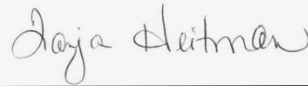


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**Notes and  
References**

## **Policy Statement on Scope and Authority of Deputy Probation Officers**



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**Chief Probation Officer**

### **I. General Policy**

A. It is the mission of the Santa Barbara County Probation Department to protect the community, to enforce court orders, to promote responsible behavior in offenders, to provide information and recommendations to the courts, and to provide services to victims. It is the role of the Deputy Probation Officer (DPO) to serve the Courts, the community, and those offenders placed under its jurisdiction by statute and by Court Order. To accomplish the above, DPO are classified as peace officers per Section 830.5 PC. Pursuant to Section 830.5 (a), the authority of the DPO shall extend to:

1. The conditions of parole, probation, mandatory supervision, or post release community supervision within the State of California.
2. The escape of any inmate or ward from a state or local institution.
3. The transportation of such persons.
4. Violations of any penal provisions of the law which are discovered while performing the usual or authorized duties of their employment.
5. The rendering of mutual aid to any other law enforcement agency.

Penal Code  
Section 830.5  
and 1203.7

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**II. Powers of Arrest**

- A. As designated in the Penal Code, the peace officer powers of a DPO are limited and, therefore, DPO will not preempt other law enforcement agencies in enforcing the law. The DPO may arrest individuals not under supervision by the Probation Department who are observed committing serious crimes during the performance of the DPO's duties.
1. However, the DPO must first consider other alternatives and resources and make certain that the immediate arrest of the non-probationer is in the public's interest and can be made with minimal danger to the DPO and other persons.
- B. In order for a DPO to arrest an individual not under supervision for a criminal offense, the DPO must be engaged in probation-related duties at the time such situation occurs. Such intervention may be appropriate in the following circumstances:
1. **Crimes against persons:** The DPO observes an assault or battery in progress or is the victim of an assault or battery, and arrest is the most effective means of intervening.
  2. **Interference:** An individual not under supervision is interfering with an investigation or arrest of a probationer.
  3. **Property offenses:** The DPO discovers illegal, stolen articles on the premises of an individual under supervision by the Probation Department, and it is apparent that another person present in the residence is responsible.
  4. **Drug offenses:** The DPO discovers illegal drug use, possession of drugs, or observes a drug sale and has probable cause to believe another person may be responsible.
- C. DPOs will not attempt the arrest of individuals not under supervision, except as noted in the subsections above, unless responding to a request by a law enforcement officer. Most important, a DPO will not attempt an arrest without law enforcement assistance when the DPO believes the

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arrest cannot be effected successfully without assistance. In any case, the DPO must take the most prudent course of action in view of all immediate circumstances; the most prudent course of action may be to merely report the information to law enforcement and not directly effect an arrest.

- D. The unit supervisor will be notified immediately upon completion of any arrest situation by a DPO regardless if the arrest was planned or unplanned. Incident reports are to be completed for each case involving an arrest.

**III. Level of Response**

- A. A DPO is considered "on duty" anytime day or night when, because of their peace officer status, they are required to respond to a supervision-related situation. Level of response may be determined by:
1. Seriousness of the violation.
  2. The DPO's confidence in his/her ability to successfully execute the arrest.
  3. The necessity of arrest at the time of the incident.
  4. Alternatives to arrest.
- B. The DPO **will request law enforcement assistance in an arrest anytime case factors indicate a potential safety hazard** to the DPO and where the presence of additional law enforcement personnel will minimize danger to the DPO and others who may be involved.

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