

CCJ and COSCA Survey of Evidence-Based Practices in Sentencing & Probation¹

Level of Government Responsible for Probation

Question 2. For each case type listed, please check whether probation is a state-level function or a county (local) function.

Aggregate Results for Juvenile Cases (see Figure 1):

For juvenile cases, the largest proportion of the 46 respondents (45 states and the District of Columbia) indicated that probation is a state-level function (54%). Fewer indicated that probation is a county function (28%), and a small minority indicated that this varies or both the state and local government share oversight of probation (17%).

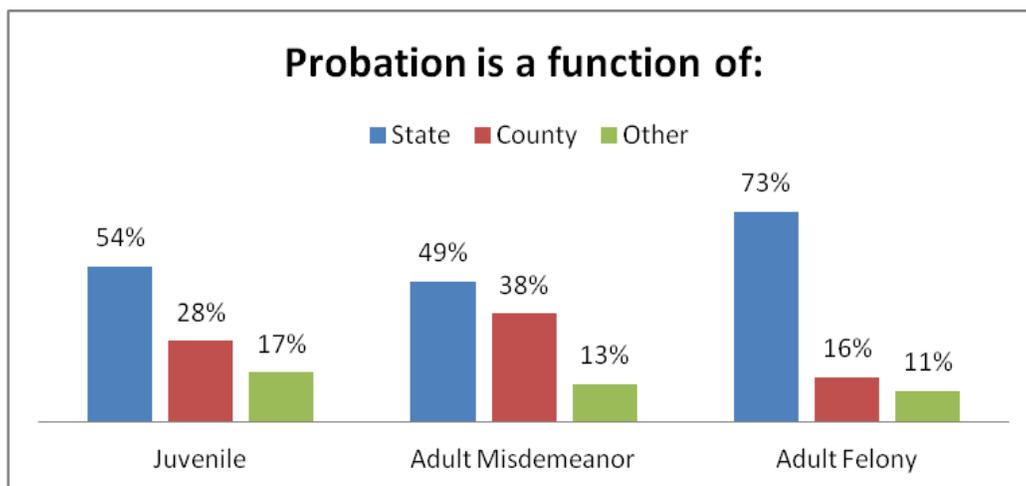
Aggregate Results for Adult Misdemeanor Cases (see Figure 1):

For adult misdemeanor cases, 49% of the 45 respondents to this question² indicated that probation is a state-level function; 38% indicated that it is a county function; and 13% indicated some mix or variation in their jurisdiction regarding the level of government that oversees probation.

Aggregate Results for Adult Felony Cases (see Figure 1):

A majority (73%) of the 45 respondents to this question³ indicated that adult felony probation operates as a state-level function. A minority (16%) of respondents indicated that probation is a county function, and 11% indicated some variation or shared oversight of probation by both the state and county.

Figure 1



¹ The CCJ and COSCA Survey of Evidence-Based Practices in Sentencing & Probation was developed by the National Center for State Courts' Center for Sentencing Initiatives in collaboration with the Criminal Justice Committee of the Conference of Chief Justices and the Conference of State Court Administrators. The survey was sent to each state's State Court Administrator in February 2011. After review by the Criminal Justice Committee, the survey was resent to both state court administrators and chief justices in June 2012, asking them to review/update their state's initial responses or to complete a survey if they had not yet done so. The data reported are the results of these two efforts. Preparation of the survey results was supported, in part, by the Pew Public Safety Performance Project. Questions about the survey should be directed to Pamela Casey at pcasey@ncsc.org.

² Texas did not answer this question.

³ *Id.*

Results by Responding States⁴

State	Juvenile	Juvenile: Description, If Other, & Comments	Adult Misdemeanor	Adult Misdemeanor: Description, If Other, & Comments	Adult Felony	Adult Felony: Description, If Other, & Comments
AK	State	No comments	State	No comments	State	No comments
AL	Other	Mixed/mostly state	State	Municipalities are separate	State	Municipalities are separate
AR	County	No comments	Other	Misdemeanors heard in district court are handled by court staff. All cases in circuit court, except for cases from the juvenile division, are handled by the executive branch probation agency.	State	No comments
AZ	County	Oversight by Judiciary	County	Oversight by Judiciary	County	Oversight by Judiciary
CA	County	Many juvenile courts and local probation have well established policies and practices. In the larger courts the relationships can be more individualized by court since there can be multiple detention facilities and courthouses.	County	Adult misdemeanor probation cases are supervised informally by courts, not probation departments.	County	Under SB 678, counties are required to establish a local Community Corrections Partnership made up of various justice partner stakeholders in the counties. This is a new requirement and most counties are just beginning to implement the Partnerships. The role of the Community Corrections Partnership was expanded under the 2011 public safety realignment to include the development of local realignment plans. The participation of the courts varies by county.

⁴Iowa, Kentucky, New Hampshire, New Mexico, Oregon did not complete the survey.

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CO	State	No comments	State	No comments	State	No comments
CT	State	No comments	State	No comments	State	No comments
DC	State	No comments	Other	Note: DC is a municipality. Parole, supervised release, and probation services are provided by a federal agency for the District of Columbia, serving a similar function as a state community corrections department.	Other	Note: DC is a municipality. Parole, supervised release, and probation services are provided by a federal agency for the District of Columbia, serving a similar function as a state community corrections department.
DE	State	No comments	State	No comments	State	No comments
FL	State	No comments	County	No comments	State	No comments
GA	Other	Both	County	No comments	State	No comments
HI	State	No comments	State	No comments	State	No comments
ID	County	No comments	County	No comments	State	No comments
IL	Other	Adult and juvenile probation in Illinois functions as a bifurcated system (state- and county-level). Statutory authority under 730 ILCS 110/15 (1) states, "The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation and enforcement of uniform standards for probation services in the state..." Illinois' 23 judicial circuits are administered locally by	Other	Adult and juvenile probation in Illinois functions as a bifurcated system (state- and county-level). Statutory authority under 730 ILCS 110/15 (1) states, "The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation and enforcement of uniform standards for probation services in the state..." Illinois' 23 judicial circuits are administered locally by	Other	Adult and juvenile probation in Illinois functions as a bifurcated system (state- and county-level). Statutory authority under 730 ILCS 110/15 (1) states, "The Supreme Court of Illinois may establish a Division of Probation Services whose purpose shall be the development, establishment, promulgation and enforcement of uniform standards for probation services in the state..." Illinois' 23 judicial circuits are administered locally by

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		chief circuit judges who ensure probation services are provided for every county, or group of counties, within their respective circuit. Probation personnel are under the direct administrative and supervisory authority of the chief circuit judge. Costs for probation operations and personnel are shared between the county and state.		chief circuit judges who ensure probation services are provided for every county, or group of counties, within their respective circuit. Probation personnel are under the direct administrative and supervisory authority of the chief circuit judge. Costs for probation operations and personnel are shared between the county and state.		chief circuit judges who ensure probation services are provided for every county, or group of counties, within their respective circuit. Probation personnel are under the direct administrative and supervisory authority of the chief circuit judge. Costs for probation operations and personnel are shared between the county and state.
IN	County	No comments	County	No comments	County	No comments
KS	Other	No comments	State	No comments	Other	No comments
LA	State	County - JP, EBR, CP	State	No comments	State	No comments
MA	State	No comments	State	No comments	State	No comments
ME	State	No comments	State	No comments	State	No comments
MD	State	No comments	State	No comments	State	No comments
MI	Other	Local if judicial branch; state if executive branch.	Other	Local if judicial branch; state if executive branch.	State	No comments
MN	Other	No comments	Other	No comments	Other	No comments
MO	Other	Both. Multi-county circuits = State level; Single county circuits = County level.	State	No comments	State	No comments
MS	County	No comments	County	No comments	State	No comments
MT	State	No comments	County	No comments	State	No comments
NC	State	No comments	State	No comments	State	No comments
ND	State	No comments	State	No comments	State	No comments
NE	State	No comments	State	No comments	State	No comments
NJ	State	No comments	State	No comments	State	No comments

State	Juvenile	Juvenile: Description, If Other, & Comments	Adult Misdemeanor	Adult Misdemeanor: Description, If Other, & Comments	Adult Felony	Adult Felony: Description, If Other, & Comments
NV	County	No comments	County	No comments	State	No comments
NY	County	No comments	County	No comments	County	No comments
OH	County	No comments	Other	No comments	County	No comments
OK	State	No comments	State	No comments	State	No comments
PA	County	No comments	County	Although an order of probation is typically supervised by county probation departments (Judicial Branch), the Court may request supervision by the state PA Board of Probation & Parole (Executive Branch). In two counties, the PBPP supervises all probation cases. In Pennsylvania, perhaps because certain misdemeanors are typically categorized as felonies in other jurisdictions (e.g., M1 has a statutory maximum of five years) or because the classification of crimes has less of a bearing on place of confinement or supervision agency, there is no clear distinction in the data between adult misdemeanor and adult felony cases.	County	Although an order of probation is typically supervised by county probation departments (Judicial Branch), the Court may request supervision by the state PA Board of Probation & Parole (Executive Branch). In two counties, the PBPP supervises all probation cases. In Pennsylvania, perhaps because certain misdemeanors are typically categorized as felonies in other jurisdictions (e.g., M1 has a statutory maximum of five years) or because the classification of crimes has less of a bearing on place of confinement or supervision agency, there is no clear distinction in the data between adult misdemeanor and adult felony cases.
RI	State	No comments	State	No comments	State	No comments
SC	State	SCDJJ is a statewide agency having offices in 43 counties that provide	State	No comments	State	No comments

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		coverage to all 46 counties in the state. These offices are not autonomous but rather their employees report to management in the state central office.				
SD	State	No comments	State	No comments	State	No comments
TN	County	No comments	County	No comments	State	No comments
TX	Other	State and local funding, locally run.		State funds provided via formula funds and grant funds. CSCDs collect monthly supervision fees that assist in the operation of the department.		State funds provided via formula funds and grant funds. CSCDs collect monthly supervision fees that assist in the operation of the department.
UT	State	No comments	County	No comments	State	No comments
VA	State	There are three locally operated court service units in Virginia (The City of Arlington; the City of Falls Church; and the County of Fairfax and City of Fairfax).	County	No comments	State	No comments
VT	State	No comments	State	No comments	State	No comments
WA	County	No comments	County	No comments	Other	No comments
WI	State	No comments	State	No comments	State	No comments
WV	County	No comments	County	No comments	County	No comments
WY	State	No comments	County	No comments	State	No comments