§ 257. Probation personnel; qualifications and duties. 1. Except as may be otherwise specified in other provisions of law, all salaried probation officers and their supervisors, including the director, of every probation department, agency or service maintained by any county or city shall be in the competitive class of the civil service. No person shall be eligible for appointment as a probation officer or to a position that involves the duty of supervising a probation officer, who is under twenty-one years of age, or who has not had a high school education, or equivalent education, or who is not physically, mentally and morally fitted. Probation officers shall be selected because of definite qualifications as to character, ability and training, and primarily with respect to their capacity for rightly influencing human behavior. The director of any probation department may appoint non-salaried volunteer probation officers, provided they have the qualifications required of salaried officers. The general rules regulating methods and procedures in the administration of probation, as may be adopted from time to time pursuant to section two hundred forty-three of this chapter, may require additional minimum qualifications for probation personnel and shall set forth procedures, not inconsistent with this or other laws, to be followed in appointment of all probation personnel.

2. The office of probation and correctional alternatives may when necessary certify in writing the need of one or more salaried probation officers to the official body charged with responsibility for appropriating funds for support of government in the political subdivision of the state wherein a probation department is located. Such body shall then determine whether such need exists and if found to exist it shall fix the salary of such probation officer and appropriate the necessary funds, as well as provide for the necessary expenses of such officer.

3. Each probation officer who collects or has custody of money, before entering upon the duties of his or her office, shall execute a bond, pursuant to the provisions of section eleven of the public officers law, in a penal sum to be fixed by the local director of probation with sufficient sureties approved thereby, conditioned for the honest

accounting for all money received by him or her as such probation officer. In the discretion of the local director of probation, a position scheduled bond covering all such probation officers may be procured and executed in lieu of such individual bonds. The accounts of all probation officers shall be subject to audit at any time by the proper fiscal authorities and the office of probation and correctional alternatives.

4. It shall be the duty of every probation officer to furnish to each of his or her probationers a statement of the conditions of probation, and to instruct him or her with regard thereto; to keep informed concerning his or her conduct, habits, associates, employment, recreation and whereabouts; to contact him or her at least once a month pursuant to rules promulgated by the commissioner of the division of criminal justice services; to aid and encourage him or her by friendly advice and admonition; and by such other measures as may seem most suitable to bring about improvement in his or her conduct, condition and general attitude toward society. Probation officers shall report to the head of the probation bureau or department who shall in turn report in writing to the court and the office of probation and correctional alternatives at least monthly or where there is no bureau or department, directly to the court and the office of probation and correctional alternatives concerning the conduct and condition of probationers; keep records of their work as probation officers; keep accurate and complete accounts of all money collected from probationers; give receipts therefor and make prompt returns thereof at least monthly; aid in securing employment; perform such other duties in connection with such probationer as the court may direct or as required by the general rules adopted pursuant to section two hundred forty-three of this chapter; and make such reports to the office of probation and correctional alternatives as it may require.

4-a. In the event a probationer ceases to participate in or is unsuccessfully terminated from an alcohol or substance abuse program ordered by the court as a condition of a sentence of probation pursuant to section 410.10 of the criminal procedure law or section 65.10 of the penal law, the probation officer shall immediately report said cessation

or termination to the local probation director. The local probation director shall report said cessation or termination to the court within ninety days, except where the probationer has resumed participation in an alcohol or substance abuse program with the approval of the local probation director. The local probation director shall include the fact of any such report to the court in the next monthly written report to the court and the state director of probation and correctional alternatives as required pursuant to subdivision four of this section.

4-b. It shall be the duty of every probation officer to provide written notice to probationers under the officer's supervision who may be subject to any requirement to report to the office of victim services any funds of a convicted person as defined in section six hundred thirty-two-a of this chapter, the procedures for such reporting and any potential penalty for a failure to comply.

5. Probation officers may require such reports by probationers as are reasonable or necessary. Probation officers shall be peace officers.

6. (a) Notwithstanding subdivision one of this section, the director of probation in counties with a population of more than three hundred thousand, except counties wholly contained within a city, shall be in the non-competitive class of civil service and shall be appointed by the county executive with the approval of the local governing body. There shall be one deputy director of probation, who shall be in the non-competitive class of civil service. Such deputy shall be appointed by the director of probation.

(b) No person shall be eligible for appointment as a director of probation or deputy director of probation pursuant to subdivision one of this section who does not meet the minimum qualification requirements established for the position by the general rules regulating methods and procedures in the administration of probation.

(c) The provisions of this subdivision shall not apply to any person holding the office of director or deputy director of probation in any such county on the effective date of this subdivision during the term of such office.