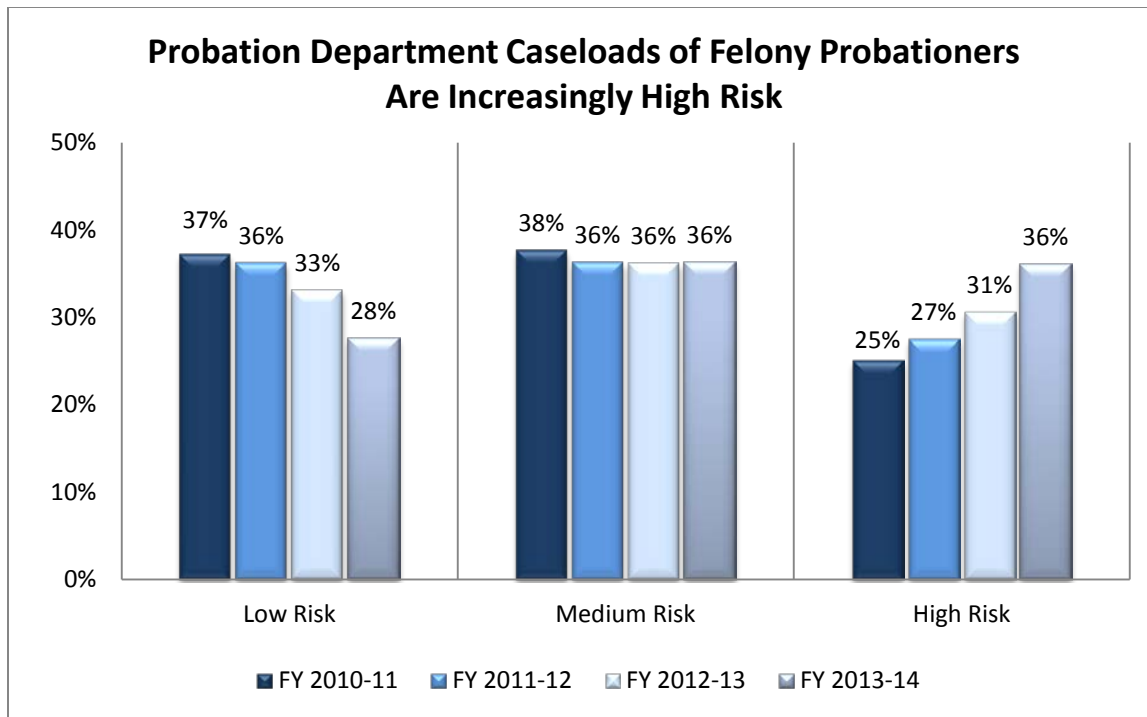


Figure 7. Annual Assessment data reported by probation departments to the Judicial Council.

Statewide data indicate that the reported number of high-risk probationers is increasing as a percentage of the total assessed probation population, and the percentage of low-risk probationers is decreasing. During the past four years of the program, of all probationers assessed, the reported percentage of low-risk probationers decreased from 37% to 28%, while the percentage of high-risk probationers increased from 25% to 36% (see figure 7).⁵⁶ This change in the composition of probation department caseloads to include an increased proportion of high-risk offenders is fully consistent with evidence-based practices that have demonstrated the benefit of investing supervision resources in moderate- and high-risk offenders.

Impact on Outcomes

The SB 678 program has been highly effective in increasing the use of evidence-based practices in probation departments throughout the state and has resulted in substantial reductions in the number of probationers going to state prison. Although the Judicial Council’s Annual Assessment was not designed to measure the relationship between implementation of specific EBPs and particular outcomes, Judicial Council researchers have begun to use data gathered through this survey to investigate the association between particular EBPs and improved outcomes for probationers.

The relatively small sample size ($n=58$ probation departments) and the substantial variation in

⁵⁶ Figure 7 includes only counties that assessed more than 75% of their probation population in each fiscal year ($n=31$).

the range of PFRs⁵⁷ resulted in few statistically significant findings. Based upon data reported for FY 2013–2014, the following practices were found to be most strongly associated with reductions in departments’ probation failure rates.⁵⁸

- Regular sharing of data and outcome measures with justice partners;
- Linking departmental performance guidelines and practices to EBP skills;
- Department/supervisor support for EBPs through ongoing monitoring and feedback to officers;
- Training probation officers on how to use a validated risk/needs assessment (RNA);
- Creating supervision plans based on results from the needs portion of a validated RNA, and involving the offender in the creation of the supervision plan;
- Clearly articulating sanctions and incentives to probationers;
- Training probation officers to use responses to behavior that include information based on probationer risks and needs level, with regular supervisor review and feedback
- Training staff to ensure that responses to offender behavior are proportionate to that behavior;
- Developing officers’ intrinsic motivational skills such as the use of motivational interviewing; and
- Placing felony offenders assessed as medium/high risk in smaller (< 75) caseloads.

Counties reporting a higher degree of collaboration with their justice partners tended to be less likely to show an increase in probation failure rates.

Lower PFRs were associated with cooperation between probation and the courts to establish swift and certain responses to probationer behaviors.

Additional research with individual, probationer-level data should be conducted to more thoroughly investigate the strength and interaction of these relationships and to provide a clearer picture of the effects of changing caseload composition.

⁵⁷ The large variation in probation failure rates is driven in part by small counties that, because of the limited number of probationers, may experience significant fluctuations in their PFR due to the outcomes of just one or two probationers. Small counties are disproportionally represented in both negative and positive changes to PFRs.

⁵⁸ Each item from the Annual Assessment was analyzed using Pearson product-moment correlation matrices for covariance with 2013 PFR, change in PFR from baseline to 2014, change from 2010 to 2014, and change from 2013 to 2014.

III. Recommendations for the SB 678 Program

Penal Code section 1232(e) requires the Judicial Council to report on the effectiveness of the SB 678 program and provide recommendations for resource allocation and additional collaboration to improve the program. As described above, the SB 678 program has generally achieved its primary objectives. Statewide, county probation departments have significantly reduced the number of adult felony probationers who are returned to state prison and have expanded the use of EBPs. Crime data reported by the Department of Justice and FBI during this time period further suggest that public safety has not been compromised during the period under review. The Judicial Council recommends, therefore, that the Legislature preserve the cornerstone of the SB 678 program—performance-incentive funding coupled with the use of EBPs. In addition, in order to measure the effectiveness of the program and develop recommendations for appropriate resource allocation, the requirements for county probation departments to report on the implementation of EBPs and provide other related data should be maintained. To further enhance and understand the effectiveness of SB 678, we make the following recommendations:

Study Individual Offender Recidivism

The Legislature should consider requiring a rigorous study of crime committed by felony probationers as insufficient research using *individual-level* data to study offender recidivism has been conducted. Although overall crime rates have declined since the inception of the SB 678 program, the reduction does not necessarily indicate a decline in crime rates by the felony probationers who are the focus of the program. It is possible that probation department efforts related to the implementation of EBP reduced felony probationer recidivism, but it is also possible that the reduction in crime rates resulted from factors unrelated to the SB 678 program. Starting in 2011, the SB 678 program began to collect *aggregate* data on crimes committed by felony probationers. There are limitations on conducting analyses with aggregate data, however, and the quality of the crime commission data provided by probation departments has been inconsistent. Thus, to fully understand the effectiveness of the SB 678 program and its impact on crime rates, a more robust study of crime committed by felony probationers that includes individual-level data is needed.

Study Impact of Prop. 47 on Probation Department Practices and the SB 678 Program

As outlined earlier, Prop. 47 has resulted in a reduced felony probation population because of fewer felony probation grants and the resentencing of felony cases to misdemeanors. The Legislature should consider requiring a study of the impact of Prop. 47 on probation departments, particularly changes in caseload and possible changes in practices and policies as a result of shifting caseloads. The impact of Prop. 47 on prison return rates and implementation and use of evidence-based practices should also be explored.

Continued Emphasis on Implementing Evidence-Based Practices

Although all components of EBPs measured in the survey are substantially higher than they were

at baseline, improvements have begun to level off. To improve the effectiveness of the program, probation departments should enhance the use of EBPs in specific areas, including (1) providing additional staff training on the overall effectiveness of specific aspects of EBPs, such as the use of proportionate rewards and sanctions; (2) using contracts to require and verify that existing treatment and other programs qualify as EBPs, including those that the counties require their probation departments to use for treatment of local offenders; and (3) continuing to evaluate the program as is required by statute. As stated earlier, while the SB 678 formula is revised to reflect changes post-realignment, it is imperative that probation departments receive adequate incentive funding to be able to continue to make improvements in their EBP implementation.

Encourage Counties to Implement Local Performance-Incentive Funding

Given the effectiveness of the SB 678 program, the state should encourage counties to implement local performance-incentive funding programs. Just as SB 678 directly impacted the state prison population, a local performance-incentive program could reduce the number of offenders who serve time in county jail. The state has an interest in promoting effective supervision at the local level because local incarceration costs are also significant. The state could encourage counties to develop these local programs through matching funds or by requiring that specified realignment funds be provided to county probation departments to reduce the number of supervised offenders who are revoked to county jail.

Conclusion

The California Community Corrections Performance Incentives Act (SB 678) is an effective program that appears to be operating as the Legislature intended when it created this incentive program for county probation departments. The SB 678 program was designed to alleviate state prison overcrowding and save state General Fund monies by reducing the number of adult felony probationers sent to state prison for committing a new crime or violating the terms of county-supervised probation. With adequate resources, probation departments will be able to continue using evidence-based practices developed through the SB 678 program to save state funds by reducing the number of felony probationers and offenders on PRCS and mandatory supervision revoked to prison. With secure funding for the future, the program has the potential to continue to lower or maintain low prison return rates without a reduction in public safety.

Appendix A

Probation Failure Rate by County^a						
	Baseline (2006–2008)	2010	2011^b	2012^c	2013^d	2014^e
Statewide	7.9%	6.1%	5.5%	5.5%	5.9%	5.6%
Alameda	6.0%	5.5%	4.4%	4.9%	5.1%	5.8%
Alpine	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Amador	4.6%	9.0%	5.3%	6.6%	7.7%	5.9%
Butte	16.7%	15.9%	12.3%	16.1%	17.3%	17.5%
Calaveras	11.3%	4.7%	6.4%	4.0%	4.7%	7.5%
Colusa	12.3%	10.1%	2.0%	8.5%	11.6%	9.9%
Contra Costa	1.1%	0.6%	0.6%	2.0%	2.5%	2.7%
Del Norte	13.8%	6.4%	3.2%	9.7%	14.3%	9.5%
El Dorado	5.7%	4.1%	3.9%	5.7%	4.9%	3.6%
Fresno	10.6%	6.8%	7.1%	7.4%	7.3%	6.9%
Glenn	3.6%	1.9%	0.7%	3.1%	4.2%	6.8%
Humboldt	9.2%	7.7%	5.4%	7.8%	9.3%	8.5%
Imperial	4.8%	5.0%	6.2%	4.5%	12.2%	38.6%
Inyo	5.1%	4.5%	3.9%	3.2%	4.5%	7.6%
Kern	7.0%	7.4%	5.0%	5.2%	5.1%	3.4%
Kings	13.8%	6.3%	6.9%	6.0%*	12.0%	8.6%
Lake	9.2%	5.0%	2.8%	6.5%	8.2%	8.7%
Lassen	8.8%	2.1%	8.2%	26.0%	26.2%	11.0%
Los Angeles	8.7%	6.2%	4.9%	5.0%	5.3%	4.0%
Madera	6.2%	2.5%	3.3%	2.9%	3.8%	3.1%
Marin	2.6%	2.7%	0.8%	2.5%	4.5%	5.0%
Mariposa	7.5%	7.7%	2.7%	4.4%	2.6%	2.7%
Mendocino	2.7%	2.0%	1.7%	4.8%	6.4%	9.1%
Merced	4.5%	4.1%	3.0%	2.5%	1.4%	1.6%

Probation Failure Rate by County^a						
	Baseline (2006–2008)	2010	2011^b	2012^c	2013^d	2014^e
Modoc	2.2%	1.1%	7.0%	10.3%	19.2%	1.4%
Mono	5.3%	1.7%	1.7%	0.0%	4.0%	2.5%
Monterey	8.1%	8.7%	7.8%	7.7%	8.4%	7.9%
Napa	3.4%	2.6%	3.6%	4.1%	3.5%	2.6%
Nevada	1.8%	0.9%	2.3%	1.7%	2.3%	2.7%
Orange	6.1%	4.2%	4.7%	4.4%	4.7%	5.7%
Placer	6.0%	5.2%	4.2%	3.2%	4.5%	4.3%
Plumas	17.5%	6.7%	6.7%	4.3%	4.3%	0.7%
Riverside	6.5%	3.9%	4.1%	4.3%	5.7%	6.5%
Sacramento	14.9%	10.6%	9.5%	5.6%	7.7%	8.5%
San Benito	7.2%	10.1%	9.3%	5.3%	5.7%	5.0%
San Bernardino	11.1%	9.8%	10.4%	8.6%	5.0%	1.9%
San Diego	8.2%	7.2%	7.0%	8.3%	10.6%	11.3%
San Francisco	4.4%	3.4%	2.9%	3.4%	2.6%	2.6%
San Joaquin	5.6%	4.5%	3.0%	2.8%	3.0%	3.1%
San Luis Obispo	3.5%	3.9%	2.8%	5.3%*	9.4%	8.2%
San Mateo	7.9%	5.4%	5.5%	7.2%*	10.0%	7.8%
Santa Barbara	5.8%	4.3%	4.6%	3.1%	3.2%	2.8%
Santa Clara	7.4%	7.0%	7.7%	6.6%	6.5%	6.5%
Santa Cruz	2.2%	2.7%	2.0%	2.2%	2.5%	2.5%
Shasta	14.6%	13.4%	9.5%	6.9%	8.9%	6.7%
Sierra	0.0%	3.0%	20.3%	17.4%*	12.5%	7.8%
Siskiyou	5.6%	4.5%	1.4%	1.9%	2.5%	5.8%
Solano	8.7%	7.8%	8.0%	8.7%	5.9%	8.4%
Sonoma	5.7%	6.4%	5.6%	4.6%	4.9%	5.0%
Stanislaus	6.3%	6.1%	4.9%	5.1%	8.0%	6.7%

Probation Failure Rate by County^a						
	Baseline (2006–2008)	2010	2011^b	2012^c	2013^d	2014^e
Sutter	19.3%	15.0%	11.8%	7.1%	9.8%	8.0%
Tehama	10.9%	4.1%	7.4%	22.3%	8.5%	19.1%
Trinity	6.2%	0.0%	0.8%	2.1%	1.8%	1.0%
Tulare	6.0%	4.6%	3.8%	5.0%	4.6%	4.7%
Tuolumne	4.4%	1.4%	2.7%	2.6%	3.3%	4.3%
Ventura	6.0%	4.3%	5.2%	5.4%	11.8%	15.8%
Yolo	8.0%	4.7%	4.8%	4.1%	3.3%	4.2%
Yuba	10.4%	10.0%	10.3%	10.3%	8.0%	6.5%

^a County has missing data for one or more quarters of the year. A proxy measure was used to establish their PFR.

^a Counties with smaller probation populations will be more reactive to small changes in the actual number of revocations. For example, in a county with 1,000 probationers an increase of 5 revocations would increase their PFR slightly, from 5% to 5.5%, while in a county with only 100 probationers an increase of 5 revocations would *double* their PFR, from 5% to 10%.

^b To account for the impact of realignment, the 4th quarter revocations for 2011 were estimated using the average of quarters 1–3.

^c The 2012 PFR is calculated using the reported revocations to state prisons and county jails. Please note that probation departments are allowed to go back and revise previously submitted data. As a result of several resubmissions the 2012 PFR referenced in prior documents may be different than what is reported here.

^d The 2013 PFR is calculated using the reported revocations to state prisons and county jails.

^e To more easily allow for comparisons with past years, the 2014 PFR is calculated using the reported revocations to state prisons and county jails.

Appendix B

Performance Outcome Measures for the SB 678 Program (Pen. Code, §§ 1231 and 1232) ^a					
	2010	2011	2012	2013	2014
% individuals on local supervision supervised with EBPs ^b (1231(b)(1))	Data unavailable	37.3%	47.2%	64.7%	Data unavailable
% state moneys spent on evidence-based programs ^c (1231(b)(2))	88.1%	93.7%	100%	Data unavailable	Data unavailable
Probation supervision policies, procedures, programs, or practices that have been eliminated ^d (1231(b)(3))	<p>Replacement of a risk and needs assessment tool. No longer using a “one size fits all” supervision approach. Now using risk level to determine supervision approach. No longer organizing caseloads by offense type or subjective criteria. No longer actively supervising low-risk probationers. Now banking low-risk probationers. Elimination of “zero tolerance” violation policies. Now using graduated sanctions to respond to violations.</p>				
Total probation completions (1231(b)(4))	Data unavailable	Data unavailable	82,544	85,254	70,693
Unsuccessful completions (1231(b)(4))	Data unavailable	Data unavailable	17,684	19,612	18,598
Felony filings ^e (1231(d)(1))	248,424	241,117	243,320	260,461	Data unavailable
Felony convictions (1231(d)(2))	163,998	158,396 ^f	158,252 ^g	167,950 ^h	Data unavailable
Felony prison admissions ⁱ (1231(d)(3))	58,737	50,678	33,990	37,367	Data unavailable
New felony probation grants (1231(d)(4))	75,095	81,892	79,711	85,863 ^j	83,608
Adult felony probation population (1231(d)(5))	329,767	324,382	316,478	309,442	305,483
Total prison revocations	20,044	17,924	8,252	8,834	7,881
Prison revocations for new felony offense (1231(d)(6) & 1231(d)(7))	7,533	6,896	4,133	4,632	3,884
Total jail revocations	----	----	9,048	9,853	9,295
Jail revocations for new felony offense (1231(d)(8) & 1231(d)(9))	----	----	2,691	3,002	2,973
Total revocations ^k	20,044	17,924	17,296	18,687	17,176
% felony probationers convicted of a crime ^l (1232(c))	Data unavailable	Data unavailable	10.8%	11.8%	10.6%
% felony probationers convicted of a felony ^m (1232(c))	Data unavailable	Data unavailable	5.7%	7.3%	7.4%

^a Except where indicated, all data reported by 57 probation departments to the Judicial Council.

^b The data reported for fiscal years 2010–2011 and 2011–2012 include felony probationers only. For fiscal years 2012–2013 and 2013–2104, this figure includes MS and PRCS.

^c Data are reported for fiscal years 2010–2011, 2011–2012, and 2012–2013. FY 2010–2011 and FY 2011–2012 totals reflect the proportion of the total allocation. The totals for fiscal years 2012–2013 and 2013–2014 reflect the total of funds *spent*. (See table 4.)

^d Probation departments were asked to list supervision policies, procedures, programs, and practices that were eliminated since the effective date of SB 678. Twenty-seven probation departments submitted data for this question. The information provided here is a summary of the open-ended responses.

^e These data were taken for the *2014 Court Statistics Report*: www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf. Data are reported for fiscal years 2009–2010, 2010–2011, 2011–2012 and 2012–2013. Data for fiscal year 2013–2014 are not yet available.

^f These data were taken from the *2012 Court Statistics Report*: www.courts.ca.gov/documents/2012-Court-Statistics-Report.pdf. Data are reported for fiscal years 2009–2010 and 2010–2011.

^g These data were taken from the *2013 Court Statistics Report*: www.courts.ca.gov/documents/2013-Court-Statistics-Report.pdf. Data are reported for fiscal year 2011–2012. Data for fiscal year 2012–2013 are not yet available.

^h These data were taken for the *2014 Court Statistics Report*: www.courts.ca.gov/documents/2014-Court-Statistics-Report.pdf. Data are reported for fiscal year 2012–2013. Data for fiscal year 2013–2014 are not yet available.

ⁱ These data are taken from the California Department of Corrections and Rehabilitation's report *Characteristics of Felon New Admissions and Parole Violators Returned With a New Term, Calendar Year 2012*:

www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/ACHAR1/ACHAR1d2013.pdf.

^j This figure represents data from 56 probation departments.

^k For 2012 and 2013, this figure is a sum of total revocations to both prison and county jail.

^l This figure represents probation departments able to report complete data for the year. In 2012, this includes 49 departments; in 2013 this includes 51 departments.

^m This figure represents probation departments able to report complete data for the year. In 2012, this includes 49 departments; in 2013 this includes 52 departments.

Appendix C

SB 678: Revised SB Funding Methodology, FY 2015–2016

Background

SB 678, the California Community Corrections Performance Incentives Act of 2009, established a system of performance-based funding that shares state General Fund savings with county probation departments that reduce their probation failure rate (PFR), originally defined in statute as the number of adult felony probationers who are revoked to state prison in a year as a percentage of the average probation population during the same period. At the center of SB 678 is the use of evidence-based practices to improve public safety and incentive based funding.

Since its passage, the State of California has adopted significant changes in criminal justice policies that directly impacted SB 678—most notably the 2011 Public Safety Realignment, which reduced the number of probationers eligible for revocation to state prison and created two new groups of offenders subject to local supervision. In order to maintain effective incentives and account for the significant changes in criminal justice policy, SB 85, adopted as a trailer bill to the 2015–2016 State Budget, revises the SB 678 funding formula and creates a funding methodology that should serve as a long-term formula. Prior to the adoption of SB 85, the state adopted temporary measures.

Revised Funding Methodology

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

Funding Component #1: Comparison of county to statewide return to prison rates

The first funding component measures each county's performance against statewide failure rates. Each county's return to prison rate (RPR), which equals the number of individuals on felony probation, mandatory supervision, and PRCS sent to prison as a percentage of the total supervised population, is compared to statewide RPRs since the original SB 678 baseline period (2006–2008).

If a county's RPR is less than or equal to the original statewide baseline of 7.9%, the county will receive a percentage of its highest SB 678 payment from the period between program inception and FY 2014–2015. Depending on how a county's RPR compares to statewide RPRs, a county can receive between 40 and 100% of its highest payment. The statewide RPRs and percentages of savings are defined as follows:

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

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

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

Funding Component #2: Comparison of each county’s return to prison rate and its failure rate in the previous year

The second funding component is based upon how each county performs in comparison to the previous year. Each year a county’s RPR from the previous year is applied to its current year’s felony supervised populations to calculate the *expected* number of prison revocations. If a county sends fewer individuals on felony supervision to prison than the expected number, the county will receive 35 percent of the state’s costs to incarcerate an individual in a contract bed* multiplied by the number of *avoided* prison stays. The number of avoided prison revocations are calculated separately for each felony supervised population (i.e. felony probation, mandatory supervision, PRCS).

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

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

Funding Component #3: \$200,000 minimum payment

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

* A “Contract bed” is defined as: “The cost to incarcerate in a contract facility and supervise on parole an offender who fails local supervision and is sent to prison.” (Pen. Code, § 1233.1(a).)



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Kansas Criminal Justice Coordinating Council

State Profile

The Kansas Criminal Justice Coordinating Council was created by the Legislature in 1994. One of the duties of the Council is to develop and oversee reporting of all federal criminal justice funding available to the state or local units of government including the designation and functions of administering the U.S. Bureau of Justice Assistance grant programs. The council staffs a number of high level working bodies including but not limited to: the Governor’s Domestic Violence Fatality Review Board, the Enhanced 911 Advisory Board, and the Local Government Advisory Group.

Coordinating Council Composition: The members of the Council are statutorily appointed and consist of the Governor or a designee, the Chief Justice of the Supreme Court or a designee, the Attorney General or a designee, the Secretary of Corrections, the Superintendent of the Highway Patrol, the Commissioner of Juvenile Justice Authority

and the Director of the Kansas Bureau of Investigation.

SAA Location: Freestanding State Agency

FY14 Federal Grants Received/ Administered:

- Edward Byrne Memorial Justice Assistance Grant (Byrne JAG)
- Paul Coverdell Forensic Science Improvement (Coverdell)
- Residential Substance Abuse Treatment for State Prisoners (RSAT)
- Bulletproof Vest Partnership (BVP)
- Sexual Assault Services Program (SASP)
- STOP Violence Against Women (VAWA)
- Victims of Crime Act Victim’s Assistance/ Compensation (VOCA)
- State Justice Statistics Program

TOTAL FEDERAL ASSISTANCE

Total FY13 Bureau of Justice Assistance (BJA) /National Institute of Justice (NIJ) / Office for Victims of Crime (OVC) /Office of Juvenile Justice and Delinquency Prevention (OJJDP)/ Bureau of Justice Statistics (BJS) support for Kansas: \$11,227,990

Select DOJ Support for KS Justice Systems

	FY10	FY11	FY12	FY13	4 Year Totals
Byrne JAG (State)	\$ 3,192,378	\$ 2,604,873	\$ 2,105,071	\$ 2,018,167	\$9,920,489
VOCA- Victim Assistance	\$ 3,985,503	\$ 4,156,539	\$ 3,706,506	\$ 4,113,100	\$15,961,648
VOCA- Victim Compensation	\$ 1,488,000	\$ 2,061,000	\$ 1,119,000	\$ 551,000	\$5,219,000
RSAT	\$ 248,520	\$ 204,196	\$ 77,734	\$ 99,810	\$630,260
Paul Coverdell	\$ 207,946	\$ 173,692	\$ 65,710	\$ 60,063	\$507,411
OJJDP - Title II	\$ 600,000	\$ 600,000	\$ 400,000	\$ 405,378	\$2,005,378
OJJDP- JABG	\$ 546,100	\$ 428,119	\$ 262,976	\$ 201,850	\$1,439,045
NIJ- DNA Backlog	\$ 386,672	\$ 604,552	\$ 247,374	\$ 100,000	\$1,338,598
VAWA - STOP	\$ 1,520,905	\$ 1,530,536	\$ 1,513,746	\$ 1,451,851	\$6,017,038
VAWA - SASP	\$ 168,750	\$ 168,656	\$ 256,305	\$ 262,527	\$856,238
Total	\$12,344,774	\$12,532,163	\$ 9,754,422	\$9,263,746	\$43,895,105

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Guidelines for
Developing a
Criminal Justice
Coordinating Committee

U.S. Department of Justice
National Institute of Corrections
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Guidelines for Developing a Criminal Justice Coordinating Committee

Robert C. Cushman

January 2002

NIC Accession Number 017232

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Foreword

This document provides guidelines for establishing a local criminal justice coordinating committee (CJCC). It describes CJCCs and provides specific guidance for their development and operation.

The guide will help appointed and elected officials of general government and executives of local justice systems from jurisdictions of all sizes create or strengthen local CJCCs. It should be of particular interest to citizens and public officials who sense that more collaborative, better coordinated decisionmaking processes can improve the local criminal justice system significantly.

During a strategic planning process of the National Institute of Corrections (NIC) Jails Division, staff noted that many of the consultants conducting site visits to local jurisdictions were recommending that those jurisdictions strengthen their local planning, analysis, and coordinating capabilities. In many cases, the consultants were recommending the formation of a broad-based

CJCC. This was particularly true of NIC-sponsored technical assistance designed to help communities cope with jail crowding. NIC has found, in many cases, that what a community was treating as solely a “jail problem” was, instead, a systemwide condition requiring an intergovernmental and interagency response.

We hope this guide will assist others who wish to improve communication, cooperation, and coordination in their local criminal justice system. We invite all criminal justice practitioners involved in this work to contact the NIC Jails Division for additional assistance if needed. Contact information for the Jails Division and other CJCC resources is provided in appendix C of this guide.

Morris L. Thigpen

Director

National Institute of Corrections

Preface and Acknowledgments

This guide was developed to assist the communities being served by NIC technical assistance programs and the NIC consultants providing technical assistance. It lays the groundwork for understanding the relationship between a CJCC's operations and its impact on jail crowding and for many other system improvements.

Many people and organizations contributed ideas and materials to this guide. It is impossible to thank them all individually. The CJCCs mentioned in this guide are listed in an appendix; each contributed in some way. In addition, many other colleagues, staff members, and CJCC members have contributed ideas found in these pages.

Richard Geather, a correctional program specialist at the NIC Jails Division, has served as an initiator, supporter, and adviser of this work; he also has served as NIC monitor.

I want to thank Patricia Carrillo for production support. Also, I am indebted to Katie Ryan for her editorial assistance and to Karen Swetlow of Aspen Systems Corporation, who edited the final version of this guide and coordinated its production.

Robert C. Cushman
November 2001

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Executive Summary

This guide will be useful to anyone who wishes to establish or strengthen a criminal justice coordinating committee (CJCC) or learn how a CJCC can alleviate jail crowding and accomplish other system improvements. “Criminal justice coordinating committee” is an inclusive term applied to informal and formal committees that provide a forum where many key justice system agency officials and other officials of general government may discuss justice system issues.

This guide offers advice on how CJCCs can be initiated within local governments, describes the range of planning and coordinating activities that might be undertaken, describes alternative organizational forms for CJCCs, presents guidelines for operating a CJCC, and describes the benefits local governments can expect to derive from these activities.

CJCCs: The Need

Administration of the justice system is primarily a responsibility of local governments. In many cities and counties, a sentiment is expressed that the system of criminal justice should, and could, work better. Scarce local resources could be allocated more efficiently if city and county law enforcement activities, court practices, and corrections programs were planned and conducted in a coordinated fashion.

This sentiment is especially acute in jurisdictions where jail crowding is a severe or chronic problem. This guide provides an answer to those who ask: Could improved planning and coordination reverse crowding in correctional institutions and work overload in other justice agencies? Could a systemwide, interagency, and intergovernmental CJCC help in this area?

CJCCs: The Advantages

The work of CJCCs can produce many benefits, including better understanding of crime and criminal justice problems, greater cooperation among agencies and units of local government, clearer objectives and priorities, more effective resource allocation, and better quality criminal justice programs and personnel. Taken together, these results can increase public confidence in and support for criminal justice processes, enhancing system performance and, ultimately, the integrity of the law.

Improved planning and coordination help individual justice agencies become more efficient, productive, and effective. Such improvements also help officials of general government—such as the city mayor, board of supervisors, and county commissioners—evaluate and make decisions about the justice system and its cost and performance. Many local governments also are finding that comprehensive systemwide planning (interagency and cross-jurisdictional) helps to streamline the entire local system of justice, eliminating duplication, filling service gaps, and generally improving the quality of service while controlling costs.

The major benefits of local justice planning are shown in the following exhibit, which illustrates the relationships between major planning activities and lists goals and objectives that could be adopted by any CJCC.

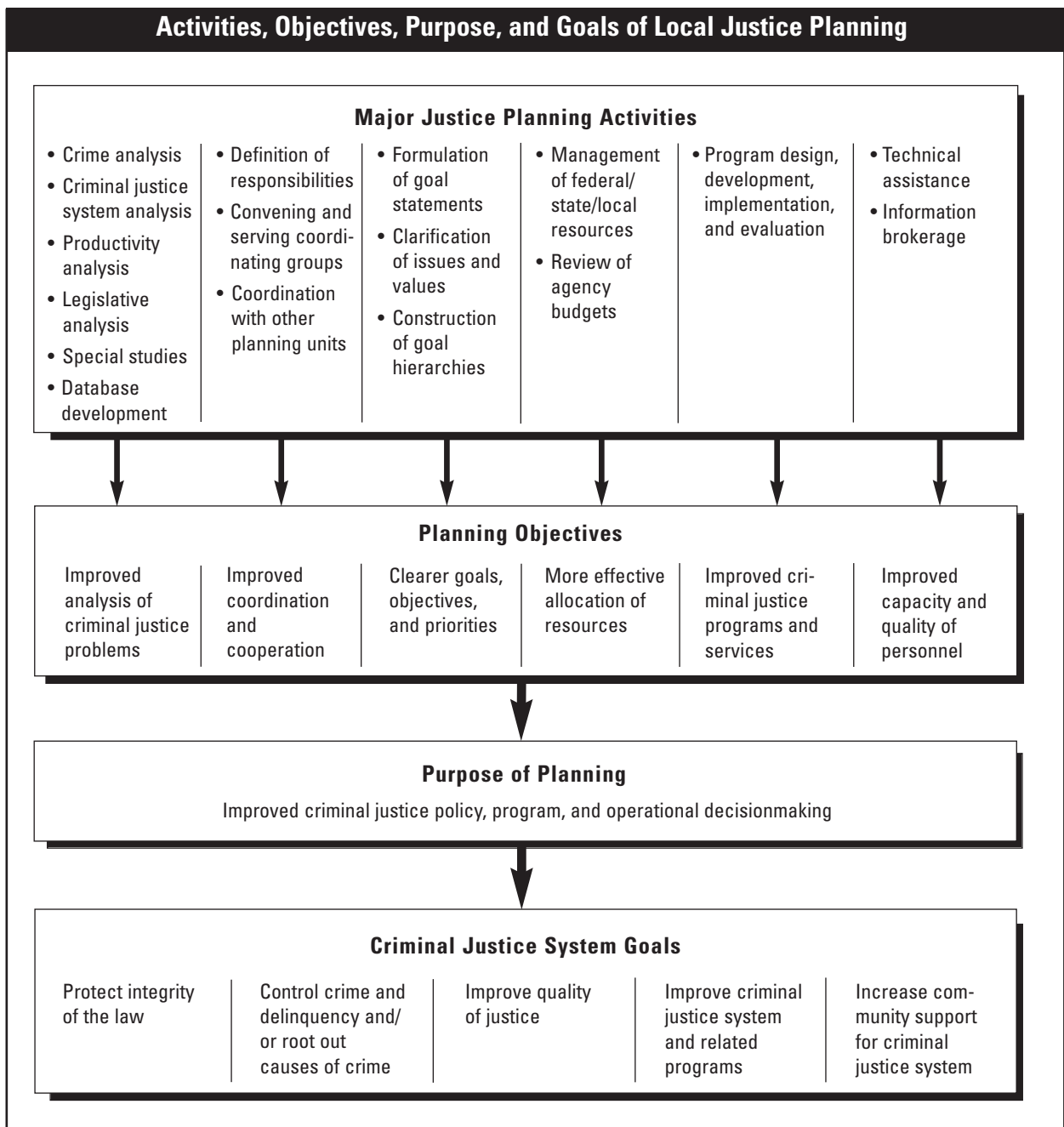
Guide Overview

Section 1 of this guide addresses the need for improved justice system coordination. It describes the connections between planning, analysis, and coordination; summarizes the benefits of local

justice planning and coordination; and discusses the context within which coordination must be achieved. This section also contains a questionnaire for a quick self-evaluation that may be conducted by any jurisdiction.

Section 2 establishes a justice planning and coordination framework designed to provide a better understanding of the planning process as a discipline. It begins by describing planning and coordination

efforts at three levels: the justice *agency* level; the *city/county* level; and the *comprehensive* interagency and intergovernmental level, where planning and coordination are focused on the justice system as a whole. This section of the guide emphasizes comprehensive planning and coordination. It describes a collaborative method for improving systemwide coordination, one that abandons reliance on centralized planning and



control. The approach set forth protects and honors the independence of elected and appointed officials from the different branches and levels of government.

Section 2 also describes three *types* of planning: policy, program, and operational. It shows how these types of planning can be linked systematically in a series of planning steps to improve justice system communication, cooperation, and coordination. Exhibits 3, 4, and 5 illustrate how policy planning (setting goals and objectives) leads to program planning (selecting specific courses of action), which then leads to operational planning (allocating resources to implement plans). Evaluation of the planning process feeds knowledge into a new planning cycle. Such step-by-step planning can lead to incremental improvement in justice system operations.

Identifying and analyzing problems is one of the most important steps in the planning process. For this reason, this guide offers concrete examples that demonstrate the critical role of data collection and analysis. It also describes how CJCCs convert data into useful information.

Section 3 describes distinctive coordination mechanisms that improve local justice system collaboration. Each represents an increasingly more comprehensive coordination model—an evolution toward an ideal CJCC.

Section 4 prescribes guidelines and principles for creating, staffing, evaluating, rejuvenating, and demonstrating the benefits of a CJCC.

Examples from local jurisdictions with advanced planning practices are provided throughout the guide. These illustrate how the planning process is being applied to improve justice coordination throughout the United States. This guide also includes five appendixes:

- **Appendix A** provides a checklist for forming or rejuvenating a CJCC.
- **Appendix B** lists the jurisdictions mentioned in this guide.
- **Appendix C** lists CJCC resources.
- **Appendix D** provides a sample charge for a criminal justice task force.
- **Appendix E** provides sample bylaws for a CJCC.

Introduction

If you don't know where you're going, you might end up somewhere else.

—Casey Stengel¹

This guide is designed to help local government officials improve justice planning, analysis, and coordination capabilities. It responds to a need identified by National Institute of Corrections (NIC) consultants who have been providing onsite technical assistance to local governments throughout the United States. They report that many of the corrections-related issues that trigger requests for technical assistance are rooted in underdeveloped local justice system planning, analysis, and coordination capabilities.

Jail crowding and planning for new facilities frequently result in requests for technical assistance from NIC. In these situations, weak local planning, analysis, and justice system coordination are special handicaps. These capabilities are essential if a community is to manage its way out of its current situation successfully. Improving a local government's abilities in these areas offers benefits far beyond improved management of problems at the jail or corrections in general. This guide will help any community improve its justice system (that is, the way all of the justice agencies within a local jurisdiction work together).

A criminal justice coordinating committee (CJCC), or a similarly constituted group, is the key mechanism for accomplishing these improvements. "Criminal justice coordinating committee" is an inclusive term applied to informal and formal committees that provide forums in which a large number of key justice system agency officials and other officials of general government may discuss justice system issues.

Although it may not be apparent at first, planning demonstrates an optimistic attitude. It reflects the point of view that citizens, as well as appointed and elected officials, can change the way things work instead of being victimized by circumstances that appear to be beyond their control.

This guide offers advice on how CJCCs can be initiated within local governments, describes the range of planning and coordinating activities that might be undertaken, describes alternative organizational forms for CJCCs, presents guidelines for operating a CJCC, and describes the benefits local governments can expect to derive from these activities.

The CJCC has many variations but often evolves into the ideal, formalized structure associated with its name. The challenge for local governments is to fashion their own "localized" approach; this guide is designed to help achieve that goal. (See appendixes A through C for a checklist of items to consider when forming or reviving a CJCC; a list of jurisdictions mentioned in this guide; and a list of other training and technical assistance resources, information resources, and free publications available to jurisdictions considering establishing a CJCC.)

CJCC Self-Evaluation Questionnaire

Exhibit 1 is a questionnaire that will permit jurisdictions to conduct a quick self-evaluation. Any local jurisdiction that can answer all of these questions in the affirmative has a healthy CJCC and probably is achieving competent systemwide planning and coordination. Jurisdictions seeking to improve their CJCCs can do so by implementing many of the suggestions set forth in this guide.

Exhibit 1. CJCC Self-Evaluation Questionnaire					
	Score 1=no or never; 5=yes or always				
1. Does the CJCC deal with a complete or nearly complete local justice system? (Do all local programs and services for offenders fall within the planning jurisdiction?)	1	2	3	4	5
2. Does the CJCC have sufficient authority to obtain necessary data and to develop plans for the local justice system? (Is the CJCC formally authorized to undertake comprehensive systemwide planning and coordination? Does it have adequate access to agency information, and do agencies cooperate in implementing plans?)	1	2	3	4	5
3. Is planning well integrated into the operations of general government? (Does the CJCC receive significant financial support or other support from the local government?)	1	2	3	4	5
4. Does the CJCC emphasize policy- and program-level planning (as compared with being preoccupied with operational planning)?	1	2	3	4	5
5. Are the CJCC members attending meetings? (Is attendance good? Do the members, rather than alternates, frequently attend?)	1	2	3	4	5
6. Does the CJCC undertake a wide variety of activities rather than allocate grant funds?	1	2	3	4	5
7. Is the CJCC broadly representative (e.g., city/county/state/federal levels of government; executive/judicial/legislative branches; law enforcement, courts; corrections subsystems; other major constituencies)?	1	2	3	4	5
8. Does the CJCC have sufficient, independent staff support?	1	2	3	4	5
9. Is sufficient attention devoted to planning for planning? (Have policymakers thought out exactly what they want the CJCC to accomplish and how these goals will be achieved? Are planning tasks clearly delineated? Have staff been recruited with the skills and experience needed to undertake these tasks? Have the duties, responsibilities, and functions of the CJCC been specified and communicated to participating agencies?)	1	2	3	4	5
10. Do neutrality, credibility, and stability characterize the CJCC? (Can agency personnel trust the chair, executive committee, and staff to remain impartial and to act in the interest of the system as a whole? Does the staff facilitate good working relationships with agency personnel and other officials of local government?)	1	2	3	4	5
11. Have the CJCC and its planning process been systematically evaluated? Do the evaluation results demonstrate the CJCC's usefulness to local government?	1	2	3	4	5

The Need for Improved Criminal Justice Coordination

In most jurisdictions of the United States, the responsibility for crime prevention, crime control, and improvement of the administration of justice rests largely with local government. But often, the local government machinery set up to deal with crime does not work well. Examples may include the following:

- The narcotics detail of a police department postpones arrests until the entire network of a drug ring is identified, then processes 50 to 100 new cases into the local justice system. Jails and courts, unprepared for the influx, are suddenly more crowded and backlogged.
- In another locale, the jail has been crowded for a long time, the county cannot afford to build a new one, and public support for financing a new jail is at an all-time low. Legal liability is a concern, yet officials of general government and justice agencies seem to be immobilized. There is no consensus about what needs to be done.
- Concerned about crime, a county board of commissioners approves a large budget increase for

county law enforcement and jails. Increasing the capacities of only part of the system, however, results in more arrests for minor offenses, increases the jail population, and contributes to court delay but does not reduce serious crime.

Situations like these are familiar in many localities. The first indication that a major decision has been made in one part of the criminal justice system often comes in the form of a deluge of new cases that overwhelms another part of the system. Agencies needlessly duplicate each other's efforts, increasing the overall cost of local services. Decisions made with inadequate information produce unintended or unanticipated effects. Interagency disputes may be settled only when the opposing parties tire of fighting.

The Connection Between Planning, Analysis, and Coordination

Planning is the process by which we bring anticipations of the future to bear on current decision-making. Planning is future oriented, rooted in the belief that we can make decisions that not only will help us anticipate and cope with alternative futures but also will help us have more control over determining that future.

"Would you tell me, please, which way I ought to walk from here?" asked Alice. "That depends a good deal on where you want to get to," said the Cheshire Cat. "I don't much care where—" said Alice. "Then it doesn't matter which way you go," said the Cat. "—so long as I get somewhere," Alice added as an explanation. "Oh, you're sure to do that," said the Cat, "if you only walk long enough."

—Lewis Carroll,
*Alice's Adventures in Wonderland*²

Planning is an integral part of informed policy making and competent agency management. Because planning involves defining problems,

clarifying objectives, establishing priorities, and instituting programs, every executive must regard planning as a major responsibility of his or her job. Planning is part of the executive function, not something to be assigned to others.

Local justice planning is directed toward the goal of improved decisionmaking. It *requires* analysis and *produces* improved coordination as well as other benefits. Planning is the larger concept. Interestingly, the words "planning," "analysis," and "coordination" are often used interchangeably, as if it is understood that they are related. More recently, the word "collaboration" has often been substituted for the word "coordination."

More recent definitions of comprehensive criminal justice planning have taken on the meaning of planning as coordination. This recognizes that fragmentation is a fact in the criminal justice system and that decision-making is decentralized. Central planning as a comprehensive model tends to be associated with total control, and this runs counter to the separation of powers doctrine.

—Christina Morehead,
*A Criminal Justice Planning Model for King County*³

Over the years, criminal justice planning committees increasingly have been renamed "criminal justice coordinating committees." This change reflects a realistic attempt to move away from some negative baggage associated with the word "planning," especially its connection to centralization of authority and control. Centralization of control is an unfortunate feature of some planning efforts. It offends independently elected and appointed officials who feel obligated to constantly fight against erosion of their authority. So, to many, a criminal justice *coordinating* committee may initially appear to be a criminal justice *planning* committee in disguise.

This guide attempts to assuage these fears by describing a collaborative version of planning that is devoid of emphasis on controlling others.

But the issue will most likely resurface in each locality that attempts even the collaborative version of planning being recommended here.

We face an inescapable choice between planning and chaos.

—Norman Bel Geddes

Benefits of Local Justice Planning and Coordination

Good planning at the local level can be expected to result in:

- **Improved analysis of problems.** Planning produces the data and analyses needed by elected officials and justice administrators to improve their decisionmaking.
- **Improved communication, cooperation, and coordination.** Planning provides a mechanism for improving communication, cooperation, and coordination among police, courts, corrections, and private service agencies as well as between different levels of government and the three branches of government. Improved coordination is a *result* of planning.
- **Clear goals, objectives, and priorities.** Planning permits more precise articulation of purposes and links goals, objectives, tasks, and activities in more meaningful ways.
- **More effective allocation of resources.** Planning provides a framework for resource allocation decisions. It simplifies setting priorities for the use of resources to achieve justice goals and objectives.
- **Improved programs and services.** Planning produces a clearer understanding of problems and needs. Planning also makes it easier to formulate goals and objectives and to evaluate and compare alternative programs and procedures.
- **Improved capacity and quality of personnel.** Planning focuses organizational effort and provides agency personnel with new knowledge and information.

Planning can result in benefits to the entire community, such as making the justice system more accountable, more open to the public, more efficient, and more effective. Justice system coordination can also save taxpayer money.

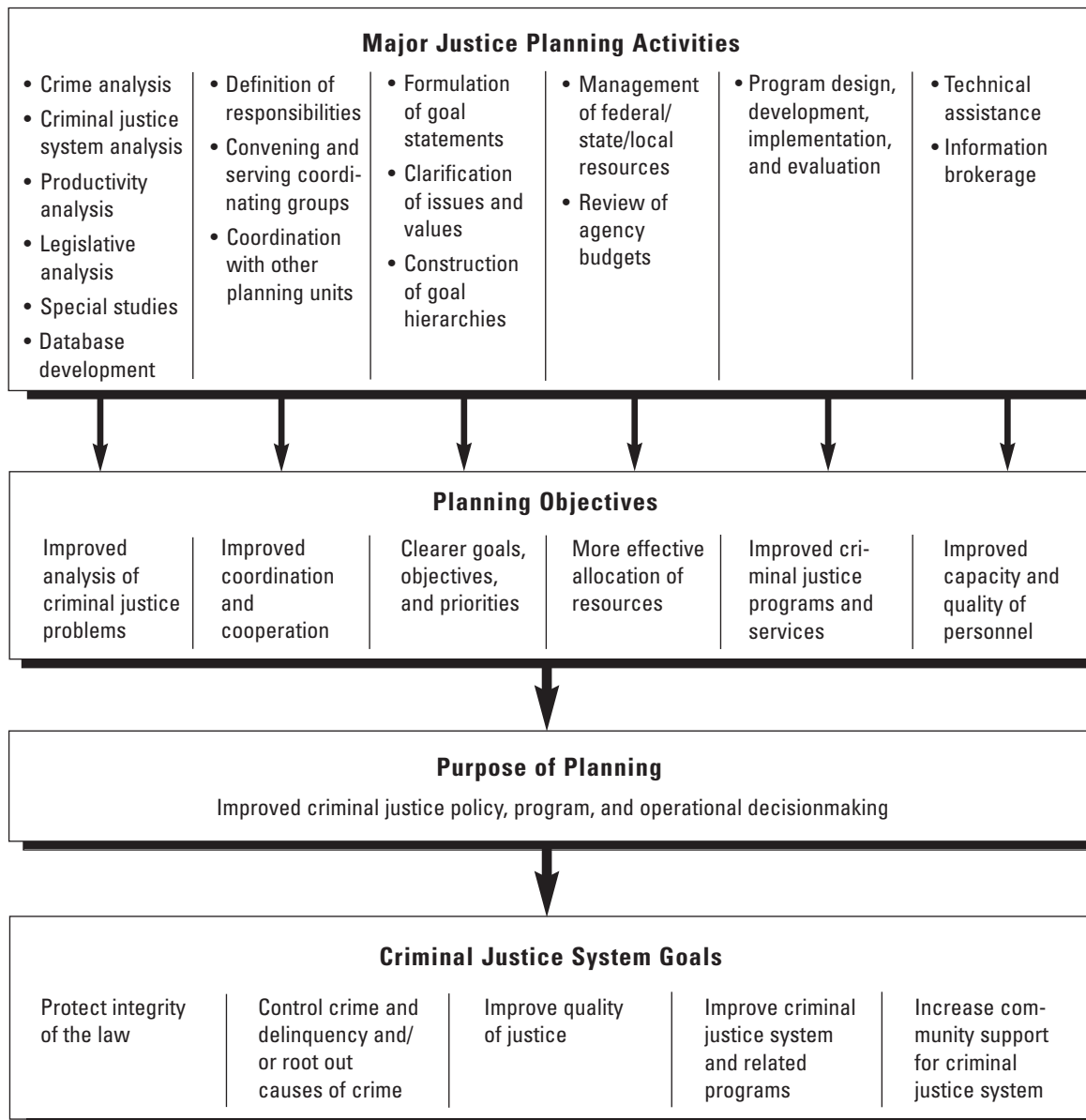
Systemwide planning affords an opportunity for the disparate components of the justice structure to work together. Collaboration in the analysis of problems and the sharing of information, resources, and expertise can build local capacity for crime prevention, justice reform, and community mobilization. Strong planning capacity can also provide elected officials and criminal justice executives with the data and analysis essential for establishing rational policies and priorities for a complex system.

—Christina Morehead,
*A Criminal Justice Planning Model for King County*⁴

Many different justice planning and coordination activities serve to improve justice system policy, program, and operational decisionmaking at the local level. Exhibit 2 illustrates the relationships between major classes of justice planning activities and general objectives and goals that may be adopted by any CJCC. Each planning activity contributes to one or more of the six planning objectives, which, in turn, contribute to improved decisionmaking and, ultimately, to the achievement of justice system goals. Although most planning activities actually contribute to the achievement of more than one planning objective, each is located above the one it most directly serves.

Planning can also increase public confidence in and support for the justice system. Ultimately, the effectiveness of the justice system depends on the willingness of the majority of citizens to obey the law and to report crime, identify suspects, and cooperate with the prosecution. Citizen cooperation is also necessary if ex-offenders are to reintegrate into the fabric of the community successfully. Anything that can be done to increase

Exhibit 2. Activities, Objectives, Purpose, and Goals of Local Justice Planning



public confidence in the justice system and its support for justice processes contributes to system performance. A coherent plan, produced by a coordinating body that speaks with a responsible voice, can soothe public fears of crime and allay any concerns that little can be done about it.

In the aggregate, planning can protect the integrity of the law. Planning can produce a justice system

that makes it unnecessary for aggrieved citizens to take the law into their own hands; that does not allow the morale of justice agency personnel to sink to the point where unethical behavior seems justified; and that prevents public services from becoming so poor that courts must close facilities and grand juries must expose scandals. As people recognize that crime is less a problem to be solved

than a condition to be managed, planning is increasingly viewed as a sign of good management. Planning protects the integrity of the law to the degree that it converts ideals into practice—by administering justice. Competent planning, in short, is a sign of good government.

Effective collaboration also protects the leaders essential to successful change. All public system reform requires risk taking on the part of its leaders. The justice system operates in a politically charged environment. . . . Maintaining the status quo is much easier and certainly the path of least resistance. It is safer, but it is sometimes wrong . . . but no leader can or should be expected to bear all the risks. A collaborative body involving all the system's actors provides a context for leadership to emerge and offers the protection of collegial support and policy consensus when controversy—a predictable by-product of real change—eventually arises.

—Kathleen Feely, *Collaboration and Leadership in Juvenile Detention Reform*⁵

The Context of Planning and Coordination

Developing competence in planning and applying it effectively to criminal justice policymaking and operations is no easy task. In large part, the difficulties of justice planning (as well as the need for it) arise from the nature of the system itself. By design, the system is fragmented. No central authority manages it. No one branch of government or level of government is responsible for the entire process.

The checks and balances with which the local justice system is punctuated are intentional and necessary, but they do result in inefficiencies and conflicts. There is great dispersion of power

among divergent forces. And the professional orientations, values, and managerial perspectives of key agency participants are markedly different—often diametrically opposed. This makes conflict and tension among justice agencies virtually inevitable as each understandably attempts to turn events to its own advantage.

Appointed and elected officials of general government and citizens concerned with broad policy issues must rely on justice agency heads for advice on what to do about crime and justice problems. But these executives seldom agree. Although the different agencies must interact (they share the same clients and workload), they often do so only when absolutely necessary—and then with little apparent concern for the “system” of which they are a part.

Typically, policing is a city function, while the courts are state, the prosecutor independent whether he is city, county or state, and corrections divided between the city or county jail function and the state prison. Typically, three levels of government are also involved—city, county, and state—as well as two branches of government—executive and judicial—with involvement as well on policy and funding matters by the legislative branch. Throughout the system, many officials are directly elected, and therefore even if they are performing what is normally regarded as an executive function, they are likely to be independent of the chief executive of the jurisdiction.

—Blair Ewing, former Policy Adviser, U.S. Department of Justice⁶

In such a context, comprehensive planning must seek to build linkages among agency decision-makers without attempting to subordinate them to any higher authority. No one is at the helm, but no “master planner” will be allowed to steer. Not fragmentation, but the problems resulting

from it, must be the target. Accommodation and cooperation can be fostered only if planning is able to demonstrate mutual regard for agencies that work together to achieve shared objectives. The independence of the key participants must be respected.

The justice system is like a large plumbing apparatus, held together only by the material flowing through it.

—Richard A. McGee, former Administrator, Youth and Adult Corrections Agency, State of California

Sometimes, a concern about respecting the doctrine of the separation of powers leads a key justice leader, often a judge, to express discomfort at being asked to serve on a CJCC. But judges serve on many CJCCs and, in fact, chair them in some communities.

The reality is that CJCCs bring independently elected and appointed people together in a forum

All of us have this concept that we know what each other does. I've learned that I haven't a clue about what other people do and the problems that they have and how what we do may affect them. Only when you understand them can you give them due consideration. If you can accommodate them, then you do.

—Adjudication partnership member, quoted in Jane Nady Sigmon et al., *Adjudication Partnerships: Critical Components*⁷

where they agree to work together, realizing they have interdependent relationships. Under the constitutions of each state, these key participants recognize they are independent and have an obligation to remain so. Nothing in this model should be interpreted to suggest that they will or should lose their independence.

A Framework for Justice Planning and Coordination

Justice planning is a discipline that may be applied at the agency, city/county, and comprehensive systemwide levels to improve decisionmaking in three broad areas. The three types of planning (policy, program, and operational) are described in this section, and an 11-step general model of the planning process is presented. Problem identification and analysis, a critical planning step, is given special emphasis.

Levels of Planning and Coordination: Agency, City/County, and Comprehensive

More advanced local planning and coordination efforts are able to link local justice planning, and therefore local decisionmaking, at three levels of government: the justice agency level, the city/county level, and the local justice system level. All three levels of planning are important, and each strengthens and receives support from the others. But the purpose and emphasis at the three levels are not the same.

Agency Planning and Coordination

At the agency level, planning is designed to assist top management of a department or agency—the police chief, sheriff, or chief judge. Planning at this level should be targeted toward the needs of the agency and the decisions it must regularly make. Agency planners will develop statistical analyses to support administrative and operational decisions; review, update, and disseminate policies, procedures, rules, and regulations; and assist in the preparation of agency budgets. Agency planning is aided by planning at the city, county, and interagency levels, and it contributes to planning at more comprehensive levels.

City/County Planning and Coordination

At the city/county level, the individual justice agency heads are joined by officials of general government—the mayor, city council, city and county chief administrative officers, county commissioners—and the planning and coordination efforts shift to meet the decisionmaking needs of these officials as well.

Coordinated city/county planning requires cooperation to integrate the efforts of autonomous criminal justice agencies, each with their own mandates, perspectives, and constituencies. At the county level, for example, local justice planning might mean coordinating the activities of the county sheriff, the probation department, the prosecutor, the public defender, and the county courts. The challenge at this level is to enhance cooperation and coordination among constitutionally separate government agencies. Such interagency planning both contributes to and is advanced by the planning of individual agencies and more comprehensive justice systemwide planning and coordination.

Comprehensive Systemwide Justice Planning and Coordination

There is also a need for local planning at a third level—the comprehensive set of police, court, corrections, and allied public and private agencies that make up the criminal justice system. Separate planning efforts at the city/county level are limited in their ability to deal with the total justice system because neither jurisdiction contains all the components of that system. At a minimum, comprehensive planning and coordination must join city/county efforts and deal with the individual responsibilities of police, courts,

and corrections agencies. But it may extend even farther. Planning and coordination at this systemwide level may require coordination of city, county, regional, state, federal, and private justice agency activities. It also may involve organizations other than criminal justice agencies (e.g., public assistance agencies, employment agencies, and the schools) that provide services to offenders. This type of planning, then, transcends jurisdictional and agency boundaries.

To be really effective, local criminal justice planning must encompass all three levels—justice agency planning, coordinated justice planning on a citywide and countywide basis, and comprehensive planning for the local justice system as a whole. The three levels are interdependent building blocks of local planning. Each has its own purposes and distinguishing characteristics, but planning at all three levels of government should interlock.

—Robert C. Cushman⁸

Policy, Program, and Operational Planning

Justice planning is concerned with improving decisionmaking in three broad areas: (1) the identification of long-term goals and objectives (policy planning), (2) the selection of specific courses of action (program planning), and (3) the allocation of resources to accomplish defined purposes (operational planning). Relationships among these three levels of planning are illustrated in exhibit 3.

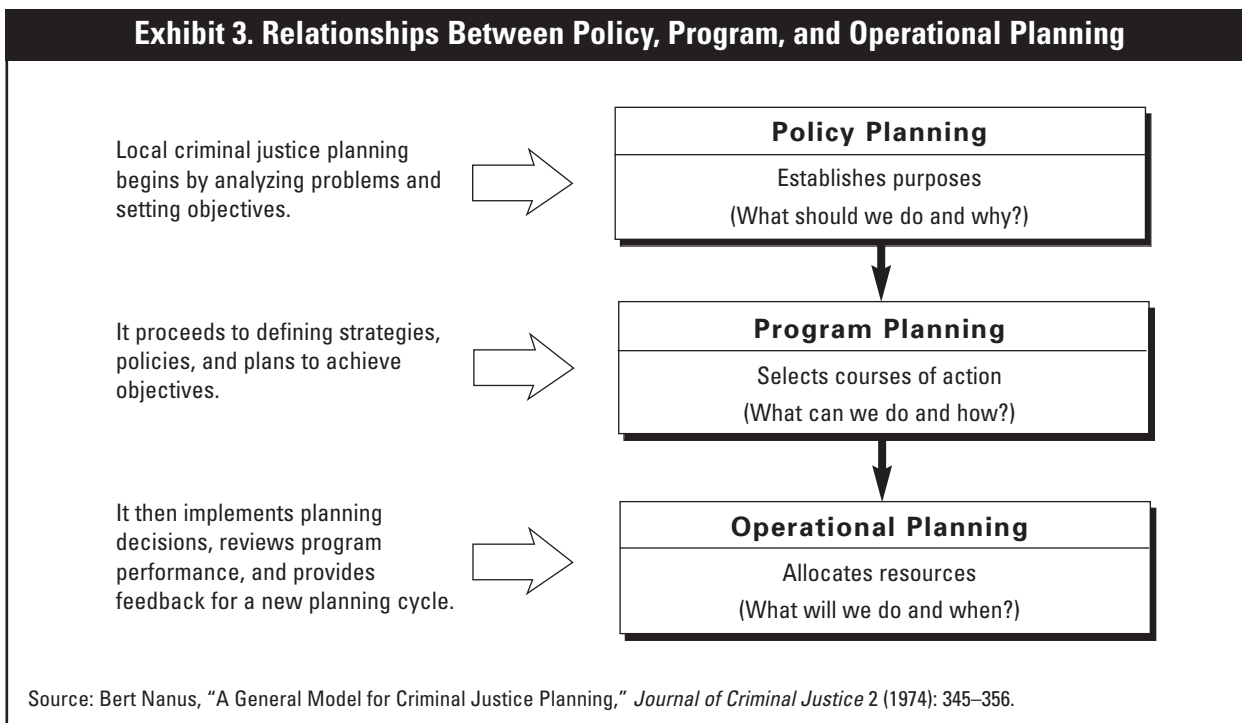
Policy Planning

Policy planning is focused on answering the question, What should we do and why? It produces policy guidelines expressing important values, philosophies, and judgments on which to base long-term plans. Thus, policy planning leads to decisions that determine long-term justice goals and objectives.

Program Planning

Program planning is designed to answer the question, What can we do and how? It is concerned

Exhibit 3. Relationships Between Policy, Program, and Operational Planning



with assessing the feasibility of alternative courses of action, developing appropriate program and contingency plans, and constructing guidelines for action. Thus, program planning decisions lead to the adoption of specific courses of action.

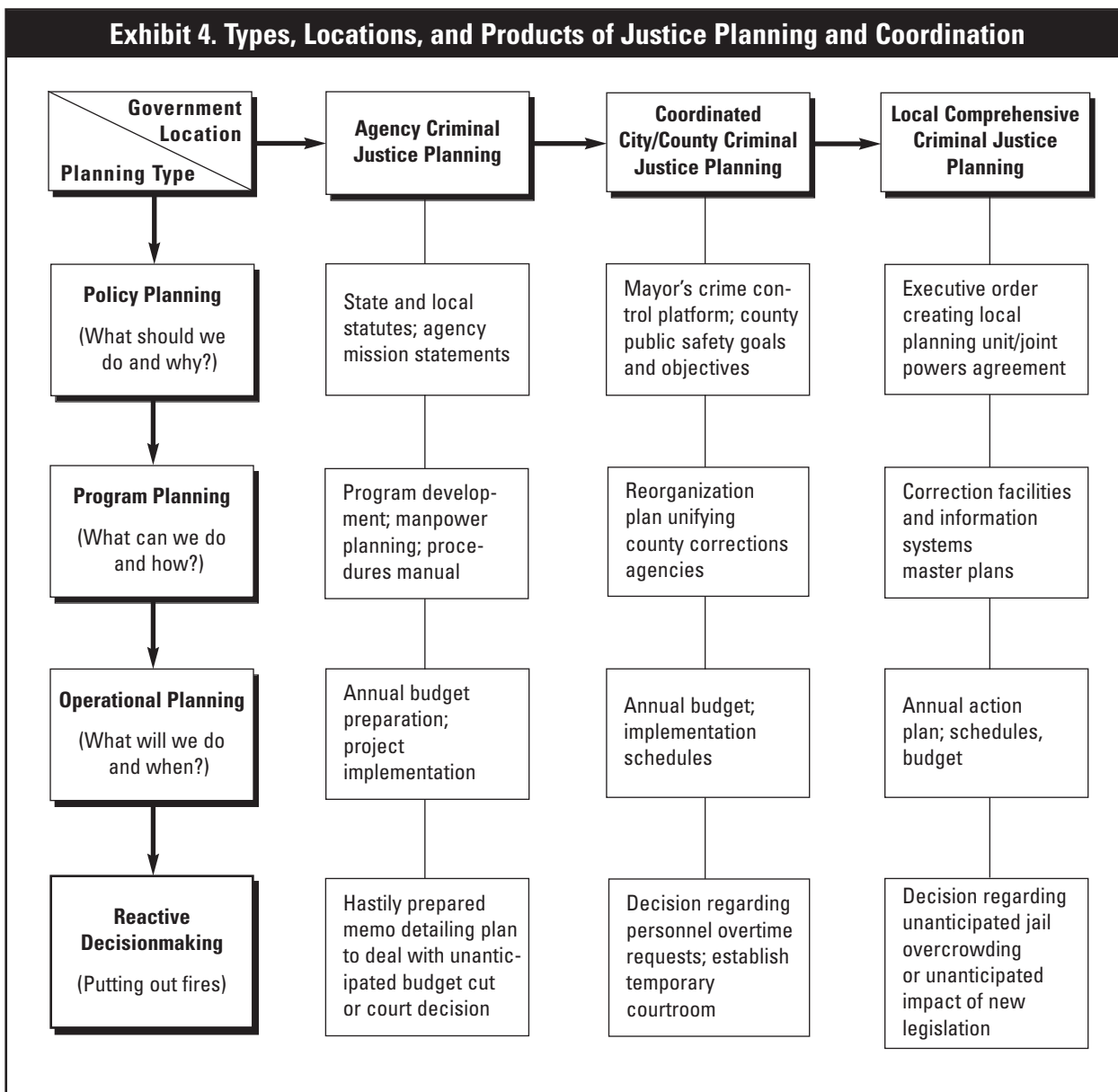
Operational Planning

Operational planning answers the question, What will we do and when? It produces specific plans for the allocation of resources to implement and evaluate justice programs and services. Thus, operational planning decisions lead to the allocation of resources to implement plans. Examples

of activities associated with these three levels of planning are presented in exhibit 4.

Reactive Decisionmaking

Policy, program, and operational planning contrast with reactive decisionmaking, which can be destructive to any organization. Reactive decisionmaking is largely unplanned and crisis oriented. It often involves prompt mobilization of large numbers of justice agency and general government personnel. A certain amount of reactive decisionmaking takes place in most agencies and government units. In some, it is the primary mode



for the day-to-day management of immediate organizational problems. Such a “firefighting” approach can be disruptive. Examples of reactive decisionmaking are also shown in exhibit 4. Planning can help reduce the need for this kind of crisis-oriented decisionmaking.

Reactive decisionmaking administers first aid. It is not designed to produce lasting solutions. In fact, the amount of time and energy expended on reactive decisionmaking is one measure of an organization’s inability to anticipate and affect its own future.

—Billy Wasson, former Staff Director, Marion County (Oregon) Public Safety Coordinating Council

Policy, program, and operational planning and coordination flow together in practice. Each type of planning should take place at each planning level. It would be a mistake to assume, for example, that the federal government does policy planning while state governments do program planning and local governments do operational planning.

Today, in most jurisdictions, the need to respond to short-term workload crises, immediate political events, and a 1-year budget cycle encourages a focus on operational planning and the allocation of resources. As a result, personnel spend a disproportionate amount of time and effort on operational planning at the expense of policy and program planning. Experience has shown that, for policy and program planning to occur, they must be deliberately, consciously, and continuously emphasized by top management. Policymakers must insist on it, and staff resources assigned to these functions must be protected from being diverted back into operational planning.

A General Model of the Planning Process

A rational planning model can lead to a more balanced focus on policy, program, and operational planning. There are many planning models. Most

consist of an orderly series of interdependent steps and follow a rather predictable path from policy planning through program and operational planning. One general planning model, consisting of 11 steps, is shown in exhibit 5.

In this model, policy planning begins with preparing for planning (step 1), followed by efforts to forecast probable, possible, and desirable future states (steps 2 through 4). Program planning includes efforts to identify problems (step 5), set goals (step 6), identify alternative courses of action (step 7), and select preferred alternatives (step 8). Operational planning (steps 9 through 11) includes planning for implementation, implementing plans, and monitoring and evaluating progress. The final step, monitoring and evaluation (step 11), provides the feedback needed to improve decisionmaking each time the full planning cycle takes place. Each level of government needs to adopt its own version of such a step-by-step planning process. Jurisdictions with advanced practices use some version of this process to guide local justice planning.

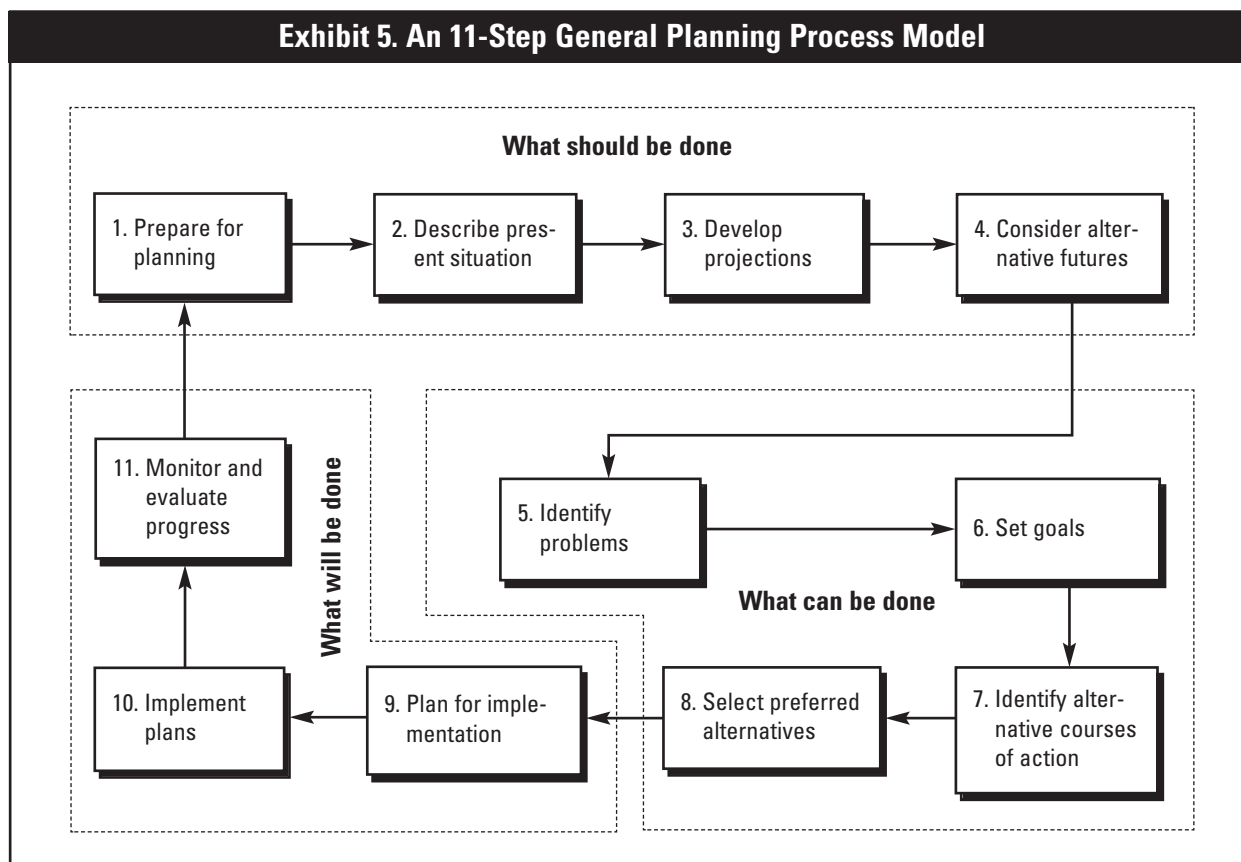
Key decisionmakers not attending your CJCC meetings? Are they sending alternates or not appearing at all? Solution: Make sure policy matters are at the core of the agenda and discussion. The policymakers will attend.

—Mark Cunniff, Executive Director, National Association of Criminal Justice Planners

Improved Understanding of Justice Problems

The limited scope of this guide does not permit a thorough description of each of the planning steps shown in exhibit 5 or the major planning activities shown in exhibit 2. Nevertheless, it is necessary to discuss certain activities that contribute to improved analysis of justice problems.

The ability to conduct analyses is at the heart of the problem identification step (step 5) of the



11-step general planning process model. Without a clear analysis of problems, many justice decisions are guided solely by past experience, anecdotes that describe atypical cases, intuition, and conflicting testimonies.

Development of effective criminal justice policy is rooted in the ability of a jurisdiction to obtain data on how its system operates and the ability to analyze that data and present that data in a meaningful manner.

—Kim Allen, former Executive Director, Louisville-Jefferson County (Kentucky) Crime Commission⁹

The Critical Role of Information

Competent planning produces the information needed by local officials and agency executives to improve their understanding of justice problems.

A constant flow of timely and relevant information helps decisionmakers define justice problems, set goals and priorities, and implement and evaluate strategies for accomplishing goals. It provides managers with new facts and new knowledge, in a cumulative fashion. It sets the stage for a continuous improvement process built on knowledge that can replace the trial-and-error method of initiating programs.

Development of an Adequate Database

Because basic information needed for decision-making is lacking in most jurisdictions, most CJCCs must concentrate first on the development of an adequate database. Problems in accessing data generated by justice agencies must be overcome. If enabling legislation does not formally provide for access to data, the CJCC leadership must work to establish the relationships and informal understandings that will ensure such access.

Experience in many local jurisdictions has shown that these problems can be overcome by providing an adequate information base for use in the analysis of crime and criminal justice problems. This puts local government in a better position to base actions upon knowledge gained.

—**Brian Mattson, Criminal Justice Planner,
Jefferson County (Colorado) Criminal Justice
Coordination Committee**

Early emphasis should also be given to describing system operations and identifying problems. Constructing clear statements of problems and setting objectives for overcoming them will help direct the planning effort toward solving specific problems. A problem-solving orientation also will help galvanize organizational action around visible, concrete, and attainable objectives and give plans greater relevance, credibility, and substance.

Integration of Data From Disparate Information Systems

Although most jurisdictions have a large amount of data, they often do not have the ability to convert that data into useful information. CJCCs often take on the challenge of integrating disparate justice information systems. For example, the Hennepin County/City of Minneapolis CJCC created a subcommittee—the Integrated Systems Advisory Board—and assigned the board responsibility for developing a business model for integrating the criminal justice information systems at the city, county, and state levels. A number of CJCCs took this same approach, including those in Sacramento and Los Angeles Counties, California; Lucas County, Ohio; and Westchester County, New York.

At the core of Decision Support System-Justice in Multnomah County, Oregon, is a “data warehouse,” a large centralized database that integrates selected data from a variety of local and state criminal justice agencies. Los Angeles County has

adopted a similar approach. Other communities have developed “subject in process” information systems that track individual offenders from arrest to final disposition.

Overcoming Common Problems in Conducting an Analysis

Four problems are commonly found in jurisdictions where analysis capability is inadequate or absent: the crime problem has not been defined, a comparative context cannot be established, there is an inability to define problems at key system decision points in the criminal justice process, and incomplete analysis has been conducted.

Crime Problem Not Defined

The first area of concern is a lack of reliable and sufficiently detailed statistics to clearly define the crime problem—statistics concerning the offender, the victim, the criminal event, and the environment in which the crime occurs. When the CJCC conducts a crime analysis, it will acquire detailed information describing criminal events, offenders, and victims. Usually, this can be accomplished by analyzing data that already exist in police offense reports, arrest reports, and dispatch cards.

Comparative Context Cannot Be Established

The second common problem is that the jurisdiction has not developed and assessed data that will allow it to compare itself with other jurisdictions of similar size and circumstance. The data usually are available, but a comparative analysis has never been constructed. A simple comparative analysis compares a county with perhaps four or five counties in the state that are somewhat smaller in population and another four or five counties that are somewhat larger. Other statewide averages (e.g., mean and median scores) might also be included.

This information can be produced in tabular form as shown in exhibit 6, which shows scores for each county along with an average for the 8 to 10 other counties (a composite or surrogate peer county average). It shows the percent difference between the jurisdiction and this average. This type of analysis will provide any jurisdiction with a useful comparative context.

The comparative analysis tables should contain rates per 10,000 population for the following measures:

- Crimes reported to the police, including separate calculations for violent and nonviolent crime.
- Adult and juvenile arrests for felonies and misdemeanors.
- Number of felony, misdemeanor, and traffic filings and dispositions in local and state courts.
- Number of jail bookings for felony, misdemeanor, and traffic law violations, by arresting agency.
- Average length of jail stay, by type of inmate.

- Average daily population in jail, by inmate type.
- Number of people on felony and misdemeanor probation.
- Commitments to state prison.

Similar indicators and measures can also be collected concerning the processing of juvenile cases.

A subsequent step in this analysis is to develop a picture of current *trends* within the jurisdiction, using these same crime and justice workload items. Here, the comparison is not with other counties but, rather, is a year-to-year comparison of changes within the jurisdiction over time (perhaps a 5-year period). This will help inform the jurisdiction about trends and changes in the local justice system.

Inability to Define Problems at Key System Decision Points

The third area of concern is a lack of meaningful statistics and information to describe and define problems in the criminal justice process. The

Exhibit 6. Comparative Analysis Example

County	County Population (1999)	Serious Crimes Reported to Police	Serious Crime Rate (per 10,000 population)
A	45,164	1,896	417.6
B	43,430	1,925	443.2
C	40,281	1,780	441.9
D	39,595	2,106	531.9
E	36,572	3,254	889.8
F	36,427	1,327	364.3
G	35,886	1,431	398.8
H	35,636	1,882	528.1
Peer county total			501.95
County of interest	38,900	1,732	445.2
Percent difference			-11.3

Note: This is an example of only a few of the items that could appear in a comparative analysis. Other statewide averages could also be added to the table (e.g., statewide mean or statewide median scores).

remedy here is to initiate a justice system analysis to produce detailed and comprehensive statistics about the workings of the criminal justice system.

Usually a flow chart is constructed to show the number of persons and cases entering the justice system and the processes that lead to final disposition. Creating a flow chart in itself informs analysis by describing more precisely the justice system and its boundaries and illustrating the interdependencies among system components. The level of detail depends on the purpose of the analysis and the data available, but even the simplest flow chart can provide a useful snapshot of the justice system in operation.

The seven key justice system decision points to be shown in the flow chart include:

- The decision to arrest.
- The decision to detain pretrial.
- The decision to release from pretrial detention.
- The decision to prosecute.
- The adjudication decision.
- The sentencing decision.
- The decision to modify a sentence.

The flow chart will represent offender and case flow, as shown in exhibit 7. This is a justice “system” representation.

One advantage of a justice system analysis is that it minimizes the need to identify problems associated with individual agencies. It is centered on analyzing *processes* (i.e., on analyzing the decision points in the system where the agencies come together to do their work).

The flow of cases and people through the seven justice system decision points is governed by justice policies, which are subject to change. Changes in policy have workload and expenditure impacts. The data provide an empirical picture of current policies and begin to identify policy choice alternatives.

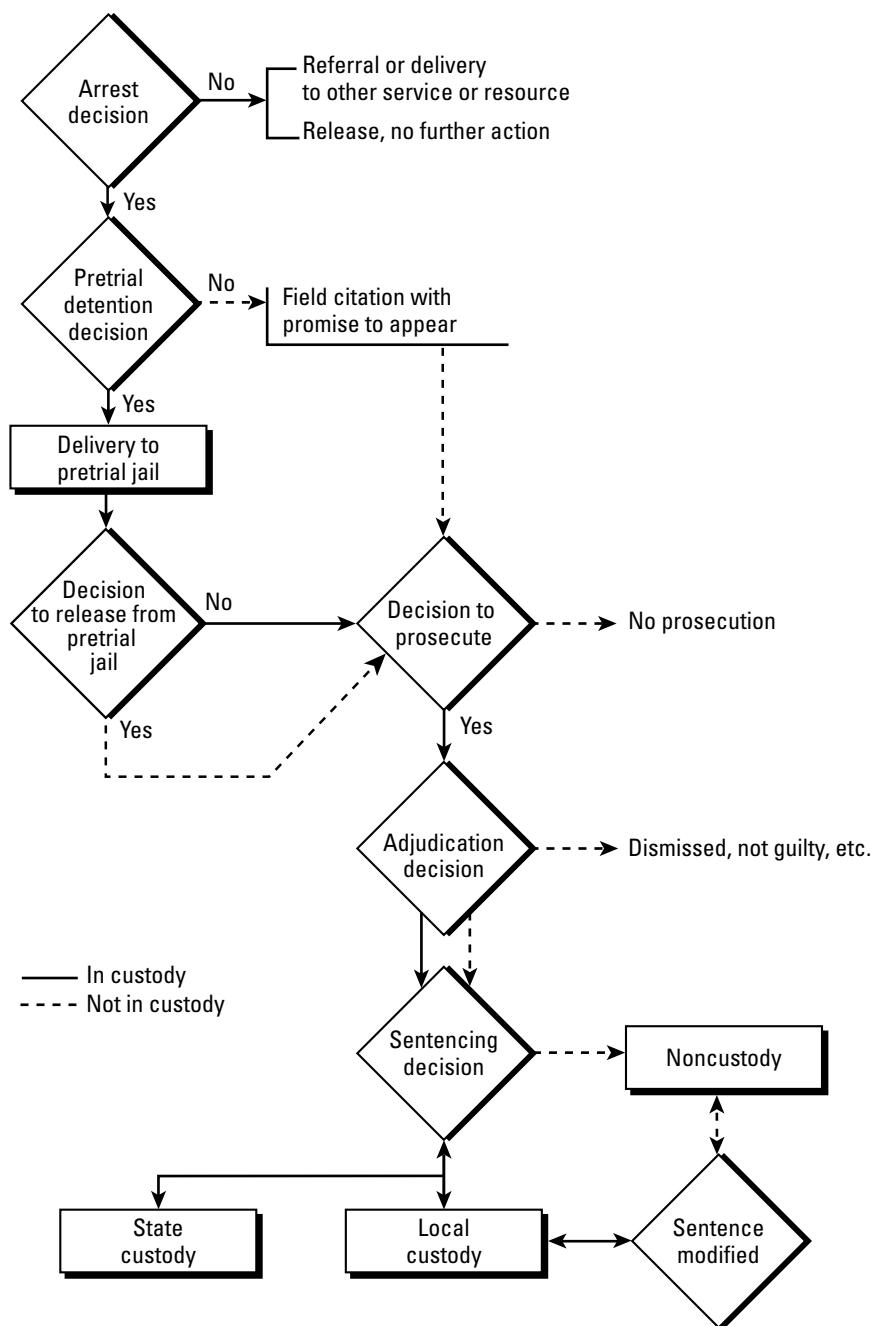
A metaphor for the analysis process involves shining a light on each decision point to illuminate it. Once illuminated, the data that empirically describe current policy can be mirrored back—not only to justice system decisionmakers but also to other justice system officials who may be affected by the existing policies and to officials of general government and the public. Often, changes occur as a result of this feedback process alone. No other action is necessary.

All the decision points do not have to be analyzed at once. They can be examined one at a time. Consider, for example, the decision to detain arrestees in jail during the pretrial period. A relatively straightforward analysis can empirically illustrate the number and characteristics of arrestees who are booked into jail as opposed to those who are released with a summons or promise to appear (citation) in lieu of jail. The result of the analysis can be a simple table listing arrest offenses and the number and percentage of arrestees for each offense who were booked or cited, by arresting agency.

Incomplete Analysis

The fourth common problem is that even when needed information is available, there is often a lack of skilled personnel and/or time to analyze it. The remedy here is to hire and train justice system planner/analysts and to strengthen planning mechanisms at the agency, city/county, and comprehensive planning levels.

Exhibit 7. The Seven Key Justice System Decision Points



Coordinating Mechanisms— A Developmental View

“Criminal justice coordinating committee” is an inclusive term applied to informal and formal committees that provide a forum within which a large number of key justice system agency officials and other officials of general government may discuss justice system issues. The form and structure of these groups vary.

One way to understand the differences among justice system coordinating groups is to think about a process in which a jurisdiction might move through developmental stages, as if it were on an evolutionary journey. The coordinating mechanisms at each stage of this evolution represent incremental improvements. Each stage is valuable, serves a useful purpose, and then gives way to an increasingly more formalized and more comprehensive organization. This is the general trajectory, but there will be many exceptions.

Informal Coordination

In the most basic circumstances, meetings among officials are likely to be informal. In these jurisdictions, justice system coordination depends almost entirely on well-established, informal communication and person-to-person relationships. This can work well in less populous jurisdictions. If the justice system operating within the jurisdiction is small enough and manageable enough, the leadership can accurately understand the “whole.” At a certain size, however, this informal arrangement proves to be inadequate. As a jurisdiction’s criminal justice system becomes larger and more complex, more standardized coordination mechanisms are necessary to avoid problems with communication, cooperation, and coordination.

The Justice Forum

The next developmental step involves gathering a group of justice officials to establish a forum for information sharing. These informal meetings may or may not be regularly scheduled. The membership is not comprehensive; that is, it rarely includes city, county, and state levels of government and representatives from all three branches of government.

Adjudication Partnerships

Adjudication partnerships, another important step toward comprehensiveness, are defined as follows:

An adjudication partnership is a formal or informal collaborative effort in which representatives of key justice system agencies join together in multiagency task forces, steering committees, or planning groups to:

1. Identify and discuss a problem.
2. Develop goals and strategies for addressing the problem.
3. Oversee the implementation of a plan to manage or solve the problem.

Ideally, the membership of an adjudication partnership will include the three primary players in any adjudication process: the prosecution, the defense, and the court.

The underlying concept of the adjudication partnership is not new. It serves as an umbrella concept under which many interagency efforts can be classified.¹⁰

Adjudication partnerships are being encouraged through a cooperative effort of the American Prosecutor's Research Institute, the National Center for State Courts, and the National Legal Aid and Defender's Association. The American Prosecutors Research Institute and the National Center for State Courts have identified 103 adjudication partnerships through a national mail survey.

The Justice Task Force

The single feature that characterizes this developmental stage is that an authorized authority makes appointments to a task force and gives it a "charge," which is often a single, pressing issue. For example, as shown in the sample charge provided in this document (appendix D), a jurisdiction may form a jail task force to deal with jail crowding. Task forces represent a formal acknowledgment that improved planning and coordination must take place. One weakness of this approach is that it may not be comprehensive enough. For example, establishing a jail task force narrowly defines the situation as a "jail problem" or the "sheriff's problem," rather than as a systemwide problem or justice system dysfunction.

Jail crowding is less a problem to solve than it is a systemwide condition that needs to be continuously managed.

—Richard Geather, National Institute of Corrections,
Jails Division

In other situations, the formation of a special task force may be more informal. For example, in Dakota County, Minnesota, the local director of community corrections successfully formed an intermediate sanctions task force, melding together a group of justice officials who had never worked well together in the past.

County or City Justice Planning Units

Often justice planning and coordination efforts are confined to the jurisdictional boundaries of a

city or county government. This is a "go it alone" approach, in which a city/county attempts to focus its efforts only on agencies that are part of the city or the county. Often, this approach is control oriented, based on the philosophy that if you are not responsible for it, you cannot control it.

A few months ago, the mayor changed the name of the agency to the Mayor's Office on Criminal Justice. The mayor had recognized for some time that it is not feasible for the mayor to coordinate the justice system in this city because he really controls only one of the many agencies that make up the system—the police department. All of the other parts of the system are administered by other levels of government. This diversity weakens the ability of the mayor or any other public official to effectively coordinate the system.

—Respondent to a request for CJCC
information in a major U.S. city

Regional Justice Planning Units

The 1968 Omnibus Crime Control and Safe Streets Act created the Law Enforcement Assistance Administration (LEAA) and outlined the means by which state and local units of government would receive federal support for criminal justice planning and action. The LEAA established a grant program to help state and local governments expand their planning capabilities. To receive these funds, a locality or group of localities needed to form a regional planning unit (RPU). Grants management dominated the agendas of most of the RPUs.

By the time the LEAA program was phased out in 1982, the RPUs that existed primarily to garner and administer federal grant funds disappeared. But others evolved to the point where federal initiatives, although still important, no longer served as the primary stimulus. These local units

increasingly targeted the bulk of their resources on analysis, coordination, technical assistance, and other planning activities undertaken for the benefit of all local justice agencies within the county or region. Many RPUs reinvented themselves as CJCCs, including the Louisville-Jefferson County (Kentucky) Crime Commission, established more than 30 years ago and probably the oldest continuously operating CJCC in the United States; the Toledo-Lucas County (Ohio) Criminal Justice Coordinating Council; and the Los Angeles Countywide Criminal Justice Coordination Committee.

Corrections Advisory Boards

Many states have passed community corrections acts, encouraging localities to limit commitments to the state prison system (and thus create local corrections options) and to strengthen traditional jail and probation operations. In return for financial aid, the community corrections acts require localities to form a broad-based local corrections advisory board and an annual plan. This provides many communities with motivation, structure, and valuable experience in improving justice system coordination.

While these coordination mechanisms are heavily focused on the corrections subsystem, they often perform many of the more comprehensive functions associated with a CJCC. In fact, in several states—Oregon and Colorado, for example—the corrections advisory boards were a direct stepping stone to the eventual legislative mandate for CJCCs.

Oregon counties with particularly strong local justice coordination groups include Marion, Jackson, Josephine, Benton, and Malheur. Several smaller counties—Wasco, Hood River, Gilliam, and Sherman—have banded together to jointly build and operate a regional correctional facility.

—Representative, Oregon State Community Corrections

Jefferson County, Colorado, is one example. It has a strong local justice coordination group that built on the prior experience of a local community corrections advisory board and other related coordination mechanisms.

An Ideal Criminal Justice Coordinating Committee

The ideal CJCC would have the following characteristics:

- Encompass broad representation, recognized authority, and adequate staff support.
- Include representation of city, county, and state levels of government operating within the geographic boundary of a county or region.
- Include representatives of all functional components of the justice system.
- Involve citizens on the CJCC, committees, or both.
- Be established by an intergovernmental agreement; its role would be spelled out in a written statement of purpose.
- Receive funding, in part, from each member agency to ensure a political and financial stake.
- Enjoy the support and willing participation of all members, who collectively carry great weight and prestige.
- Remain administratively independent so that no one jurisdiction or justice system component would control the organization.
- Ensure that the staff includes a sufficient number of professionals with criminal justice experience, technical skills, and analytical capabilities.

Coordination groups with the characteristics described above are still rare. Many jurisdictions have not yet arrived at the point where they have the analysis and coordination capabilities that are the hallmark of a modern, systems-oriented CJCC. Many also lack comprehensiveness.

SECTION 3

Seven critical elements were observed in successful adjudication partnership efforts. These critical elements are leadership; broad-based membership; clear, useful, and achievable goals; a team approach; a long-term view; a commitment to using new information and monitoring progress; and criminal justice system and community support. . . . Together, these critical elements provide a solid basis for criminal justice leaders and managers to coordinate and collaborate with other agencies to address significant needs and problems in their jurisdictions.

**—Member, adjudication partnership,
quoted in Jane Nady Sigmon et al.,
*Adjudication Partnerships: Critical Components*¹¹**

Still, in many places, justice planning in any of these forms results in improved communication, cooperation, and coordination; a better understanding of the nature of crime and justice system problems; and greater efficiency and effectiveness in operations. These jurisdictions can advance to the forefront by incorporating the elements identified as characteristic of successful local CJCCs.

Guiding Principles for CJCCs

Research and experience have produced a “collective wisdom” about how to create, staff, evaluate, and rejuvenate CJCCs. General guidelines derived from these principles are discussed in this section. Lessons learned from the Juvenile Detention Alternative Initiative (JDAI) include the following:

The Juvenile Detention Alternative Initiative has shown that detention systems can change when key policy-level system actors come together and do three things: (1) develop consensus (relying heavily on data) about what is wrong with the system; (2) develop a vision of what the new system should look like; and (3) develop and implement a plan of action.

In pursuing these three activities, seven principles emerged from the successes and failures of the JDAI sites:

1. Forming a collaborative group for system reform is extremely hard work and will take longer than you think.
2. For collaboration to work, all the relevant stakeholders must be at the table.
3. In collaboration-driven reforms, the group must develop consensus about what should change and how it should change.
4. There’s no real collaboration without negotiation and willingness to compromise.
5. Without strong and able leaders, reform is unlikely.
6. Collaborative leadership must include a jurisdiction’s “movers and shakers.”
7. Self-assessment and data are essential engines for effective collaboration.¹²

Creating a Criminal Justice Coordinating Committee

Who initiates action, or by whose authority is action initiated? How does a CJCC get started? The answers to these questions vary, depending on the locality and the situation.

If there is concern about jail crowding, then that’s where you start. Give them something important to do. Start with an assessment of the current situation. Create a vision of what the system should look like. Engage them in closing the gap between what exists and what is desired.

—Bob Maccarone, former Staff Director,
Westchester County (New York)
Criminal Justice Advisory Board

Consultants who provide onsite technical assistance on behalf of the National Institute of Corrections commonly find that a community asks for technical assistance because there is uncertainty and ambiguity about who can legitimately take action or how to proceed, not because they are unaware that the situation needs attention.

The source of initiative for change can come from unlikely sources. Often, it comes from a problem everyone is concerned about. For example, a crisis can lead to increased collaboration.

Key justice agency leaders and officials of general government must provide leadership. One or more of these men and women must step forward. This leadership is most likely to emerge during times of change or crisis.

In other situations, a CJCC may emerge simply because of the cumulative weight of financial pressure. It may be nothing specific, other than a general sense that justice system expenditures are growing faster than those of general government, or recognition that the growth rate of justice agency workloads is simply not sustainable. CJCCs provide a way for officials who worry about budgets to involve themselves in the process earlier. In these situations, the CJCC may emerge slowly and incrementally.

In the early days, when energy is high but skepticism is rampant, it helps to establish a beachhead from which to work by doing something that feels like a group success. Later, when members feel that they belong to a group, more intractable obstacles can be addressed. It is important to begin with a few simple challenges, prove they can be overcome, and then move onto the bigger ones.

—Kathleen Feely, *Collaboration and Leadership in Juvenile Detention Reform*¹³

Holding a daylong workshop, with assistance from a skilled facilitator, in a retreat setting is one good way to initiate a CJCC. These workshops might be repeated, at least annually, as a way to refocus and reenergize the CJCC.

Relationship to State Justice Planning Function

CJCCs are more likely to be created and to succeed in states where state government encourages local criminal justice planning, analysis, and coordination. State governments can play a powerful role by assisting and empowering local jurisdictions. They can help localities define the needs of their communities, support local efforts to develop balanced and systemic solutions, and obtain data to guide decisionmaking.

State agencies also benefit by developing and maintaining relationships with CJCCs. Including representatives of local CJCCs on state criminal

justice planning agency boards, committees, and task forces will forge important links to improve state and local justice planning and coordination.

Suggested guidelines for states to promote better state/local justice coordination partnerships include the following:

- Ensure that state officials operating at the local level have been expected to participate and provide information for local planning efforts.
- Provide technical or financial assistance to enhance local efforts in data collection and analysis for policy purposes.
- Provide support and assistance in the development of local coordinating councils and training on policy planning.
- Provide incentives through grant awards for jurisdictions with planning boards and for jurisdictions that see the “big picture” and recognize systemic and fiscal impacts of new projects.
- Recognize there are no “cookie-cutter” approaches; avoid attempting to impose homogeneity in an environment marked by variety.
- Acknowledge that states and localities must try to overcome their negative history and agree to disagree on some issues.¹⁴

Some states have deliberately fostered the formation of local CJCCs, either as comprehensive criminal justice planning bodies or through community corrections act legislation. Oregon and Colorado are two states that have migrated toward more comprehensive CJCCs. These states built on successful experiences with community corrections acts that required state and local partnerships to improve local corrections operations through better planning, analysis, and coordination. Maryland, Pennsylvania, and Virginia have statewide initiatives that promote collaboration across justice system components and focus on concerns and priorities at the community level.¹⁵

Geographic Scope

Justice system planning is enhanced when it encompasses as complete a “system” of justice as

possible. CJCCs benefit from geographic boundaries that are coterminous within the jurisdictional boundaries of a local justice system. Normally, this means a geographic area with the same boundaries as a county. Municipalities usually invest heavily in police services, and counties are more involved in court and correctional services. Thus, if a CJCC's coverage extends to the county boundaries, it usually deals with a complete, or nearly complete, local justice system. Even in jurisdictions with many state-administered criminal justice activities, a countywide arrangement usually pulls together most locally administered functions.

This principle leads to related notions, for example, that joint city/county CJCCs are generally preferable to either single-city or county-only CJCCs. Geography is less important than the *range* of justice functions falling within the jurisdiction of the CJCC.

A different set of guidelines appears to govern smaller cities and counties without major population centers. Smaller cities and counties can effectively combine their resources to support a comprehensive multicounty CJCC effort that none could provide alone. Small counties can be grouped in different ways. One approach is to encourage them to fall together into natural groups based on local preference or traditional intercounty alliances, such as a council of governments. Another is to organize around existing multicounty judicial districts.

Authorization and Purpose

Many coordinating groups operate informally, for example, at the request of a mayor, judge, or chief administrative officer. The effectiveness of the group, however, will be enhanced by a degree of independence and the legitimacy accorded by formal authorization. A first step in setting up a local coordinating body of the kind envisioned here is to obtain legal authorization for the CJCC to serve as a cross-agency and cross-jurisdictional planning and coordination mechanism. For example, the CJCC might be established by a joint resolution of local governments, a joint

powers agreement, a municipal ordinance, a resolution of the county government, a statute, or an executive order.

A clearly articulated purpose and mission statement should be prepared and formally adopted. Whatever form of enabling mechanism is used, its provisions should describe the CJCC's location within local government and its major purposes, duties, and powers, and outline the mutual responsibilities of the CJCC and the agencies it serves. Such a document will legitimize CJCC staff efforts to obtain line agency cooperation in collecting necessary data and to implement CJCC-sponsored plans and programs.

Structure

Most CJCCs with advanced practices are city/county collaborations. Typically, they are independent from the city and/or county administrative structure. The staff, too, is responsible to the CJCC, although they may be housed in a city or county office building.

All CJCCs have a chairperson and many also have a vice-chair. Normally, these two individuals also serve on a steering committee or executive committee that is usually required because the total CJCC membership is so large. In addition, most CJCCs have both standing and special purpose committees. For example, some have standing committees that mirror the police, courts, and corrections components of the justice system. CJCCs also may form interdisciplinary committees to consider specific problem areas, such as jail crowding or juvenile matters. These may be standing committees or committees formed for a specific duration. CJCCs often establish subcommittees that pull staff from several agencies. For example, some subcommittees include a particularly knowledgeable middle manager and technical experts who are subordinates to CJCC members.

Some CJCCs, such as the Los Angeles Countywide Criminal Justice Coordination Committee, consist solely of justice system officials. Others include citizens.

Bylaws

Bylaws should be developed to govern the day-to-day business of the CJCC and to delineate the specific powers and duties of the CJCC, its members, and its staff. The development of bylaws formalizes the process of creating a skeleton of an agreement that can serve as the basis for a CJCC (see appendix E for sample bylaws for a CJCC).

Representation and Membership

The CJCC should be governed by a membership that is broadly representative of both local elected officials of general government and elected and appointed criminal justice agency administrators from within the county's geographic boundaries. It might also include personnel of certain nonjustice agencies and private citizens. Because it deals with a number of agencies and more than one unit of government, the CJCC should be an independent body. Independence and broad representation help provide the systemwide perspective necessary for comprehensiveness, and policy direction by local government and justice officials ensures greater responsiveness to local needs.

The Tarrant County Criminal Justice Planning Group (CJPG) is chaired by community volunteers, representative of the Tarrant County community, who serve in a "countywide" capacity. The CJPG has produced a Community Plan for Criminal Justice.

—Les Smith, Manager, Criminal Justice Programs,
Tarrant County Administrator's Office, Fort Worth, Texas

The CJCC should include four categories of members: (1) justice officials, (2) officials of general government, (3) officials of related nonjustice agencies, and (4) statesmen. Justice officials form the core of these broad-based CJCCs, but this core should be embedded in a larger, more comprehensive community-based context that goes beyond the interests of the justice constituency.

There is an important distinction between a committee made up of justice officials and a committee that also includes officials of general government (e.g., a county commissioner, city or county manager, or mayor) and of related agencies (e.g., the health department, school, or social services agencies).

Broad-based representation helps to ensure that every agency affected by changes. . . has the opportunity to offer valuable insights regarding the plan for achieving program goals. This strategy also helps to prevent agencies that are not included in the planning process and/or that do not agree with the mission, goals, or strategy from scuttling a program or delaying its implementation.

—Jane Nady Sigmon et al.,
*Adjudication Partnerships: Critical Components*¹⁶

CJCCs also benefit from "statesmen"—one or two community leaders who are not justice system experts and have no special interest in any portion of the justice system. These statesmen can establish a sense of altruism in the CJCC by insisting, "We expect you to get along together. We expect you to solve these problems." They may also ask discerning questions. A broad base of support is important, but citizen members representing special interests should not be added; the CJCC will most likely have too many already.

Board membership should be specified in the bylaws along with the principles governing methods and terms of appointment. Overlapping terms of at least one year are important for continuity in board composition. For example, the bylaws of the Marion County, Oregon, Public Safety Coordinating Council stipulate that, at a minimum, membership must consist of:

- A police chief selected by police chiefs in the county.
- The county district attorney.

- A public defender or defense attorney.
- A county commissioner.
- A health/mental health director.
- City council member or mayor.
- A representative of the Oregon State Police (nonvoting).
- The county sheriff.
- A state court judge.
- A director of community corrections.
- A juvenile department director.
- At least one lay citizen.
- A city manager or another city representative.
- A representative of the Oregon Youth Authority (nonvoting).

Achieving broad participation may result in a large CJCC, so some balance must be worked out. For example, counties with a large number of cities may have too many local police chiefs to include on the CJCC. The solution is to invite the chair of the local association of police chiefs to participate.

Selecting the Chair

Selecting the CJCC chair almost always elicits comments about the requirements of leadership. Staff and members of CJCCs have made many observations about a chair's needed characteristics, including the following:

- We need a leader as opposed to a manager.
- He or she must have the respect of the group.
- Integrity is key.
- When they chair, it's for the good of the group.
- Our chair runs a "tight and fair" meeting.
- Everyone gets their say.
- If you stack the deck, it won't help you any.

Establishing "an air of altruism" promotes the workings of the CJCC. Using the position as chair to achieve a political advantage signals the probable demise of the CJCC.

For years, the informal practice at our CJCC has been to have a nonjustice professional serve as chair of the CJCC. For example, a professor of criminal justice chaired our CJCC.

—**Bob Maccarone, Assistant District Attorney and former Staff Director, Westchester County (New York) Criminal Justice Advisory Board**

According to Jane Nady Sigmon and colleagues:

[T]he leader must possess certain skills and take on specific responsibilities, including:

- Articulating the current problem.
- Setting forth a vision for how the local justice system will tackle the problem.
- Convincing other key people of its value so it becomes a shared vision.
- Building partnerships to achieve the envisioned change.

The leader also must be able to motivate and inspire people to commit their time and effort to the program and participate as equals around a table, despite real or perceived differences between members in power and status.¹⁷

Leadership will change over time. The CJCC will need to plan for leadership transitions to avoid crises when they occur.

Real reform is not possible without taking risks. Collaborative work mitigates that risk. One of the benefits of collaborative change structures is that once the group builds its strength and gets a sense of its power, it realizes that risks can be taken more readily. When the whole group has developed consensus about what should be done, it represents a united front of experts speaking with one voice. This is a formidable voice, one that is difficult to ignore. Collaborative leaders are wise if they are able to gauge when and how to use this voice, this power, and when not to. Leadership must manage this newly found power carefully.

—Kathleen Feely, *Collaboration and Leadership in Juvenile Detention Reform*⁸

Executive Committee and Standing Committees

The purposes and composition of an executive committee and standing committees and task forces must be determined. It is important to recognize that the need for staff support will increase as the CJCC forms committees and task forces. Larger boards almost always need an executive committee.

In Marion County, Oregon, the Executive Steering Committee of the Public Safety Coordinating Council meets on the last Tuesday of each month for the primary purpose of developing meeting agendas for the full council. The members include the chair and vice chair of the council and representatives of both a city police department and the Marion County Sheriff's Office.

—Bylaws, *Marion County Public Safety Coordinating Council*¹⁹

Voting

The bylaws of most CJCCs address voting, and most refer to a majority rule. In practice, however, many CJCCs do not actually bring issues to a vote; instead, decisions are usually made by consensus. But consensus is not always the rule. For example, when an issue comes up for a vote at the Hennepin County/City of Minneapolis CJCC, it is not adopted unless there is unanimous agreement.

The CJCC will not survive long if every issue that comes to the table is controversial and results in bloodshed.

—John O'Sullivan, former Staff Director,
Hennepin County/City of Minneapolis Criminal Justice
Coordinating Committee

The potential for a vote tends to level the playing field in which separate agencies usually differ in terms of power and authority. Representatives from small jurisdictions have an equal opportunity to express their views, and, if a vote is taken, their vote often carries the same weight as a larger jurisdiction.

Some jurisdictions, concerned about attendance, permit only the official members to vote. This means their subordinates can attend and represent them, but they cannot vote and they do not count toward a quorum.

Setting the Agenda

A clear agenda, delivered well in advance, will help promote attendance. It should include items that are clearly relevant to the participants. Informational matters and operational-level concerns should be kept to a minimum so that policy-level discussion and action can take place. As a general rule, the CJCC does not meddle in the internal affairs of any single justice agency. Agenda items focus on issues that cut across agency interests or operations. Typically, this shifts the emphasis away from looking at individual agencies and refocuses attention on the decision points where they come together to do their work, as was shown in exhibit 7.

The presiding judge of the court chairs the cabinet, and there are regularly scheduled meetings. The meetings are structured. Items on the agenda are timed, and agendas are distributed a week in advance.

—Mary Ann Treadaway, Staff Member,
Sacramento County (California) Criminal Justice Cabinet

In most CJCCs, the chair develops the agenda in concert with the staff. Members are encouraged to submit agenda items to the staff and/or the chair. They have an *obligation* to do so if an upcoming initiative is likely to affect other parts of the justice system.

Meetings

The CJCC should meet regularly, either monthly or quarterly. A schedule of future meeting dates and times should be agreed upon well in advance of the meetings. The meetings must be well organized and well run.

Discussions at meetings should be open, frank, and civil. Exhibiting civility and respect for others is critical in fostering cooperation and helping steering committee members grow in their understanding of the problems and needs of each of the participating agencies.

—Jane Nady Sigmon et al.,
*Adjudication Partnerships: Critical Components*²⁰

Financing the CJCC

Once the objectives and priorities have been set, planning activities identified, and staff needs outlined, an overall CJCC budget must be estimated and the sources of funds considered. Federal or state funds may be primary sources, particularly in the early stages of CJCC development, but local government revenues are a significant source in many jurisdictions.

Local financial investments help institutionalize the planning process within the general structure of local government, giving it greater stability and orienting it more directly to local issues. Shared local government funding also prevents domination of the CJCC by one jurisdiction or justice system component and provides a sense of commitment from all of the members.

Our CJCC is governed by a joint powers agreement containing a formula for funding by the participating jurisdictions. This is a county made up of many cities, none being dominant in size or assessed evaluation.

—Cynthia Brandon, Executive Director,
San Mateo County (California) Criminal Justice Council

This suggests that federal and/or state financial assistance be concentrated on encouraging and initiating or enhancing local planning and coordination competencies for more self-sustaining operations. The financial contribution of local governments then should be incrementally increased as local officials become convinced that the CJCC's planning, analysis, and coordination activities serve important local needs.

Staffing the CJCC

The staff support provided to the CJCC will largely depend on the size of the jurisdiction and the resources available, but a CJCC will not work well unless it receives independent, full-time staff support. The Hennepin County/City of Minneapolis CJCC has its own budget and dedicated staff who report directly to county administration. Before the 1977 reorganization of the CJCC, it had no legal status, no budget, and no full-time staff. CJCC accomplishments depended on part-time staff contributed by member agencies and available funding.

The cabinet is supported by a full-time senior administrative analyst. Funding for this position is shared by the agencies of the executive committee. In addition, the cabinet is supported by a contracted research consultant. The cabinet staff is responsible for monitoring his work plan and deliverables. The county funds this contract.

—Mary Ann Treadaway, Staff Member,
Sacramento County (California) Criminal Justice Cabinet

Planning for staffing needs should be preceded by careful consideration of CJCC objectives. The number of staff members and their qualifications will be determined by the types of planning, analysis, and coordination activities they will undertake. Members of the CJCC should invest some time in preliminary planning to maximize staff effectiveness. This is a “preparing for planning” step, as shown in exhibit 5, the 11-step general planning process model.

A wide variety of skills is needed. These are rarely found in a single individual. The traditional system designer-expediter is still needed, but so is the entrepreneurially minded new venture analyst, so is an analytic diagnostician-controller, so is a skilled forecaster-analyst, so is a computer-model builder.

—H. Igor Ansoff, quoted in
John K. Hudzik and Gary W. Cordner,
*Planning in Criminal Justice Organizations and Systems*²¹

Staff members will need skills in three basic areas. First, they should have analytical skills and experience. They should be able to collect and analyze data and convert the data into useful information. This ability will depend on the second basic skill area: practical experience and an understanding of justice system agencies and processes. The third skill area involves political, managerial, and administrative capacities to get along well with CJCC members and justice agencies.

The CJCC staff should be characterized by credibility, neutrality, and stability. Credibility with justice agencies and local government officials comes with demonstrated competence and neutrality and from the legitimacy associated with formal authorization to serve in an interagency and interjurisdictional role. Neutrality must be conscientiously practiced by the staff director and subordinates but can be promoted by insulating the CJCC staff from local politics (basing staffing on the merit system rather than on political appointments). Stability of the unit, essential to the continuity of long-range planning, is enhanced by protection from political involvement, by strong enabling legislation, and by efforts to institutionalize planning within the local government structure.

Flexibility needs to be part of the job description.

—Ann Bowland, Toledo-Lucas County (Ohio)
Criminal Justice Coordinating Council

In successful CJCCs, the staff director and the chair of the CJCC have a close, compatible, and effective working relationship. The best of both worlds is to have a talented justice planner as staff director and an effective leader as chair.

Typical Staff Assignments

The work of the CJCC can be illustrated by a quick summary of typical staff assignments. As shown earlier in exhibit 2, staff assignments may include any of the following:

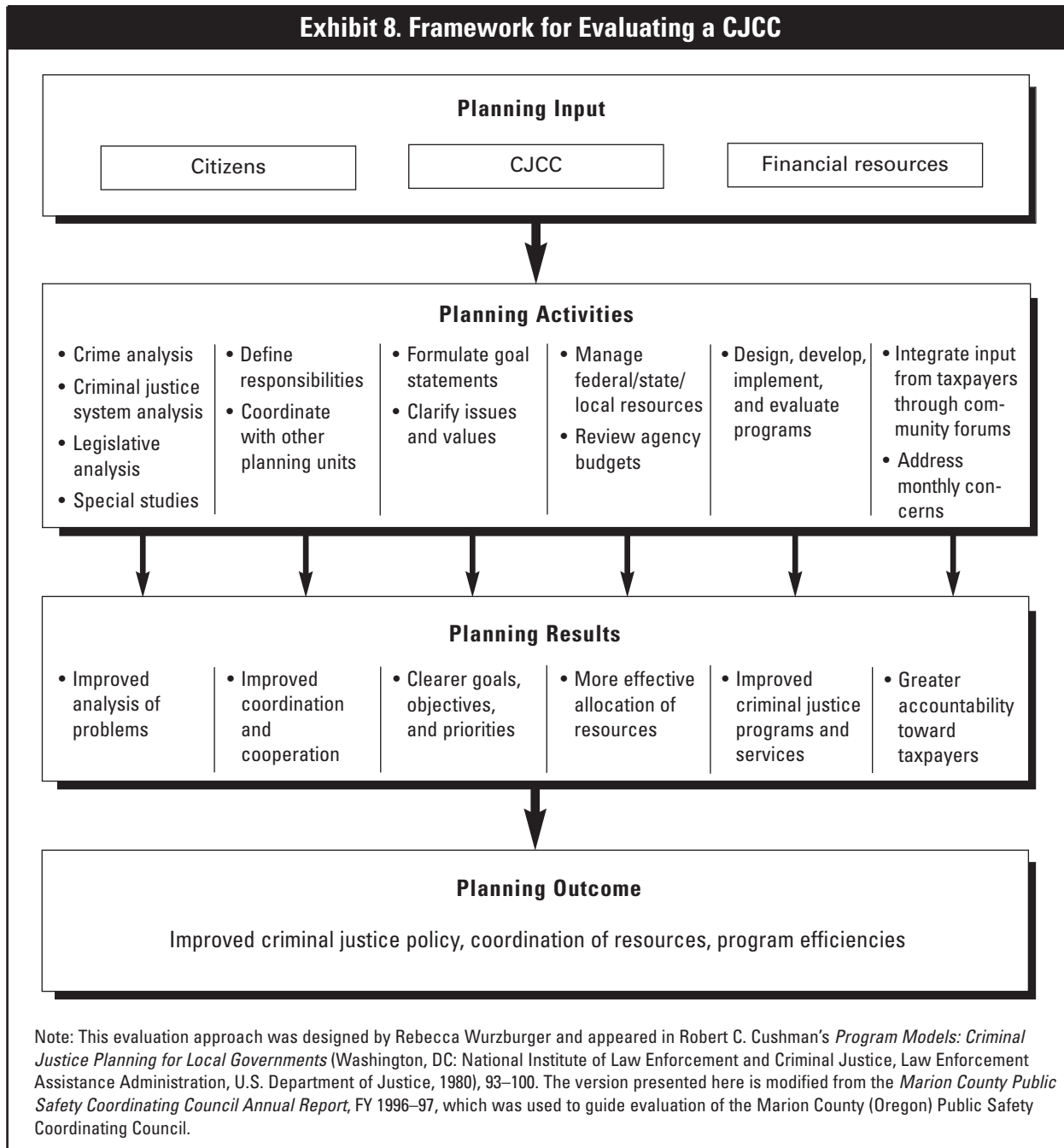
- Developing databases.
- Staffing CJCC subcommittees.
- Conducting legislative analyses.
- Gathering or disseminating public information.
- Coordinating agency efforts.
- Mediating interagency disputes.
- Helping agencies articulate goals and priorities.
- Planning for resource allocation and reviewing agency budgets.

- Preparing grant applications and managing grants.
- Designing, implementing, and evaluating programs.
- Providing technical assistance, training, and information brokerage services.
- Conducting special studies and a wide range of analysis activities.

Evaluating the CJCC

Evaluation of the CJCC can do much to convince taxpayers that justice agencies are doing their job and that justice dollars are well spent. A general evaluation approach is shown in exhibit 8. Polling the CJCC members should be part of any evaluation of the CJCC. Public opinion surveys can also provide measures of public satisfaction with the local justice system.

Exhibit 8. Framework for Evaluating a CJCC



The Palm Beach County (Florida) Criminal Justice Commission currently has a consultant evaluating their work and accomplishments.

—Sally Graham, Criminal Justice Policy Coordinator,
Sarasota County, Florida

The Marion County Public Safety Coordinating Council has conducted several surveys to measure public opinion about justice services and priorities. The objectives of the public opinion surveys were to:

- Identify registered voter opinions about the most important issue facing Marion County government, with reference to crime.
- Identify registered voter attitudes toward specific statements about fighting crime and about Marion County government.
- Identify whether registered voters support construction of a juvenile detention facility and a juvenile justice center.
- Identify how registered voters would spend money between adult and juvenile corrections; prevention, intervention, and treatment programs; juvenile delinquency programs; and prevention programs for families with children.

Hiring an outside consultant, or requesting an evaluation from the National Institute of Corrections, may lead to a more formal and more deliberate evaluation of the CJCC.

Rejuvenating the CJCC

CJCCs are fragile: Some atrophy; others pass away entirely. In a survey of 30 CJCCs, respondents were asked to list the factors that significantly contributed to and detracted from the success of their CJCC.²²

The most important *contributing* factors for success were identified as (1) good relationships with criminal justice agencies and officials of general government; (2) the CJCC's nonpartisan image and multijurisdictional approach; and (3) dedicated staff with technical ability. These assets keep a

CJCC healthy; therefore, they should be actively promoted. (Leadership, citizen support, and adequate financial support were mentioned less frequently as contributing factors.)

The factors that most *detracted* from success were (1) financial constraints; (2) staffing reductions; and (3) conflicts between agencies (over “turf”). These danger signs will need attention if a CJCC is to remain healthy.

Rejuvenating a CJCC involves answering three questions:

- What happened to the previous CJCC?
- What has changed?
- Who should revive the CJCC?

What Happened to the Previous CJCC?

Surveying previous members is a good place to begin answering this question. Chances are that the previous CJCC had weak scores on the CJCC self-evaluation questionnaire presented as exhibit 1 of this guide.

Ask: “How is the justice system less viable because the CJCC is gone?” It’s likely that asking this question will help officials identify many things a CJCC could help them accomplish that they cannot possibly accomplish on their own.

—Ann Bowland, Toledo-Lucas County (Ohio) Criminal Justice Coordinating Council

Interagency conflict can cause the demise of a CJCC. But, after a period, it may be possible to revive the CJCC and start again. Another common problem is that interest wanes when a CJCC drifts from a policy-planning orientation and becomes consumed with operational concerns.

What Has Changed?

CJCCs are rarely static. They change and adapt, or they deteriorate and die. If a CJCC is dependent

on an unusually strong and effective leader, it will likely suffer when leadership changes. Elections will remove some members and new ones will replace them, possibly threatening the continuity the CJCC needs to survive. Newly elected and appointed officials may see the CJCC as a vestige of old philosophies and old ways of doing things. A new executive order, a new mission statement, a new challenge, or a reorganization may be needed to help them “own” the process.

In 1997, the Hennepin County/City of Minneapolis CJCC spent much of the year evaluating its effectiveness and direction. The end result was a reorganization, the adoption of a vision and mission statement, and a formal cooperative agreement between the City of Minneapolis and Hennepin County outlining organizational basics and funding responsibilities. The new organization has fewer members with a slightly stronger suburban emphasis. In addition, a vice-chair position was added along with a provision for the orderly transfer of the chair.

—John O’Sullivan, former Staff Director,
Hennepin County/City of Minneapolis
Criminal Justice Coordinating Committee

Opportunities to reinvigorate a CJCC may come from new or pending legislation that is expected to affect justice system workloads. Examples include increased criminal penalties for drinking/driving offenses, a three-strikes law, and changes in state/local responsibilities for supervising offenders in custody or in the community. Each of these may represent an opportunity to call the local justice leadership together to conduct problem-oriented planning.

Who Should Revive the CJCC?

Reviving the CJCC is a shared responsibility, but someone must take the lead. Often, two or more officials can agree to sponsor revival of the CJCC.

An early meeting in a retreat or workshop setting, with a trained facilitator, can help a CJCC get off to a healthy, vigorous new start. Where possible, efforts to rejuvenate a CJCC should start small and build competence gradually. Organizers should avoid spending too much time and energy bringing one or two naysayers into the fold. Instead, they might attempt to build a critical mass of the key players and work “downhill,” beginning with tasks in which opportunities for success are the greatest. They should build upon small gains.

Visits to other CJCCs can also help officials see new possibilities. Even a brief telephone conversation with a counterpart in another jurisdiction can help a local official think more optimistically about the potential of a CJCC.

The skills of the CJCC members and staff will develop incrementally as they gain experience and foster the working relationships with agency and government officials necessary for comprehensive local justice planning. As these relationships develop, the CJCC should focus on strengthening the decisionmaking capacities of the cities, counties, and justice agencies in its jurisdiction, helping them to improve the way they provide the services and programs for which they are responsible.

Any change in one part of the justice system has a ripple effect. Some justice agency executives don’t appreciate the systemwide impact of the decisions they make.

—Tom Giacinti, Jefferson County (Colorado)
Criminal Justice Strategic Planning Committee

Demonstrating the Benefits

CJCCs need to continuously demonstrate the benefits of their collaborative efforts to member agencies and the community at large. They need to look for opportunities to celebrate and reinforce success. Most CJCCs prepare a list of major accomplishments at least annually. They celebrate success as they achieve key milestones and objectives. For example, the Jail Utilization Systems Team (JUST) Project of Monroe County

(Rochester, New York) released the following public statement:

In 1992, the Monroe County (Rochester, New York) Executive required all county departments to incorporate total quality management (TQM) and work together to address county problems. Local justice system leaders joined together and developed a multi-part strategy to reduce jail crowding. They developed a continuum of graduated restrictions for out-of-custody pretrial defendants, added graduated sanctioning options for convicted misdemeanants, expedited case processing for prison/jail bound offenders, and strengthened their case processing information system. These actions reduced the average length of jail stay. As a consequence, the daily jail population was reduced by 209 beds, even though jail admissions increased from 13,587 in 1994 to 15,842 for 1997 (20 percent).²³

Some CJCCs (e.g., the Palm Beach County, Florida, Criminal Justice Commission) have a public relations subcommittee charged with interpreting the results of the CJCC to the public, to other

justice agencies, to government officials, and to the media. Effectively communicating each CJCC's success will build support for planning and coordination and ultimately improve local criminal justice programs and services nationwide.

In the world of limited resources and increased demands for system accountability, criminal justice coordinating committees provide forums for the key players within the justice system to work together, leaving their traditionally adversarial relationship behind in the courtroom. By working together toward the larger goal of improving service for the public, it is likely that criminal justice system leaders will also improve the functioning of their individual agencies.

—Mark Cunniff, Executive Director, National Association of Criminal Justice Planners

Notes

1. This saying by Casey Stengel has become such a common part of the American lexicon that the original source of the quotation is difficult to establish. Some of the quotations in this guide without full citations are from the author's personal knowledge; others are from communication with the speaker.
2. Lewis Carroll, *Alice's Adventures in Wonderland*, New York: Harcourt Brace, 1999.
3. Christina Morehead, *A Criminal Justice Planning Model for King County*, Seattle, WA: King County Regional Law, Safety and Justice Committee, 1991, p. 24; based on a survey of 30 CJCCs.
4. *Ibid.*, p. 1.
5. Kathleen Feely, *Collaboration and Leadership in Juvenile Detention Reform*, The Pathways to Juvenile Detention Reform Series (a project of the Annie E. Casey Foundation), 1999, p. 12.
6. As quoted in Robert C. Cushman, *Program Models: Criminal Justice Planning for Local Governments*, Washington, DC: U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1980, p. 9.
7. Jane Nady Sigmon, Ph.D.; John Goerdt, J.D.; Scott Wallace, J.D.; Heike Gramckow, Ph.D., J.D.; Kathy Free; and M. Elaine Nugent et al., *Adjudication Partnerships: Critical Components*, American Prosecutor's Research Institute (Draft) 1999, p. 4.
8. Cushman, *Program Models*, (see note 6) p. 29.
9. Kim Allen, Executive Director, Kentucky Criminal Justice Council, speaking at the annual membership meeting of the National Criminal Justice Association, July 1999, as quoted in *News Update*, the newsletter of the National Association of Criminal Justice Planners, August 1999.
10. Sigmon et al., *Adjudication Partnerships: Critical Components*, (see note 7) p. 1.
11. *Ibid.*, p. 2.
12. Feely, *Collaboration and Leadership in Juvenile Detention Reform*, (see note 5) p. 14.
13. *Ibid.*, p. 32.
14. Kim Allen, Former Executive Director, Kentucky Criminal Justice Council, speaking at the annual membership meeting of the National Criminal Justice Association, July 1999 (see note 9).
15. See "Community-Based Planning: Promoting A Neighborhood Response to Crime" in *Policy and Practice* (Spring 1998), a quarterly publication of the National Criminal Justice Association, 444 N. Capitol St. NW, Suite 618, Washington, DC 20001.
16. Sigmon et al., *Adjudication Partnerships: Critical Components*, (see note 7) p. 3.
17. *Ibid.*, p. 2.
18. Feely, *Collaboration and Leadership in Juvenile Detention Reform*, (see note 5) p. 38.
19. Bylaws of the Marion County Public Safety Coordinating Council, Salem, Oregon, 1999.
20. Sigmon et al., *Adjudication Partnerships: Critical Components*, (see note 7) p. 4.
21. As quoted in John K. Hudzik and Gary W. Cordner, *Planning in Criminal Justice Organizations and Systems*, New York: Macmillan Publishing Co., 1983, p. 134.
22. Morehead, *A Criminal Justice Planning Model*, (see note 3) pp. 111-112.
23. Jail Utilization Systems Team (JUST) Project, Monroe County, Rochester, New York, 1993.

Checklist for Forming a CJCC

- Determine the need for and interest in forming (reforming/rejuvenating) a CJCC.
- Locate state legislation that mandates or facilitates formation of a CJCC.
- Contact a number of potential “core” members. Share this guide with them. Determine whether they will support the formation of a CJCC.
- Determine whether an existing group can form the basis for a CJCC or whether a new group must be formed.
- Decide on the geographic scope of the CJCC—countywide or other.
- Decide who must authorize the CJCC.
- Draft a proposed statement of purpose for the CJCC.
- Draft an authorization document or charge.
- Determine the structure and administrative location.
- Draft bylaws for consideration by the CJCC and/or authorizing groups.
- Determine representation and membership.
- Select the chair.
- Determine executive committee and standing committees or task forces.
- Decide who votes, when, and how.
- Develop guidelines for establishing meeting agendas.
- Determine whether a workshop in a retreat setting with a trained facilitator is needed.
- Determine financing for the CJCC.
- Identify the number and type of staff that will be needed; hire and train staff.
- Develop a method for evaluating the CJCC and for reinvigorating it if it begins to go into decline.
- Plan ways to celebrate success and demonstrate the benefits of the CJCC.

Jurisdictions Mentioned in This Guide

(Listed alphabetically by county name; county populations are provided in parentheses.)

Benton County, Oregon (78,153)

Benton County Community Corrections
180 NW Fifth Street
Corvallis, OR 97330-4791
Phone: 541-766-6704; fax: 541-766-6758

Dakota County, Minnesota (355,904)

c/o Community Corrections
Dakota County Government Center
1560 Highway 55
Hastings, MN 55033
Phone: 651-438-8288; fax: 651-438-8340

Gilliam County, Oregon (1,915)

Tri-County (Gilliam/Sherman/Wheeler)
Community Corrections
P.O. Box 685
Condon, OR 97823
Phone: 541-384-2852; fax: 541-384-2853

Hennepin County, Minnesota (1,116,200)

Hennepin County/City of Minneapolis
Criminal Justice Coordinating Committee
Hennepin County Government Center
Suite A-2308
Minneapolis, MN 55487-0238
Phone: 612-348-5032; fax: 612-348-7423

Hood River County, Oregon (20,411)

Hood River County Community Corrections
P.O. Box 301
489 N. Eighth Street
Hood River, OR 97031-0011
Phone: 541-387-6862; fax: 541-386-7822

Jackson County, Oregon (181,269)

Jackson County Community Justice
P.O. Box 1584
123 W. 10th Street
Medford, OR 97501-0450
Phone: 541-774-4900; fax: 541-770-9484

Jefferson County, Colorado (527,056)

Jefferson County Criminal Justice
Strategic Planning Committee
700 Jefferson County Parkway, #220
Golden, CO 80401
Phone: 303-271-5063; fax: 303-271-4849

Jefferson County, Kentucky (693,604)

Louisville-Jefferson County Crime Commission
231 S. Fifth Street, Suite 300
Louisville, KY 40202
Phone: 502-574-5088; fax: 502-574-5299

Josephine County, Oregon (75,726)

Josephine County Community Corrections
237 SE J Street
Grants Pass, OR 97526
Phone: 541-474-5165; fax: 541-474-5171

Los Angeles County, California (9,519,338)

Countywide Criminal Justice Coordination
Committee
500 W. Temple Street
520 Hall of Administration
Los Angeles, CA 90012
Phone: 213-974-8398; fax: 213-613-2711

APPENDIX B

Lucas County, Ohio (455,054)

Toledo-Lucas County Criminal Justice
Coordinating Council
301 Collingwood Boulevard
Toledo, OH 43602
Phone: 419-244-5819; fax: 419-244-5244

Malheur County, Oregon (31,615)

Malheur County Community Corrections
1682 SW Fourth Street
Ontario, OR 97914
Phone: 541-881-2402; fax: 541-889-8311

Marion County, Oregon (284,834)

Marion County Public Safety Coordinating
Council
c/o Marion County Board of Commissioners
P.O. Box 14500
Salem, OR 97309
Phone: 503-588-5212; fax: 503-588-5237

Monroe County, New York (735,343)

Monroe County Department of Public Safety
33 N. Fitzhugh Street
Rochester, NY 14614
Phone: 716-428-4989; fax: 716-428-9023

Multnomah County, Oregon (660,486)

Multnomah County Public Safety Coordinating
Council
421 SW Sixth Avenue, Suite 1075
Portland, OR 97204-1620
Phone: 503-988-5522; fax: 503-306-5538

Napa County, California (124,279)

Napa County Office of Criminal Justice
Planning
c/o County Administrator
1195 Third Street, Room 310
Napa, CA 94559
Phone: 707-253-4421; fax: 707-253-4176

Orleans Parish, Louisiana (484,674)

Mayor's Criminal Justice Council
c/o Office of the Mayor
Office of Criminal Justice Coordination
Room 8E15, City Hall
New Orleans, LA 70112-2114
Phone 504-565-7100; fax: 504-565-7748

Palm Beach County, Florida (1,131,184)

Palm Beach County Criminal Justice Commission
301 N. Olive Avenue, Suite 1001
West Palm Beach, FL 33401
Phone 561-355-4943; fax: 561-355-4941

Sacramento County, California (1,223,499)

Criminal Justice Cabinet
700 H Street, Room 7650
Sacramento, CA 95814-1280
Phone: 916-874-5833; fax: 916-874-5885

San Mateo County, California (707,161)

San Mateo County Criminal Justice Council
610 Elm Street, #200
San Carlos, CA 94070
Phone: 650-802-4326; fax: 650-591-1772

Sarasota County, Florida (325,957)

Sarasota County Public Safety Coordinating
Council
1660 Ringling Boulevard, Second Floor
Sarasota, FL 34236
Phone: 941-951-5249; fax: 941-954-4875

Tarrant County, Texas (1,446,219)

Tarrant County Criminal Justice Planning Group
100 E. Weatherford Street
Fort Worth, TX 76196
Phone 817-884-1734; fax: 817-884-1702

Wasco County, Oregon (23,791)

Wasco County Community Corrections
502 Washington Street, Suite 207
The Dalles, OR 97058-2242
Phone: 541-296-9333; fax: 541-296-1739

Westchester County, New York (923,459)

Westchester County Criminal Justice Advisory
Board
c/o Department of Probation
112 E. Post Road, Third Floor
White Plains, NY 10601
Phone: 914-995-3569; fax: 914-995-6261

Other CJCC Resources

Free Technical Assistance and Training

The following organizations currently provide free onsite technical assistance.

National Institute of Corrections

Provides federally funded, quick turnaround, short-term onsite technical assistance to state and local governments. Also provides federally funded training at the NIC Academy in Longmont, Colorado, and elsewhere, and information services via the NIC Information Center.

For information on services related to jail issues, contact—

NIC Jails Division

1960 Industrial Circle
Longmont, CO 80501
Phone: 800-995-6429; fax: 303-682-0469

For information on services related to probation, parole, and community-based corrections, contact—

NIC Community Corrections Division

320 First Street NW
Washington, DC 20534
Phone: 800-995-6423; fax: 202-307-3361
Web address: www.nicic.org/about/divisions/comm_corr.htm

Services: Available services are described in the annual service plan: *Technical Assistance, Information and Training for Corrections Services Plan*. This 37-page document and a separate training calendar can be downloaded in PDF format at www.nicic.org/pubs/admin.htm. A printed copy can be obtained from any NIC office. The service

plan includes instructions for requesting technical assistance and training.

American Bar Association

American Bar Association/Bar Information Program

ABA Standing Committee on Legal Aid and Criminal Defendants
541 N. Fairbanks Court
Chicago, IL 60611
Phone: 312-988-5765; fax: 312-988-5483
e-mail: deorass@staff.abanet.org
Contact: Shubi Deoras

Services: Provides technical assistance and training to state and local governments interested in improving defense services.

American University

American University Criminal Courts Technical Assistance Project

American University Justice Programs Office
American University Brandywine 100
4400 Massachusetts Avenue NW
Washington, DC 20016-8159
Phone: 202-885-2875; fax: 202-885-2885
e-mail: justice@american.edu
Web address: www.american.edu/justice
Contact: Joe Trotter

Services: American University, in partnership with the National Legal Aid and Defender Association, the Pretrial Services Resource Center, and the Justice Management Institute, provides federally funded technical assistance to serve criminal courts and related adjudication system agencies.

Additional Sources of Technical Assistance

Community Research Associates

309 W. Clark Street
Champaign, IL 61820
Phone: 217-398-3120; fax: 217-398-3132
e-mail: cra@community-research.com
Web address: www.community-research.com

Services: Provides federally funded onsite technical assistance and training as a service of the U.S. Department of Justice, Bureau of Justice Assistance (BJA), State and Local Training and Technical Assistance Program. Requests must be made through state criminal justice planning agencies to BJA.

Pretrial Services Resource Center

1010 Vermont Avenue NW, Suite 300
Washington, DC 20005
Phone: 202-638-3080; fax: 202-347-0493
e-mail: psrc@pretrial.org

Services: Provides assistance concerning establishing and/or strengthening pretrial services programs. Also addresses jail crowding. Reference materials available at no cost. Contractual onsite work available.

Sources of Current Information

The following national organizations provide current information about sources of technical assistance helpful to CJCCs. Most also offer technical assistance, training, and publications. Counterparts may be found at the state level.

General Government

International City/County Management Association

777 North Capitol Street NE, Suite 500
Washington, DC 20002
Phone: 202-289-4262; fax: 202-962-3500
Web address: www.icma.org

National Association of Counties

440 First Street NW, 8th Floor
Washington, DC 20001
Phone: 202-393-6226; fax: 202-393-2630
Web address: www.naco.org

National League of Cities

1301 Pennsylvania Avenue NW
Washington, DC 20004
Phone: 202-626-3000; fax: 202-626-3043
Web address: www.nlc.org

Law Enforcement, Courts and Corrections

National sources that offer technical assistance, training, and publications are listed below. Additional states offer counterparts.

American Bar Association

Criminal Justice Section
740 15th Street NW
Washington, DC 20005
e-mail: fortinbs@staff.abanet.org
Web address: www.abanet.org

For criminal justice section, see:
www.abanet.org/crimjust/home.html.

For Juvenile Justice Center, see:
www.abanet.org/crimjust/juvjus/home.html.

American Correctional Association

4380 Forbes Boulevard
Lanham, MD 20706-4322
Phone: 800-222-5646
Web address: corrections.com/aca

American Jail Association

2053 Day Road, Suite 100
Hagerstown, MD 21740
Phone: 301-790-3930; fax: 301-790-2941
e-mail: jails@worldnet.att.net
Web address: www.corrections.com/aja

American Probation and Parole Association

c/o the Council of State Governments
 P.O. Box 11910
 Lexington, KY 40578-1910
 Phone: 859-244-8203; fax: 859-244-8001
 e-mail: appa@csg.org
 Web address: www.appa-net.org

International Association of Chiefs of Police

515 N. Washington Street
 Alexandria, VA 22314-2357
 Phone: 703-836-6767; fax: 703-836-4543
 Web address: www.theiacp.org

International Community Corrections Association

P.O. Box 1987
 La Crosse, WI 54602-1987
 Phone: 608-785-0200; fax: 608-784-5335
 e-mail: icca@execpc.com
 Web address: www.iccaweb.org

National Association of Criminal Justice Planners

P.O. Box 11127
 Washington, DC 20008
 Phone: 202-347-0501
 e-mail: nacjp76@aol.com

National Center for State Courts

300 Newport Avenue
 Williamsburg, VA 23185
 Phone: 757-253-2000; fax: 757-220-0449
 Web address: www.ncsc.online.org

National District Attorneys Association

90 Canal Center Plaza
 Alexandria, VA 22314
 Phone: 703-549-9222; fax: 703-836-3195
 Web address: www.ndaa.org

National Legal Aid and Defender Association

1625 K Street NW, Suite 800
 Washington, DC 20006-1604
 Phone: 202-452-0620; fax: 202-872-1031
 e-mail: info@nlada.org
 Web address: www.nlada.org

National Sheriffs' Association

1450 Duke Street
 Alexandria, VA 22314-3490
 Phone: 703-836-7827
 Web address: www.sheriffs.org

For jail operations information, see:
www.sheriffs.org/jail_op.htm.

Police Executive Research Forum

1120 Connecticut Avenue NW, Suite 930
 Washington DC 20036
 Phone: 202-466-7820; fax: 202-466-7826
 Web address: www.policeforum.org

Sources of Free Publications

Corrections Connection Network

159 Burgin Parkway
 Quincy, MA 02169
 Phone: 617-471-4445; fax: 617-770-3339
 Web address: www.corrections.com

National Criminal Justice Reference Service

Phone: 800-851-3420
 e-mail: askncjrs@ncjrs.org
 Web address: www.ncjrs.org

Services: Extensive information on criminal and juvenile justice. This collection of clearinghouses supports all bureaus of the U.S. Department of Justice, including the Office of Justice Programs, the National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Bureau of Justice Statistics, Bureau of Justice Assistance, Office for Victims of Crime, and Office of National Drug Control Policy.

National Institute of Corrections Information Center

1860 Industrial Circle, Suite A
 Longmont, CO 80501
 Phone: 800-877-1461
 e-mail: asknicic@nicic.org

Services: Publications; information brokerage; information search. Prisons, jails, probation, parole, community-based corrections.

Sample Charge: Charge to the Denver Justice System Task Force

The Need

The administration and the city council have determined that the City of Denver needs to develop a more coordinated, policy-driven approach to alleviate crowding in our jails.

Jail crowding is a complex and pressing problem. It needs high-level coordinated leadership and attention.

If we are to understand the causes of jail crowding and develop a consensus for appropriate and cost-effective solutions, we need to learn more about the interaction between the jails and the justice system, particularly between the jails and the justice agencies that use the jail resource.

We also need to create new policy-oriented mechanisms that will position the justice leadership, officials of general government, and the public to work together more effectively so that we can move toward consensus concerning jail space and related issues.

This action is being taken following consideration of a recommendation by consultants provided to the Denver City Council by the National Institute of Corrections (NIC) to “create an intergovernmental, interagency mechanism which will effectively bring together the Administration, the City Council, and the justice agency leadership” (see September 1997 NIC Report).

Creating the Denver Justice System Task Force

The mayor and president of the city council hereby establish the Denver Justice System Task Force. The members of this group are as follows:

- Mayor or designee.
- President of the city council or designee.
- Chair of the Public Safety Committee.
- Manager of safety.
- Police chief.
- Undersheriff.
- Presiding judge, county court.
- City attorney.
- Chief judge, Second Judicial District.
- District attorney.
- Metro Chamber of Commerce designee.
- Interneighborhood cooperation president.

The Denver Justice System Task Force’s charge is to:

- Review and act upon the reports and recommendations of consultants provided by NIC, including the September 1997 and October 1997 NIC Reports, which include a blueprint for data collection and analysis.

- Direct and coordinate city and consultant resources to produce a clear and complete understanding of how jail space is currently being used. The task force is expected to oversee an empirically based examination of jail bed utilization.
- Thereafter, and based upon this empirical information, the task force is expected to lead policy development to guide current and future utilization of jail bed space and, where appropriate, the initiation and utilization of other correctional sanctions and options.

Priorities

The task force will focus priority attention on four areas:

- The task force is expected to develop a thorough understanding of who is arrested and to determine the number and characteristics of arrested persons who are (a) detained in a pre-trial facility; or (b) cited with a promise to appear in court.
- The task force is expected to develop a robust understanding of (a) persons admitted to the jails; (b) the characteristics of people released from the jails and their lengths of jail stay; and (c) a picture of how bed space is being utilized (jail population snap shot).
- The task force is expected to develop an understanding of how cases are processed from arrest to final disposition, particularly of persons who are spending time in the jail system.
- The task force is expected to develop recommendations about how Denver can better manage its criminal justice population, including issues related to optimal jail space for consideration by policymakers, the public, and criminal justice agencies and stakeholders.

Schedule and Reporting

The task force will develop a detailed work plan and proposed schedule of milestones. Task force members are expected to attend monthly meetings for 3 hours and to contribute agency resources to necessary data collection and policy analysis. The task force is expected to make periodic reports to the mayor, city council, justice agency leadership, and the public.

Sample Bylaws: County of Sacramento Criminal Justice Cabinet, May 1999

Article I: Name

The name of this Cabinet is the Sacramento County Criminal Justice Cabinet, and it will be referred to as the Cabinet in the following bylaws.

Article II: Authority

The Sacramento County Board of Supervisors and the Sacramento City Council established the Cabinet in March 1992.

Article III: Purpose

Section A: Principal Mission

The principal mission of the Cabinet is to study the Sacramento County juvenile and criminal justice system, identify deficiencies, and formulate policy, plans and programs for change when opportunities present themselves. In addition, its mission is to communicate and present planning, financial, operational, managerial, and programmatic recommendations to the agencies represented on the Cabinet.

The Cabinet is committed to providing the coordinated leadership necessary to establish cohesive public policies which are based on research, evaluation and monitoring of policy decisions and program implementations. The Cabinet is committed to innovative corrections programs for adult and

juvenile offenders. Through a coordinated planning effort the Cabinet reviews, evaluates and makes policy recommendations on vital criminal justice system issues.

Section B: Guiding Principle

The Cabinet is committed to serve as the planning body for the Criminal and Juvenile Justice System in Sacramento County.

Section C: Recommendations to Board of Supervisors

The Cabinet can make recommendations to public policy boards regarding juvenile and criminal justice system issues.

Article IV: Members

Section A: Membership by Position

There are sixteen voting members of the Cabinet who are members due to the position they hold. These sixteen members serve on the Cabinet for as long as they occupy the position:

- Presiding Judge, Superior Court of California, County of Sacramento
- Presiding Judge, Juvenile Court, Superior Court of California, County of Sacramento

- Sheriff
- District Attorney
- Public Defender
- Chief Probation Officer
- Mayor, City of Sacramento
- Mayor, City of Citrus Heights
- Chief of Police, City of Sacramento
- County Executive
- Sacramento City Manager
- Administrator, Public Protection and Human Assistance Agency
- Director, Department of Health and Human Services
- Director, Department of Human Assistance
- Director, Department of Medical Systems
- County Superintendent of Schools

Section B: Representative Members

There are three voting members of the Cabinet who serve as representatives from the respective governing bodies on which they serve or of which they are a member. The governing body which they represent determines who will serve on the Cabinet and the length of time.

- Member, Board of Supervisors
- Representative from Cities of Folsom, Isleton, Galt
- Judge, Superior Court of California, County of Sacramento

Section C: Ex Officio Members

Members of the Sacramento legislative delegation are non-voting members of the Cabinet.

Article V: Meetings

Section A: Regular Meetings

The Cabinet meets on the second Thursday of July, September, November, January, March and May beginning at 8:00 a.m.

Section B: Designees

Cabinet members may designate one chief staff person to represent them and vote at Cabinet meetings. Any member wishing to appoint a designee is to identify the designee in written correspondence addressed to the Chair of the Cabinet. Designees can be changed only by notifying the Chair in writing.

Section C: Alternate

The Sacramento County Board of Supervisors names a representative and alternate to serve as Cabinet members. The representative may appoint a designee as described in Article V, Section B, to represent the Board of Supervisors when neither the representative nor alternate is available to attend.

Section D: Quorum

A quorum is no less than a simple majority of the total membership. Designees cannot be counted when determining a quorum. Action may be taken by a majority of those present voting and by not less than a majority of the quorum.

Section E: Convening Special Meetings

The Chair of the Cabinet may convene a special meeting. Written notice must be served at least 48 hours in advance. Only items included in the written notice may be discussed or considered.

Section F: Staff Support

Staff support is provided by the Public Protection and Human Assistance Agency to a maximum of 1.5 positions. Costs for such support are shared equally by the members of the Executive Committee.

Article VI: Chair

The Chair of the Cabinet is the Presiding Judge, Superior Court of California, County of Sacramento. In instances when the Chair cannot attend a meeting, one of the other two judicial officers serving on the Cabinet will preside over the meeting as designated by the Presiding Judge.

Article VII: Voting

Each Cabinet member has one vote. Designees may vote on behalf of a member if they have been identified by the member in written correspondence addressed to the Chair.

Article VIII: Committees

Section A: Purpose

To expedite and facilitate the business of the Cabinet and the orderly and efficient consideration of matters coming before it, the following standing committees are established.

Section B: Executive Committee

The Executive Committee is to provide leadership in the planning and implementation of the Cabinet goals by:

- Designating existing structures or creating new structures for the achievement of the Cabinet goals.
- Reviewing implementation plans, timetables and costs and reporting with recommendations on such matters to the Cabinet.

- Reviewing requests made for resources, developing alternatives when appropriate, and making recommendations to the Cabinet for responding to such requests.
- Reviewing and making recommendations regarding other matters delegated to it by the Cabinet.
- Planning the agenda of the Cabinet meetings.

Membership

- Presiding Judge, Superior Court of California, County of Sacramento (Chair)
- Presiding Judge, Juvenile Court, Superior Court of California, County of Sacramento
- Judge, Superior Court of California, County of Sacramento
- Sheriff
- District Attorney
- Public Defender
- Chief Probation Officer
- County Executive
- Chief of Police, City of Sacramento
- Director, Department of Health and Human Services

Meetings

The Executive Committee meets on the second Thursday of August, October, December, February, April and June beginning at 8:00 a.m. Article V, Sections B and C, regarding designees and quorum apply to the Executive Committee meetings.

Section C: Adult Facility Planning and Operations Committee

Section D: Juvenile Institutions, Programs and Court Committee

Section E: Intermediate Punishments Committee

Section F: Streamlining Criminal Prosecution and Court Operations Committee

Section G: Information Exchange Committee (automation)

(Note: The text details the mission and committee memberships of Sections C through G. These are lengthy and, therefore, are not included here.)

Article IX: Parliamentary Authority

Robert's Rules of Order, revised, governs all Cabinet meetings except in instances of conflict between the rules of order and the bylaws of the Cabinet or provision of law.

Article X: Amendment of Bylaws

Proposed amendments to the bylaws are to be included on the agenda of a regularly scheduled Executive Committee meeting. If approved by the Executive Committee, the proposal will be forwarded to the Cabinet at a regularly scheduled meeting for approval. Any action in response to the proposed change in the bylaws taken by the Cabinet becomes effective immediately.

U.S. Department of Justice
National Institute of Corrections

Washington, DC 20534

