

THE SAN FRANCISCO ADULT PROBATION DEPARTMENT

GLOSSARY

APD - Adult Probation Department
CBO - community-based organization
CGJ - Civil Grand Jury
MIS - Management Information System
PO - Probation Officer

TERMINOLOGY

Community-based probation efforts - those efforts that move the probation activities into the community and engage community members in a partnership to set standards of behavior for neighborhoods.

Note: In the text, the numbers in parentheses () indicate the item number of the sources listed in Attachment 1 - Notes

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OVERVIEW

The San Francisco Civil Grand Jury (CGJ) found Adult Probation Department (APD) administrators, Probation Officers (POs), judges, community-based organizations (CBOs), and offenders in agreement that increased community-based probation efforts are the most advantageous approach in providing probation services. This is validated by national best practices which call for more community-based probation efforts (1).

Currently the annual cost per adult probationer in San Francisco is about \$890 (2), a mere 3.5% of the cost to keep an offender in prison for one year - \$25,607 (3).

CGJ believes San Francisco must recognize that the criminal justice dollar is favorably placed in probation efforts. By making a commitment to invest in probation services, San Francisco can increase rehabilitation of offenders, thereby decreasing recidivism and the high cost of re-incarceration.

POs, CBOs, and offenders informed CGJ that judges and probation officers assigned to offenders are often not reassigned to those offenders during any re-offense. This loss of continuity in the rehabilitation process makes the successful rehabilitation of the offender difficult, which, in turn, makes reducing recidivism less likely.

CGJ recognizes that it is sometimes not possible to assign the initial sentencing judge and probation officer to an offender in a re-arrest or probation violation case; however,

neither the Court nor the APD make reassignment of the same judge and probation officer a high priority.

CGJ recommends the following actions:

- The City should take a more inclusive view of the APD as an important asset in the continuum of criminal justice services, and should allocate to APD resources commensurate with a commitment to community-based probation services.
- The City should make a commitment to accelerate the efforts of APD toward community-based services.
- APD and the Superior Court should ensure that POs and judges assigned to offenders are, whenever possible, also re-assigned to those offenders during any re-offense.

BACKGROUND

Probation is a court-ordered process providing a suspended sentence that includes treatment and rehabilitation of offenders. Probation requires these services, while allowing the offender to remain in the community under departmental supervision.

"Broken Windows" probation is a term introduced by Wilson and Kelling in 1982. "The term explained how small disorders and breakdowns in civic norms, if left unattended, contribute in time to larger social disorders and serious crime. It called for the police to focus more of their attention on addressing disorderly behavior, especially in public spaces, and in partnership with the community, on attending to the standards and quality of neighborhood life." (1)

Consistent with the Broken Windows model, law enforcement best practices have developed a new paradigm. This approach views the public as partners in solving the problems associated with crime and suggests that the criminal justice system -

- engage the community
- proactively address the community's needs by utilizing community resources to help prevent crime
- provide more opportunities for offenders to receive the type of support that will encourage them not to commit crimes (1).

This model is credited with effectively combating crime because of the collaboration of law enforcement and the community(1).

By 1999 almost 60% of the adult offenders nationwide were on probation. While this is a very cost-effective sentencing procedure, it is most result-effective if the offenders receive the supervision and treatment that helps them avoid re-offending. Probation departments are the connection between law enforcement and human services.

"Vermont researchers found that the public wants the following from the justice system:

- safety from violent predators
- accountability for the offense
- repair of the damage done
- education and treatment of the offender
- involvement in making decisions

Additionally they want the offender to -

- Fully accept responsibility for their behavior,
- Understand the harm their actions caused,
- Acknowledge doing something wrong
- Offer an apology
- Repair the harm
- Make restitution for the harm." (1)

A study by Clear and Cole in 1990 (4) reveals that probationers often are not monitored closely enough to hold them accountable for infractions. Although over 90 percent of probationers nationwide are ordered by the courts to receive substance-abuse counseling and to comply with various court-ordered restrictions, about 50% of them do not comply. The limited capacity for monitoring by probation officers contributes to the finding that less than one-fifth of probation violations lead to increased jail time (5). The San Francisco Controller's office found that APD has similar problems with case monitoring (2),

The new Management Information System (MIS) being developed by the San Francisco APD will aid greatly in monitoring offenders on probation. However, additional changes - most notably community engagement and community-located POs - are necessary to ensure compliance with human-service referrals, as well as to enhance public safety.

The San Francisco APD has been plagued by many of the problems that most California counties face:

- limited resources - During the past 6 years APD's budget has remained nearly stationary (2).
- large caseloads -The average caseload for a PO is 157 offenders. (This average is based on all POs - including those in special units, such as Intensive Services, in which the average caseload is 51, and the Driving under the Influence Unit with 499.)
- lack of experienced POs -There are very few staff members with more than ten years of experience, while most have fewer than five.

A prison term costs the state \$25,607 per offender annually. San Francisco is spending \$890 per year for each offender on probation. In addition to these direct cost savings, the additional benefits of probation for the offender and the community include -

- increased ability of the offender to support her/himself and family
- increased ability of the offender to pay restitution to the victim of the offense
- an opportunity for the rehabilitation of the offender through the use of community resources.

Although crime continues to be one of the leading concerns of the nation, victimization by crime is the lowest since such information was first collected in 1973. Violent crime rates have fallen nationally by 27% since 1993 (6). While there are several factors involved, some of the drop in crime is undoubtedly due to "Broken Windows" law enforcement and community policing (1). This has led to a best-practices movement toward community-based law enforcement, including probation, in such cities as Baltimore, Boston, New York, San Francisco, and Seattle.

INVESTIGATIVE PROCESS

CGJ conducted interviews with individuals and staff from -

District Attorney's Office

Office of the Controller

San Francisco Adult Probation Department (including Probation Officers with regular caseloads and those with domestic violence caseloads)

San Francisco Superior Court

San Mateo County Probation Department

as well as with -

Probation Officers' Union leaders

offenders and/or crime victims.

FINDINGS AND RECOMMENDATIONS

Finding 1

In San Francisco the budgets for different parts of the criminal justice system (i.e., Judicial, District Attorney, Public Defender, Police Department, Sheriff's Department, Adult Probation Department, and Juvenile Probation Department) are viewed and funded separately, whereas national best practices suggest a more integrated approach. Functions, such as probation, that can reduce recidivism if appropriately funded can also reduce costs for the police, the jails, and the court system.

Recommendation 1

In the budget process, the Mayor and the Board of Supervisors should consider the total amount needed to fund all parts of the criminal justice system; increases for APD should be offset by reductions elsewhere in the criminal justice budget.

Required Responses

- Board of Supervisors - 90 days
- Office of the Mayor - 60 days

Finding 2

National best practices suggest that community-based probation programs provide the best chance for successful rehabilitation of offenders. San Francisco has made some moves toward this change; however, adult probation continues to be centralized at the Hall of Justice, i.e., all POs are located at 850 Bryant, and nearly all probation visits take place at 850 Bryant.

Recommendation 2

The Mayor and the Board of Supervisors should support APD in accelerating a commitment toward community-located probation activities. APD should reassign probation caseloads by socioeconomic and geographic neighborhoods, based on input from the public, CBOs working with APD, and the Police Department.

Required Responses --

- Adult Probation Department - 60 days
- Board of Supervisors - 90 days
- Office of the Mayor - 60 days

Finding 3

San Francisco does not have enough bilingual, Spanish-speaking POs. There are 16 bilingual Spanish-speaking POs. Among these 16 POs, only 5 are assigned to the Community Unit of APD (i.e., the unit that currently deals with 800 Spanish-speaking offenders and whose supervisor is also a bilingual, Spanish speaker). Of the 800 Spanish-speaking offenders, 533 are monolingual Spanish speakers.

Recommendation 3

The Mayor and the Board of Supervisors should make a commitment to assist APD in hiring additional Spanish-speaking POs by providing additional slots that require Spanish fluency, and by allowing retirement/attrition of current probation officers to bring department staffing to its authorized level.

Required Responses -

- Adult Probation Department - 60 days
- Board of Supervisors - 90 days
- Office of the Mayor - 60 days

Finding 4

Currently, an offender who is re-arrested has no assurance that he/she will be assigned the same judge and the same PO as for the initial offense. According to POs, CBOs, and probationers, assignment consistency improves the likelihood of successful rehabilitation for offenders.

Recommendation 4

APD and the court should adopt measures to ensure that POs and judges are, whenever possible, assigned to offenders from the time of their initial arrest through any re-offenses.

Required Responses -

- Adult Probation Department- 60 days

Summary of Required Responses -

- Adult Probation Department - Recommendations 2, 3, and 4
- Board of Supervisors - Recommendations 1, 2, and 3
- Office of the Mayor - Recommendations 1, 2, and 3

ATTACHMENT 1 - SOURCES

1 Corbett, Ronald P., et al. Transforming Probation Through Leadership: The "Broken Windows" Model, (2000).

http://www.manhattan-institute.org/html/broken_windows.htm

2 San Francisco Controller's Report on Adult Probation, (October 2, 2000).

3 Office of the Attorney General, Criminal Justice Statistics Center, p. 43.

<http://caag.state.ca.us/cjsc/publications/misc/cinc/5cost.pdf>

4 Clear, T.R. and G.F. Cole. American Corrections, Second Edition. Pacific Grove, CA: Brooks/Cole. (1990)

5 Langan, P.A. *Losing Legitimacy: Street Crime and the Decline of Social Institutions in America*. Boulder, CO: Westview. (1994).

6 Rennison, M. *Criminal Victimization 1998: Changes 1997-98 with Trends 1992-98*. National Crime Victimization Survey. Washington, DC, Bureau of Justice Statistics. (1999)