

Date of Hearing: April 22, 2025

Consultant: Samarpreet Kaur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 946 (Bryan) – As Introduced February 20, 2025

**SUMMARY:** Requires, in a county with a population of at least 3,500,000 people, the chief probation officer (CPO), or a designee who is appointed by the county board of supervisors and who has jurisdiction over youth development, to perform duties and discharge obligations normally within the jurisdiction of the CPO.

**EXISTING LAW:**

- 1) States that a chief probation officer (CPO) shall be appointed and removed in every county in one of the following ways:
  - a) The CPO shall be nominated by the juvenile justice commission or regional juvenile justice commission of the county and shall thereafter be appointed by the presiding judge or majority of judges. The CPO may be removed for good cause as determined by the presiding judge or majority of judges ; or,
  - b) In counties with charters that provide for appointment and tenure of office for the chief probation officer, the provisions of the charter shall establishes the methods of appointment and the tenure for the chief probation officer. (Gov. Code § 27770 subd. (a)(b).)
- 2) States that every probation officer, assistant probation officer, and deputy probation officer shall have the powers and authority conferred by law upon peace officers listed in Section 830.5 of the Penal Code. (Wel & Inst Code § 283)
- 3) Provides that a probation officer or a deputy probation officer are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency.
  - a) Except as otherwise provided in this subdivision, the authority of these parole or probation officers shall extend only as follows:
    - i) To conditions of parole, probation, mandatory supervision, or postrelease community supervision by any person in this state on parole, probation, mandatory supervision, or postrelease community supervision;
    - ii) To the escape of any inmate or ward from a state or local institution;

- iii) To the transportation of persons on parole, probation, mandatory supervision, or postrelease community supervision; and,
  - iv) To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of the officer's employment. (Pen Code § 830.5 subd. (a)(1-4).)
- 4) Requires that every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training. (Pen Code § 832 subd.(a))
- 5) Requires the Board of State and Community Corrections to create standards and training for Local Corrections and Probation Officers.
- a) States that for the purpose of raising the level of competence of local corrections and probation officers and other correctional personnel, the board shall adopt, and may from time to time amend, rules establishing minimum standards for the selection and training of these personnel employed by any city, county, or city and county who provide for the custody, supervision, treatment, or rehabilitation of persons accused of, or adjudged responsible for, criminal or delinquent conduct who are currently under local jurisdiction;
  - b) Any city, county, or city and county may adhere to the standards for selection and training established by the board. The board may defer the promulgation of selection standards until necessary research for job relatedness is completed; and,
  - c) Minimum training standards may include, but are not limited to, basic, entry, continuation, supervisory, management, and specialized assignments. (Pen Code § 832 subd.(a-c))
- 6) Requires the COP to perform the duties and discharge the obligations imposed on the office by law or by order of the superior court, including the following:
- a) Community supervision of offenders subject to the jurisdiction of the juvenile court as specified in the Welfare and Institutions Code;
  - b) Operation of juvenile halls as specified in the Welfare and Institutions Code;
  - c) Operation of juvenile camps and ranches as specified in the Welfare and Institutions Code;
  - d) Community supervision of individuals subject to probation pursuant to conditions as specified in the Penal Code;
  - e) Community supervision of individuals subject to mandatory supervision as specified in the Penal Code;
  - f) Community supervision of individuals subject to postrelease community supervision as specified in the Penal Code;

- g) Administration of community-based corrections programming, as specified in Title 8 of Part 2 of the Penal Code;
  - h) Serving as chair of the Community Corrections Partnership as specified in the Penal Code; and,
  - i) Making recommendations to the court, including, but not limited to, pre-sentence investigative reports as specified in the Penal Code. (Gov. Code § 27771 subd. (a).)
- 7) Provides that the CPO may perform other duties that are consistent with those enumerated in subdivision (a) and may accept appointment to the Board of State and Community Corrections and collect the per diem authorized in the Penal Code. (Gov. Code § 27771 subd. (b).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, “In the last decades, youth in the custody of the Los Angeles County probation department have been subject to rampant sexual abuse, egregious misconduct, and staff facilitated violence.

“AB 946 will address these deficiencies by allowing the county board of supervisors to designate new authority to their youth development department that was established to bridge the gap between accountability and opportunity for the regions youth.”

- 2) **CA Probation Departments Appointments and Training:** Existing law states that each county shall appoint a chief probation officer (CPO), depending on the county charter, either by the Board of Supervisors or by the Presiding Judge of the Superior Court. (Gov. Code § 27770 subd. (a)) The probation departments, which is led by the CPO, handles the duties and obligations, including but not limited to, adult probation, juvenile probation, and pretrial detainees, as codified in existing law. According to California State Association of Counties (CSAC) “The primary staff of the Probation Department are probation officers and institutional counselors who are sworn peace officers (Penal Code Section 830.5) with the powers of arrest, search, and seizure. Probation Officers are required to have 200 hours of comprehensive training prior to assuming their duties and 40 hours each year thereafter. This training is certified and paid for by the Standards and Training for Corrections Program of the State Board of Corrections.”<sup>1</sup> In order to carry out these duties the Board of State and Community Corrections (BSCC) is required to establish selection criteria and minimum training standards for correctional facilities, including probation departments. BSCC established the Standards and Training for Corrections (STC) program in 1980.<sup>2</sup> The STC programs main purpose is to raise the level of competence of individuals in the state’s local corrections and probation departments.

- 3) **Effects of the bill:** AB 946 will amend government code section 27771 to allow the board of supervisors, in a county with a population of at least 3,500,000 individuals, to appoint a

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<sup>1</sup> [Probation - California State Association of Counties](#) (Last accessed March 26<sup>th</sup>, 2025)

<sup>2</sup> [Probation-Officer-Core-Training-Course-Manual-July-2020.pdf](#) (Last accessed March 26<sup>th</sup>, 2025)

designee who has jurisdiction over youth development to carry out the duties and obligation which fall under the jurisdiction of the CPO. This bill gives discretion to the board of supervisors to replace the CPO with a youth development designee to carry out duties, including but not limited to juvenile probation, adult probation, and making recommendation to the courts in connection to pre-sentence investigations. As this bill is currently written it is unclear what the qualifications of this designee shall be, what training they shall receive in order to carry out the duties of the CPO, and if this designee may be sworn in as a peace officer and have the powers of arrest, search, and seizure.

AB 946 is currently only applicable to LA County, as it is the only county in California that has more than 3.5 million people, with a population of roughly 9.6 million individuals. However, if signed this bill may apply to more counties if the populations were to grow in other counties, for example as of December 2024 San Diego County had a population of roughly 3.3 million individuals and right behind that is Orange County with 3.1 individuals.<sup>3</sup>

- 4) **Argument in Support:** According to the *Pacific Juvenile Defender Center*, “Every county is currently required to nominate a chief probation officer to perform the duties and discharge the obligations imposed by the office by law. AB 946 would create an exception to counties with a population of at least 3,500,000 people and allow either the chief probation officer or a designee who is appointed by the county board of supervisors and who has jurisdiction over youth development to perform those same duties and discharge those same obligations.

“Large counties should have broad discretion to make decisions on behalf of youth and regarding youth justice. AB 946 would ensure large counties are able to designate leaders who will be tasked with carrying out the duties and obligations the law requires and that will lead directly to the success of justice-involved youth in their counties.”

- 5) **Argument in Opposition:** According to the *Chief Probation Officers’ of California*, “This bill would redirect the authority and provision of services provided by probation to a non-public safety entity. This redirection of authority would include the operation of juvenile halls and camps which provide supervision and care for youth with the most serious and violent offenses including youth and young adults realigned from the State Division of Juvenile Justice closure, supervision of individuals released from state prison onto Post Release Community Supervision, supervision of individuals on felony and mandatory supervision, and making recommendations to the court.

“Redirecting these responsibilities to another department or entity with separate and distinct missions, and without expertise, training, and linkages to the court and peace officer functions would disrupt service continuity and undermine those other entities’ ability to adhere to their core functions. Perhaps more importantly, it would create serious public safety risks and negatively impact the community safety services to balance safety and treatment for youth and adults.

“As Probation Chiefs with extensive training and experience in evidence-based approaches to working with youth and young adults, we are deeply concerned not only about the potential impacts of this bill on community safety, service coordination at the county level,

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<sup>3</sup> [California Counties by Population \(2025\)](#) (Last accessed March 27<sup>th</sup>, 2025)

coordination with the courts, and the justice system's ability to function effectively, but also about similar impacts to recipient departments and the constituencies they serve.

"This proposal raises significant questions and concerns:

- Would the lack of a structured probation system lead to more youth being transferred to the adult system or more custodial options being sought due to diminished confidence in responses that offer community supervision in lieu of custody?
- Without probation's dual role in juvenile and adult criminal justice systems and as an arm of the court, how would the system ensure compliance with court orders and provide necessary updates to the Judiciary?
- What impact would occur from having non-peace officers managing juvenile detention facilities as well as supervision of adults returning from jail, prison and on felony supervision as ordered by the court? How would training be conducted and managed for an entity to oversee these duties and oversight to ensure compliance with the court and regulatory requirements?
- How would another county department—one without probation's specialized training—adapt to handling duties that fall outside its core mission?

"The first question which must be answered before all others however, is whether it is truly the desire of the Legislature to eliminate the adjudicatory and supervisory elements of the role of probation in relation to the court ordered requirements for youth and adults and transferring those duties to non-peace officers. This bill would represent a redirection of all juvenile and adult public safety and rehabilitative services provided by county probation departments."

- 6) **Related Legislation:** SB 357 (Menjivar) of the current Legislative Session, will allow the board of supervisors of any county to delegate to another county department all or part of the duties and authorities concerning minors who fall under the jurisdiction of the juvenile court and that are granted to the probation department or a probation officer. This bill has been referred to the Senate Public Safety Committee.
- 7) **Prior Legislation:** AB 103 (Committee on Budget), Chapter 17, Statutes of 2017, was a public safety omnibus bill that required the presiding judge to appoint the chief probation officer upon nomination of the juvenile justice commission. This bill also deleted the creation of the office of adult probation officer.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

ACLU California Action  
 California Public Defenders Association (CPDA)  
 LA Defensa  
 Pacific Juvenile Defender Center

**Oppose**

American Federation of State, County and Municipal Employees, Afl-cio

Bu 702- Seiu 721 Joint Council

Chief Probation Officers' of California (CPOC)

County of Kern

County of Monterey

Fresno County Board of Supervisors

Inyo County Board of Supervisors

Judicial Council of California

Los Angeles County Probation Managers Association Apscme Local 1967

Los Angeles County Probation Officers Union, Apscme Local 685

Marin County Probation Department

Mendocino County Board of Supervisors

Sacramento County Probation Association

San Diego County Probation Officers Association

San Joaquin County Probation Officers Association

San Mateo County Probation Detention Association

State Coalition of Probation Organizations

Ventura County Professional Peace Officers Association

1 Private Individual

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