

An act to add Chapter 16 (commencing with Section 27770) to Part 3 of Division 2 of Title 3 of the Government Code, and to amend Sections 1203.5 and 1203.6 of the Penal Code, relating to probation.



170988625235BILL

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that the provision of probation services is an essential element in the administration of criminal justice and the juvenile delinquency systems. The safety of the public is enhanced by a research-based approach that promotes positive behavior change while also enforcing laws to provide community safety, as outlined in statute. The Legislature recognizes the role and responsibility of probation departments have been enhanced significantly due to public safety reforms, including, but not limited to, the Community Corrections Performance Incentive Grant Program, established in Chapter 608 of the Statutes of 2009, and the 2011 Realignment Legislation addressing public safety, established in Chapter 15 of the Statutes of 2011, which made funding investments in local probation departments and increased the responsibility for probation departments to supervise more offenders, including those on mandatory supervision and postrelease community supervision. In addition to a core mission of supervising felony probationers, to address the more serious level of offenders probation departments were tasked with supervising, the state made investments in evidence-informed rehabilitation strategies and supervision for probation departments throughout the state. County probation departments have played a critical role in helping the state meet its federally mandated reduction in prison population by utilizing probation's successful track record in supervision, community corrections, effective offender reentry, and evidence-informed rehabilitation services. Further reforms to the justice system, which were passed by the voters in California, continue to place emphasis on services to supervised populations in the community, placing probation's mission at the center of community corrections.



(b) The Legislature additionally recognizes probation's instrumental role in California's juvenile justice system because of its work in supervision and services provided to youth involved in the justice system through supervising juveniles in the community, administering programming to address juveniles' criminogenic behavior, providing secure and effective detention services, utilizing evidence-informed strategies that change behavior, and ensuring successful reentry into communities. The Legislature and voters of California have delegated to probation all responsibility and services for juveniles but for the state division of juvenile justice. This includes historic reforms, such as Chapter 175 of the Statutes of 2007, which realigned most of the juvenile system responsibilities to probation.

(c) The Legislature finds that the decisions made in the state budget process have had significant impact to the duties performed by probation. When probation services are unavailable at the local level, there is a negative impact on recidivism, which can require a more expensive solution at the state level in the form of incarceration. We have also seen more probation services for justice-involved youth as the state realigned the population away from the most expensive part of the system. These factors are not only driven by fiscal realities of state and local budgets, but policies that are intended to improve the quality of life in our communities. The Legislature recognizes that such an important role should be clear and articulated with other core county department duties in order to establish the proper function and structure of probation. For these reasons, the Legislature delegates the following duties to the chief probation officer to carry out in the county for the purposes of managing local juvenile facilities, preventing crime and delinquency, reducing recidivism, restoring victims, and promoting



healthy families and communities through the community supervision and the enforcement of court orders and other criminal statutes. These duties are specific and exclusive to the primary areas of responsibility that exist for probation and are intended to emphasize the important role of probation within the criminal justice system in California. This is not intended to limit or diminish the importance of other duties currently delegated in whole or in part to probation elsewhere in code.

SEC. 2. Chapter 16 (commencing with Section 27770) is added to Part 3 of Division 2 of Title 3 of the Government Code, to read:

CHAPTER 16. CHIEF PROBATION OFFICER

27770. (a) Notwithstanding any other law, a chief probation officer shall be appointed in every county pursuant to Sections 270 and 271 of the Welfare and Institutions Code and Section 1203.5 of the Penal Code. There shall be in each county the office of chief probation officer.

(b) The duties delegated in this section to the chief probation officer shall only be performed by the probation department and may not be delegated to another county agency, department, or successor agency.

(c) The chief probation officer and their officers shall not be placed under the authority of, or directed by, a separate county agency to perform the duties outlined in this section.

(d) It shall be the sole responsibility of the chief probation officer, and his or her officers, to perform the following duties, including, but not limited to:



(1) Community supervision of juvenile offenders subject to the jurisdiction of the juvenile court pursuant to Section 602 of the Welfare and Institutions Code or subject to supervision pursuant to Section 1766 of the Welfare and Institutions Code.

(2) Operation of juvenile halls pursuant to Section 852 of the Welfare and Institutions Code.

(3) Operation of juvenile camps and ranches established under Section 880 of the Welfare and Institutions Code.

(4) Community supervision of those subject to probation through the enforcement of conditions ordered by the court pursuant to Section 1203 of the Penal Code.

(5) Community supervision of individuals on mandatory supervision pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170 of the Penal Code.

(6) Community supervision of individuals on postrelease community supervision pursuant to Section 3451 of the Penal Code.

(7) Administer community-based corrections programming, including, but not limited to, Section 1228 of the Penal Code.

(8) Serving as chair of the Community Corrections Partnership pursuant to Section 1230 of the Penal Code.

(9) Making recommendations to the court, including presentence investigative reports pursuant to Sections 1203.7 and 1203.10 of the Penal Code.

(e) Nothing in this section shall preclude probation from administering other duties within the county as identified if it is done so in accordance with other state and local laws.



SEC. 3. Section 1203.5 of the Penal Code is amended to read:

1203.5. The offices of adult chief probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created. The chief probation officers, assistant probation officers, and deputy probation officers appointed in accordance with Chapter 2 (commencing with Section 200) of Division 2 of Part 1 of the Welfare and Institutions Code shall be ex officio adult chief probation officers, assistant adult probation officers, and deputy adult probation officers except in any county or city and county whose charter provides for the separate office of adult probation officer. When the separate office of adult chief probation officer has been established he or she shall perform all the duties of probation officers except for matters under the jurisdiction of the juvenile court. Any adult chief probation officer may accept appointment as member of the ~~Board of Corrections~~ Board of State and Community Corrections and serve in that capacity in addition to his or her duties as adult chief probation officer and may receive the per diem allowance authorized in Section 6025.1.

SEC. 4. Section 1203.6 of the Penal Code is amended to read:

1203.6. (a) The adult chief probation officer shall be appointed and may be removed for good cause in a county with two superior court judges, by the presiding judge. In the case of a superior court of more than two judges, a majority of the judges shall make the appointment, and may effect removal.

The

(b) The salary of the chief probation officer shall be established by the board of supervisors.



~~This~~

(c) The adult chief probation officer shall appoint and may remove all assistants, deputies and other persons employed in the officer's department, and their compensation shall be established, according to the merit system or civil service system provisions of the county. If no merit system or civil service system exists in the county, the board of supervisors shall provide for appointment, removal, and compensation of such personnel.

~~This~~

(d) This section is applicable in a charter county whose charter establishes the office of adult chief probation officer and provides that the officer shall be appointed in accordance with general law subject to the merit system provisions of the charter.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Probation.

Existing law establishes the office of probation officer in each county. Existing law requires that the probation officer be nominated by the juvenile justice commission or regional juvenile justice commission, and that the juvenile justice commission and a judge of the juvenile court approve the appointment of any deputies or assistant probation officers.

This bill would rename the probation officer the chief probation officer. The bill would specify the duties of the chief probation officer, and require that the chief probation officer not be placed under the authority of a separate county agency to perform these duties.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

