



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 27, 2011

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 3056
Sacramento, California 95814

Subject: Senate Bill 858 (Gaines), as introduced – Oppose
Hearing: Senate Public Safety Committee – May 3, 2011

Dear Senator Hancock:

The Judicial Council opposes SB 858, which provides that the Chief Probation Officer of Nevada County shall be appointed by the Nevada County Board of Supervisors. 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—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.

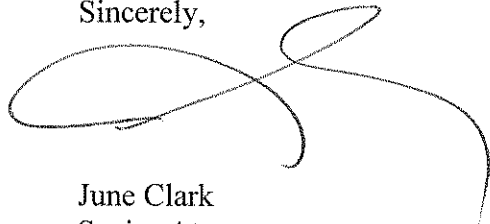
In the intervening years, staff of the Administrative Office of the Courts have continued to work with CSAC and the Chief Probation Officers of California to facilitate a collaborative approach to resolving issues locally arising from the unique governance structure applicable to probation services.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

While SB 858 applies only to one county, the council is concerned about the precedent that would be set by enactment of the bill, given that probation functions are critical to court administration.

The bill would codify a one-sided governance structure that ignores the critical role of the court in probation activities, 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 SB 858.

Sincerely,

A handwritten signature in black ink, appearing to be "June Clark", with a large, stylized loop at the end.

June Clark
Senior Attorney

JC/lp/yt

cc: Members, Senate Judiciary Committee

Hon. Ted Gaines, Member of the Senate

Ms. Alison Anderson, Chief Counsel, Senate Public Safety Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor’s Office of Planning and Research

Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy



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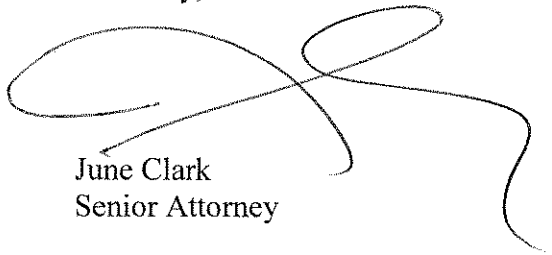
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Senior Attorney

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