



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Supervision Directive			Article: 1701.01
APPROVED: William Dickinson, Chief Probation Officer			
EFFECTIVE: September 2013	REVIEWED: August 2018	REVISED: September 2024	UPDATED: August 2018

DIRECTIVE

This directive is intended to outline the legal authority of the Probation Officer and Department expectations for case management based on that authority and the implementation of AB109. Field Supervision Officers are reminded the primary objective of probation services is to reduce the incidence and impact of criminal behavior of juveniles and adults by providing for public protection, the prevention of crime and the redirection of offenders. This directive shall apply to all field supervision officers, juvenile and adult.

LEGAL AUTHORITY—PC 830.5

The following persons 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 or as required under Sections 8597, 8598, and 8617 of the Government Code, as amended by Section 44 of Chapter 1124 of the Statutes of 2002. 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. A parole officer of the Department of Corrections and Rehabilitation, or the Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations, probation officer, deputy probation officer, or a board coordinating parole agent employed by the Juvenile Parole Board. Except as otherwise provided in this subdivision, the authority of these parole or probation officers shall extend only as follows:
 1. To conditions of parole, probation, mandatory supervision, or post-release community supervision by any person in this state on parole, probation, mandatory supervision, or post-release community supervision.
 2. To the escape of any inmate or ward from a state or local institution.
 3. To the transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
 4. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
 5. To the rendering of mutual aid to any other law enforcement agency.

Kern County Probation Department Administrative Manual Section 1104

Field Supervision officers are responsible for the active supervision and control of probationers in the community. Officers assure probationers comply with the orders of the Court and the terms and conditions of their probation. With the implementation of prison realignment and the corresponding lack of incarceration options, it has become necessary for the Probation Department to place more emphasis on case management and rehabilitation for both juveniles and adults.

DIRECTIVE

Officers shall direct most of their time and energy toward caseload specific duties. There shall be a balance between case management and public safety. The Department understands there may be imminent yet temporary deviations from case management to address public safety concerns; however, proactive case management must be the primary focus.

Regular entries shall be made in the Case Management System in order to establish an accurate and comprehensive history of officers' efforts and contacts with probationers.

Officers shall be aware of and utilize available resources as alternatives to incarceration. Incarceration may not be a viable option at this time due to jail overcrowding.

Officers shall not request search warrants unless there is a definite and verifiable nexus to the probationer. All search warrants must be approved by the Deputy Chief of Field Services or above.

Based on a directive handed down by the Kern County Superior Court Judges, probationers shall **NEVER** be used as participants in investigative operations conducted by probation officers. Probation Officers shall not coerce, suggest, or cause a probationer to involve themselves in any activity which could be deemed a violation of the law or the terms and conditions of their probation. Probationers will be held accountable for violating any term of their probationary grant according to standard formal or administrative protocol and SHALL NOT be given the opportunity to act as an informant or otherwise in lieu of disciplinary action.

Officers of the Kern County Probation Department are, under no circumstances, permitted to use confidential informants. If a subject claiming to be a confidential informant for a law enforcement agency is found in violation of the law by officers of the Kern County Probation Department, officers may contact that law enforcement agency and have them respond immediately to take over the investigation. If the law enforcement agency does not respond to the scene and take over the investigation, normal protocol of arrest and booking shall occur. Probation Officers are limited peace officers under California Penal Code Section 830.5 and authority extends only to those areas specified within that code section.

Officers shall not conduct undercover operations on non-probationers nor shall they conduct prolonged undercover operations on probationers. Expending significant man-hours will ultimately lead to the neglect of their respective caseloads.

Information received regarding criminal activity involving non-probationers shall be turned over to the appropriate law enforcement agency immediately.

Be advised, while Probation Officers are afforded some level of immunity, this extends only to those activities which are conducted within the scope of authority, as outlined in PC 830.5. Officers participating in activities outside of this scope shall be subject to disciplinary action.

Exceptions to the above can be made for individual officers specifically assigned to: Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), Kern Narcotics Enforcement Team (KNET), or California Multijurisdictional Methamphetamine Enforcement Team (Cal- MMET).