



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

Branch Responsible for Probation

Question 1. For each case type listed, please check whether probation is an Executive or Judicial Branch function or some variation.

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 function of the judicial branch (48%). Fewer indicated that probation is overseen by the executive branch (35%), and a small minority indicated that the branch in which probation operates varies by level of government (state, local) or is a shared function of both branches (17%).

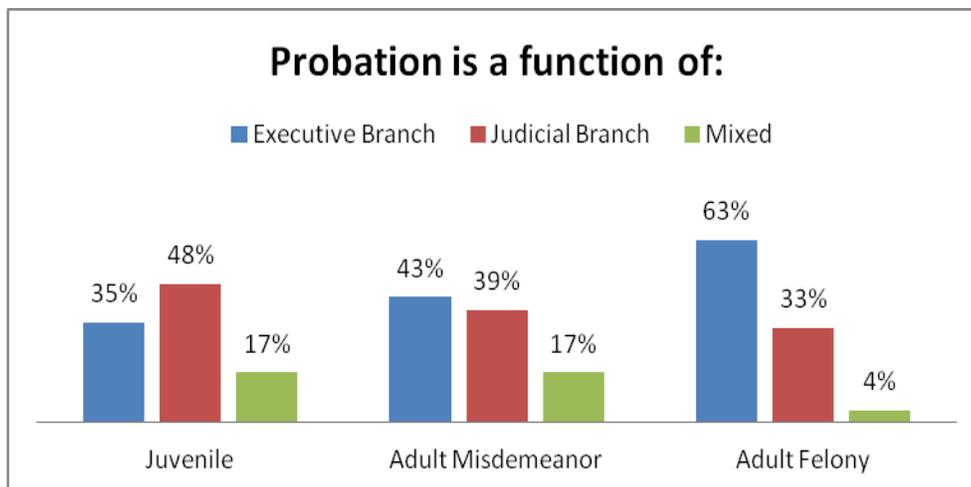
Aggregate Results for Adult Misdemeanor Cases (see Figure 1):

For adult misdemeanor cases, 43% of the 46 respondents indicated that probation is a function of the executive branch in their jurisdiction; 39% indicated that it is a function of the judicial branch; and 17% indicated some mix or variation in the oversight of probation.

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

A majority (63%) of the 46 respondents indicated that adult felony probation operates as a function of the executive branch. A minority (33%) of respondents indicated that probation is a function of the judicial branch, and 4% indicated some variation by level of government or shared oversight of probation by both executive and judicial branches.

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.

Results by Responding States²

State	Juvenile	Adult Misdemeanor	Adult Felony	Description, If Mixed, & Comments
AK	Executive	Executive	Executive	No comments
AL	Judicial	Judicial	Judicial	No comments
AR	Judicial	Mixed	Executive	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.
AZ	Judicial	Judicial	Judicial	No comments
CA	Executive	Judicial	Executive	Please note: In some counties the Chief Probation Officer is selected by the Court and CPOs are officers of the court. But, probation is a county funded program; probation officers are county, not court employees. We've left adult misdemeanors under judicial branch because they are almost never supervised, making adult misdemeanor cases a judicial branch function.
CO	Judicial	Judicial	Judicial	No comments
CT	Judicial	Judicial	Judicial	No comments
DC	Judicial	Executive	Executive	Juvenile probation (provided by the Court Social Services Division - CSSD) is housed under the Superior Court of the District of Columbia, Family Court Division. The CSSD provides pre-trial services and supervision to all non-adjudicated youth age 17 and under and all probation supervision to non-adults. Probation for DC code offenders is provided by Court Services and Offender Supervision Agency (CSOSA), an independent federal agency part of the Executive Branch of the federal government. Offenders are sentenced in the Superior Court for the District of Columbia.
DE	Executive	Executive	Executive	No comments
FL	Executive	Executive	Executive	No comments
GA	Mixed	Mixed	Executive	Independent juvenile courts typically manage their probationers. Circuit based juvenile courts work with the Department of Juvenile Justice, a state-wide agency. The County and Municipal Probation Advisory Council (CMPAC) is the regulatory body for misdemeanor probation in Georgia. The eleven-member council is considered quasi-judicial, compliant with Open Meeting and Open Record requirements, yet administratively attached to the Administrative Office of the Courts, a judicial branch agency. OCGA 42-8-10(d). Probation supervision of misdemeanor probationers is performed by private probation providers and in-house programs operated by local governments. Private probation providers contract with the court and governing

²Iowa, Kentucky, New Hampshire, New Mexico, Oregon did not complete the survey.

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				authority for services. In-house programs operate under an agreement between the court and governing authority. In-house programs house the probation department where deemed appropriate at the local level. Examples would be with the court, with the police or sheriff's department, in a court clerk's office, or as an independent department reporting to the city/county manager.
HI	Judicial	Judicial	Judicial	No comments
ID	Mixed	Mixed	Executive	Adult Misdemeanor Probation is shared between executive and judicial. By statute, county commissioners (executive) shall provide misdemeanor probation, but the Administrative District Judges prescribe the function of probation services. Juvenile Justice by statute requires courts to have some oversight with county commissioners.
IL	Judicial	Judicial	Judicial	No comments
IN	Judicial	Judicial	Judicial	No comments
KS	Mixed	Judicial	Mixed	The Kansas Judicial Branch supervises adult misdemeanor and felony cases. Some adult felony cases defined by statute may be assigned to community corrections programs, which are funded through Executive Branch grants to counties. The Judicial Branch also supervises juvenile offender cases. High risk cases may be assigned to the Kansas Juvenile Justice Authority.
LA	Mixed	Executive	Executive	Adult Department of Corrections - In Louisiana, all felony probation cases and certain misdemeanors (i.e., DWI Second Offense and Criminal Neglect of Family) are supervised by state probation officers, who are employees of the department of Corrections in the Executive Branch. The supervision of such cases or decisions regarding supervision is a judicial function. Adult misdemeanor probation is typically provided by the district attorney's office in the jurisdiction of the conviction. Juvenile: Juvenile probation is provided by the state, through the Office of Juvenile Justice (OJJ), in most judicial districts, and by the parish in three judicial districts - Jefferson Parish (JP), East Baton Rouge (EBR), and Caddo Parish (CP). Under certain circumstances, there is joint supervision of youth by local and state probation offices.
MA	Judicial	Judicial	Judicial	Not applicable, probation is a Judicial Branch function in Massachusetts
ME	Executive	Executive	Executive	No comments
MD	Executive	Executive	Executive	No comments
MI	Mixed	Mixed	Executive	Juvenile Cases - primarily within judicial branch when juvenile is committed to the state. Adult Misdemeanor

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				Cases - primarily within judicial branch except when a felony charge is bound over to circuit court and defendant pleads to a misdemeanor there as part of a plea agreement.
MN	Mixed	Mixed	Executive	MN has 3 probation delivery systems throughout the 87 counties of our state. Typically, the larger counties are community corrections counties overseen by a local board. While there is one Judge representative on the board, it is considered an executive branch function. In other counties, the Department of Corrections in the executive branch may provide all probation services but in some counties, the director of juvenile and adult misdemeanor probation is appointed by the judges, In those counties, probation is shared between the county and the DOC. No probation services are funded through the judicial branch budget.
MO	Judicial	Executive	Executive	No comments
MS	Judicial	Judicial	Judicial	No comments
MT	Judicial	Executive	Executive	No comments
NC	Executive	Executive	Executive	No comments
ND	Judicial	Executive	Executive	No comments
NE	Judicial	Judicial	Judicial	No comments
NJ	Judicial	Judicial	Judicial	No comments
NV	Judicial branch	Mixed	Executive	Low level felonies are left to the judge to decide if it should be disposed through the prison, the jail, or probation. Typically it hinges on the facts of the case and the characteristics of the offender.
NY	Executive	Executive	Executive	No comments
OH	Judicial	Judicial	Judicial	No comments
OK	Executive	Executive	Executive	No comments
PA	Judicial	Judicial	Judicial	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	Executive	Executive	Executive	No comments
SC	Executive	Executive	Executive	The responsibility for the supervision of offenders placed on Probation lies with the SC Department of Probation, Parole and Pardon Services (SCDPPPS). SCDPPPS is a

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				Cabinet Agency that reports to the Governor. The placement of offenders on Probation supervision is of course the responsibility of the Judicial Branch. Note: For #2 below --- SCDPPPS is a statewide agency. We have offices in all 46 counties of the state. These offices are not autonomous however, they report to management in our Central Office. The responsibility for juvenile offenders placed on probation lies with the SC Department of Juvenile Justice (SCDJJ). SCDJJ is a Cabinet agency whose Director reports to the Governor. The placement of juvenile offenders under SCDJJ's probation department is the responsibility of the Judicial Branch.
SD	Judicial	Judicial	Judicial	No comments
TN	Mixed	Mixed	Executive	Most misdemeanor and juvenile cases are handled at the county level under the Judicial branch, however, some misdemeanors are turned over to the Board of Probation and Parole which is an Executive Branch program. Juvenile aftercare is normally under the Dept. of Children's Services which is an Executive branch agency.
TX	Mixed	Mixed	Mixed	Juvenile probation is executive branch at the state level and mixed at the local level. Policy formation and funding for the function is at both the state and local level as well. Executive Branch - The Texas Juvenile Justice Department, within the plural executive, is the state agency responsible for the funding and policy-making at the state level. Mixed Branch (local level) - Chapter 152 of TX. Human Resources Code establishes a juvenile board in each locality with judicial and non-judicial representation. Adult misdemeanor and felony are both executive branch at the state level and judicial branch at the local level. Executive Branch - The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD), within the plural executive, is an administrative arm of Texas Govt. providing state funds to Texas' 121 Community Supervision and Corrections Departments (CSCDs). Judicial Branch - Chapter 76 of TX. Govt. Code requires the District Judges or judges trying criminal cases in each judicial district to establish a CSCD. The district judges appoint a CSCD director, who in turn hires community supervision officers (CSOs) and employees. The CSOs and employees are employees of the judicial districts they serve.
UT	Judicial	Executive	Executive	No comments
VA	Executive	Executive	Executive	Per the Code of Virginia, DCJS provides minimum standards and policy guidelines to local

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				probation/community corrections agencies that provide supervision to adult misdemeanor cases and certain non-violent felony cases. The responses provided here refer to this population as a whole, but in order not to confuse with the felony cases reported on by DOC, we have checked only the Adult Misdemeanor block throughout.
VT	Executive	Executive	Executive	No comments
WA	Executive	Judicial	Executive	No comments
WI	Executive	Executive	Executive	No comments
WV	Judicial	Judicial	Judicial	No comments
WY	Executive	Executive	Executive	No comments