

SF mayor misunderstands the role of the probation department

Mayor London Breed and the San Francisco County board of supervisors misunderstand the role of the probation department, seeming to regard it as one of the justice system's many problems. They have a lot to gain from embracing it as part of the solution.



EUGENE M. HYMAN

Judge (Ret.), San Clara County Superior Court

Santa Clara Univ Law School

Eugene is a retired judge of the Santa Clara County Superior Court, where for 20 years he presided over cases in the criminal, civil, probate, family and delinquency divisions of the court. He has presided over an adult domestic violence court and in 1999 presided over the first juvenile domestic violence and family violence court in the United States.

[See more...](#)

Mayor London Breed and the San Francisco County board of supervisors misunderstand the role of the probation department, seeming to regard it as one of the justice system's many problems. They have a lot to gain from embracing it as part of the solution.

The \$120 million reduction in the city's law enforcement two-year budget is the latest signal that the city's leaders view "defund the police" as more than a mantra, following moves by District Attorney Chesa Boudin to do away with gang enhancements, the pursuit of misdemeanors, cash bail and more.

The board's proposal, titled "The Dream Keeper Initiative," is not without merit, and I believe the reallocation of funding for programs to minority communities will be money well spent. Getting resources into the hands of those who need it and bolstering the capabilities of our social service programs will be critical if we're to fix what's wrong with the malfunctions of our justice system.

But the infrastructure needed for these resources and programs can already be found at the county's probation department, which has gone ignored and sidelined amid the city's sweeping criminal justice reforms.

Rather than position the department as a key player in its reforms, the city's leaders are suggesting significant cuts to its budget. The proposed budget reduction targets for all city departments is 7.5% in general funding, plus an additional 2.5% general fund reduction for contingency. This totals approximately a \$2.6 million cut for the city's adult probation department alone.

The board seems to recognize the danger of an over-weak probation system, but it should consider the compounding returns of a well-funded one. Reforms are often laced with idyllic imagery of street corners with more social workers and less police officers, but as Breed herself notes in a recent column for Medium, it's not that simple.

"It would be a mistake to remove officers from the force. It would be a mistake to take officers off the street at a time when we're seeing burglaries and home break-ins rise," Breed writes.

Probation officers should be the answer to this contradiction. A probation officer is part-police officer, part-victim's advocate, part-sponsor, part-social worker and part-police officer. They're the neighborhood watch. They protect victims of domestic violence and substance abuse. They help those without shelter get a roof over their heads, among other resources.

San Francisco's probation department is already an important cog of support for the county's therapeutic courts, including domestic violence, family, drug treatment, and mental health courts, adult and juvenile. Without probation these therapeutic courts would not exist, and strengthening the department would have an uplifting effect on them.

A stronger probation department would speed up the admission of probation candidates, potentially to the rescue of potential admittees who wouldn't have lasted through a long admission process. The planned reductions would have an inevitable and costly slowdown effect.

And once a candidate's been cleared for therapeutic court, probation officers have the capabilities necessary to keep them there. Research has consistently shown the beneficial effects of treatment for drug abusers within the criminal justice system, showing an undeniable link to reductions in substance use and substance-related criminal activity.

Giving the department the tools it needs would be a benefit not just to the city's health, but to its wallet. A recent study by the National Center for Biotechnology Information states that for every dollar spent on drug courts represents an estimated \$4 in savings by avoiding the costs of incarceration and healthcare.

In family court, where 70% of respondents appear without an attorney, probation officers again serve as an important peacekeeper. A properly trained and supported probation officer can ensure that the court's orders against a defendant are being followed, an invaluable function in particular when it comes to protecting victims of domestic violence.

This is where the compounding value of a strong probation department is easy to recognize. Empowering probation officers to act as social workers and law enforcers helps stop domestic violence incidents that leads to child separation that leads to foster care that leads to juvenile delinquency and substance abuse, so on and so on. They're capable of breaking cycles to the benefit of the community and the city's bottom line.

Pretrial diversion is operated by a non-profit under contract with the sheriff's department, and as a result, sheriff deputies are responsible for monitoring members of the community serving jail sentences on GPS, or as a condition of their pretrial release.

While in California it's common for probation departments to handle this work, San Francisco is inexplicably an exception. If the city wants to have less confrontations between civilians and armed officers and more opportunities for community-building, its probation department should be fully in charge of electronic monitoring.

Many people on electronic monitoring suffer from mental health problems or substance issues, and in those cases an automatic return to police custody may not be the best answer. Probation officers can utilize their social worker experience and look for alternatives that still prioritizes public safety. They can get those who need them mental health services or drug counseling services, increasing the likelihood the program succeeds.

These budget cuts will force reductions in service levels and the capacity of programs, including behavioral health services and housing. I suspect the lack of support for the city's adult and juvenile probation departments stems can be traced to the input of the city's district attorney and public defender. While it's odd they should agree on much, they both seem to buy into the notion that probation is just another face for the "long arm of the law," intent on locking people up rather than rehabilitating.