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TO: Paul Reyes, Deputy County Administrator
FROM: Esa Ehmen-Krause, Chief Probation Officer
DATE: October 20, 2020
SUBJECT: Legislative Impacts

Governor Newsom's demonstrated commitment to justice reform was evident by the numerous bills he signed this year which will affect Probation, to varying degrees. The following Assembly Bills (AB) and Senate Bills (SB) have been identified as ones which will impact our operations:

AB 846 requires Peace Officer preemployment psychological evaluations to include an assessment for any bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. The contracted provider that administers the psychological portion of our background will be advised of the requirement to include this for all candidates.

AB 1950 restricts the period of probation for a misdemeanor, except where specified, to not longer than one year, and for a felony, except as specified, to not longer than two years. This shortened allowable timeframe could potentially impact the Deputy Probation Officer's ability to effectively apply dosage-based evidence based practices. We will be closely monitoring this to identify any unintended increase in violations as a result.

AB 1979 requires an evaluation of the County's placement resources and programs, as it relates to the needs of nonminor dependent youth, and examine the ability to meet their emergency housing needs. While this will impact the existing work of the placement unit deputies, this bill aligns with the Department's ongoing effort to provide supportive and stable housing for *all* of our clients, as well as our focus on the unique needs of our transition age youth.

AB 2321 and SB 1126 will both impact our records sealing process. AB 2321 authorizes a judge or prosecutor to access specified sealed juvenile records for the limited purpose of assisting a victim or victim's family with processing certain necessary documents. SB 1126 authorizes those records to be unsealed for the purpose of assessing the minor's competency. We will need to amend our records sealing process to allow for potential future access of those records, additionally this will potentially create additional clerical workload to process these requests and "unseal" these records as needed.

AB 2338 permits the court to grant probation or a conditional sentence in lieu of an order for community service, imprisonment, or both for a party found in contempt with a court order pursuant to the Family Code. While these individuals will not be formally supervised by the Probation Department, this will create a potential increase in responsibility for our court deputies.

AB 2606 requires each county probation department to update any supervised release file that is available on CLETS by entering any person that is placed on any form of post-conviction supervision within their jurisdiction. This creates a significant increase in workload for our clerical staff, as they will now be responsible for tracking and updating this information in the CLETS system on anyone supervised within the county, regardless of supervising agency.

AB 2655 establishes a new misdemeanor for any first responder who takes a photo of a deceased person for any purpose other than in their official capacity. The Probation Department is required to notify any staff who serves in the capacity of a first responder of the prohibitions imposed by this bill on January 1, 2021.

AB 3234 authorizes a judge in the superior court to offer misdemeanor diversion to a defendant over the objection of the prosecuting attorney, and continue diverted cases for a period not to exceed 24 months. Per the bill, if the defendant complies with all terms of diversion, the Judge is required to dismiss the action against the defendant. While in most cases these individuals would not be formally supervised by the Probation Department, this will significantly impact the duties of the court officers. The Judges often rely upon these deputies to make referrals and track program completion for defendants on “court probation.” Additionally, this will potentially increase the need for additional programs and services that can be made available for these individuals.

SB 203 requires that all youth ages 17 or younger consult with legal counsel prior to a custodial interrogation, and before waiving any specified rights. Existing law currently requires this provision for youth 15 and younger. Juvenile hall staff have already been notified of this change.

SB 823 creates a new state agency, the Office of Youth and Community Restoration (OYCR), and sets forth provisions for the forthcoming closure of the Division of Juvenile Justice and transfers the responsibility for the supervision of these youth to the Counties. Among other requirements of this bill, a subcommittee of the Juvenile Justice Coordinating Council is required to develop a plan that addresses the supervision and programming strategies for this realigned population. This plan will be submitted to the Board of Supervisors with recommendations for the funding allocation that the county will receive, as well as to the OYCR, once the agency is established. Probation will be responsible for the supervision and aftercare needs of this population, including any related contracting needs to support their successful transition back into the community.

I am happy to discuss any further impacts, as well how the Department intends to address and respond to the above referenced bills.