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CLIENT BULLETIN

URGENT: MEET & CONFER NOW ON AB 505

February 20, 2024

Beginning this year, California Assembly Bill 505 gives sweeping new investigative duties to the state Office of Youth and Community Restoration (OYCR) created by SB 823. Under the new law, the OYCR ombudsman has the authority to show up unannounced at any juvenile facility to meet with residents and staff to investigate resident complaints and facility conditions. **The time is now** to initiate meet and confer with your chief probation officer and juvenile facility superintendent over a policy to respond to OYCR investigations.

The ombudsman, according to OYCR, helps “youth in a juvenile justice facility in California solve problems with how they are being treated.” The website (oycr.ca.gov/ombudsper-son) invites complaints from those who “think your rights are being violated or you are experiencing harmful conditions”. Based on any complaint, the ombudsman can conduct an investigation, access records, and prepare a report to the Legislature.

SCOPO Amendments Limit OYCR Investigations

A policy is important because amendments to AB 505 obtained by the State Coalition of Probation Organizations (SCOPO) limit the ability of the OYCR ombudsman to interview sworn staff as part of any investigation. The new law provides, “The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements.” (Welf. & Inst. Code § 2200(d)(5).) This provision incorporates by reference the Public Safety Officers Procedural Bill of Rights Act, your local MOU, and any “local probation department policies” you negotiate with your administration.

Key Elements of a Model Policy

A model Probation Department policy addressing OYCR investigations will provide for:

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- Immediate notice to affected staff
- Immediate notice to the union or other representative
- Reference to any existing Department policies on administrative investigations, including POBRA protections
- Confidentiality of any peace officer personnel record(s) created by the OYCR investigation
- Procedures for independent investigation of any policy violations alleged by OYCR

In addition to these provisions governing OYCR interviews of sworn staff, a model AB 505 policy will include procedures to facilitate OYCR visits when they occur. “Unannounced” visits from a state agency mean staff may have to be reassigned to arrange an interview with a resident or to make a facility or housing unit available for inspection.

Officers should keep in mind there is **no requirement** to talk to an OYCR ombudsman except under the procedures allowed by the new statute and the negotiated department policy. An ombudsman’s visit to the facility is not a time for sharing.

California’s march toward converting county juvenile facilities into state adult prisons continues apace. Now that OYCR has been given greater investigative authority, a policy to address how the agency’s investigations of your members will take place is essential.

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