



**Judicial Council of California**  
**ADMINISTRATIVE OFFICE OF THE COURTS**

OFFICE OF GOVERNMENTAL AFFAIRS  
770 L Street, Suite 1240 • Sacramento, California 95814-3368  
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TANI G. CANTIL-SAKAUYE  
*Chief Justice of California*  
*Chair of the Judicial Council*

STEVEN JAHR  
*Administrative Director of the Courts*

CORY T. JASPERSON  
*Director, Office of Governmental Affairs*

April 11, 2013

Hon. Brian Dahle  
Member of the Assembly  
State Capitol, Room 2174  
Sacramento, California 95814

Subject: AB 36 (Dahle), as amended February 26, 2013 - Oppose

Dear Assembly Member Dahle:

The Judicial Council opposes AB 36, which requires the county board of supervisors (board), in conjunction with the presiding judge of that county, to appoint, and authorizes the board to remove, for good cause, the adult probation officer. The bill also provides, in a county where the superior court has more than two judges, that the board, in conjunction with a majority of the judges, makes the appointments and authorizes the board to effect the removal of the adult probation officer. In addition, the bill requires the board to, by ordinance, direct the manner in which a probation officer in any county is nominated by the juvenile justice commission or the regional justice commission, and requires the board of supervisors, in conjunction with the judge of the juvenile court, to appoint the probation officer.

In 2000, Chief Justice Ronald M. George appointed the Judicial Council Probation Services Task Force to study probation services in California's 58 counties. The panel was jointly created by the Judicial Council and the California State Association of Counties (CSAC). The primary charge of the task force was to assess probation programs, services, organizational structures, and funding related to adult and juvenile probation services currently provided by the counties to the courts, probationers, and the general public. The task force met over the course of three years, and spent considerable time addressing the impact of state trial court funding on probation governance. The task force concluded that the model promising to offer greater fiscal and programmatic stability, improved service delivery, and a rational

governance structure is one that contemplates a realignment of probation services with the state.” (Task Force Report, p. 71)

Recognizing that such a restructuring would require long term development and adequate state resources, the task force noted that “certain issues—namely, those surrounding the appointment, evaluation, and removal of the CPO (Chief Probation Officer)—need an immediate remedy while efforts continue to develop a long term proposal for probation governance.” ( Task Force Report, p. 73) To this end, the task force developed an interim model for the appointment, evaluation, discipline, and removal of the CPO. Under this interim model, probation would continue to operate as a county department, and the CPO would remain a county officer. Collaboration between court and county in the appointment, evaluation, and removal process was emphasized.

In the intervening years, staff of the Administrative Office of the Courts have continued to work with CSAC and the Chief Probation Officers of California to facilitate a collaborative approach to resolving issues locally arising from the unique governance structure applicable to probation services. In fact, a Model Memorandum of Understanding has been developed by the AOC for use in general law counties for this purpose.

The council is concerned about the transfer of authority to appoint the chief probation officer away from the court given that probation functions are critical to court administration, and particularly, in light of realignment. The bill would codify a one-sided governance structure that ignores the critical role of the court in probation activities, and is inconsistent with the task force’s strong recognition of the importance of local flexibility and the need for collaborative relationships at the county level.

For these reasons, the Judicial Council opposes AB 36.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Reilly". The signature is fluid and cursive, with the first name "Sharon" and last name "Reilly" clearly distinguishable.

Sharon Reilly  
Senior Attorney

SR/yc

cc: Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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April 24, 2013

Hon. Tom Ammiano, Chair  
Assembly Public Safety Committee  
State Capitol, Room 3146  
Sacramento, California 95814

Subject: AB 36 (Dahle), as amended February 26, 2013 - Oppose  
Hearing: Assembly Public Safety Committee – April 30, 2013

Dear Assembly Member Ammiano:

The Judicial Council opposes AB 36, which requires the county board of supervisors (board), in conjunction with the presiding judge of that county, to appoint, and authorizes the board to remove, for good cause, the adult probation officer. The bill also provides, in a county where the superior court has more than two judges, that the board, in conjunction with a majority of the judges, makes the appointments and authorizes the board to effect the removal of the adult probation officer. In addition, the bill requires the board to, by ordinance, direct the manner in which a probation officer in any county is nominated by the juvenile justice commission or the regional justice commission, and requires the board of supervisors, in conjunction with the judge of the juvenile court, to appoint the probation officer.

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For these reasons, the Judicial Council opposes AB 36.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Reilly". The signature is written in dark ink and is positioned above the typed name and title.

Sharon Reilly  
Senior Attorney

SR/yc-s

cc: Members, Assembly Public Safety Committee  
Hon. Brian Dahle, Member of the Assembly  
Ms. Stella Choe, Counsel, Assembly Public Safety Committee  
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor  
Mr. Gary Olson, Consultant, Assembly Republican Office of Policy