CHIEF'S PREFACE

The responsibilities conferred upon us by the California Penal Code and the Welfare and Institutions Code, as well as the obligations of our mission, require that we conduct the business of the Stanislaus County Probation Department in a manner that ensures effectiveness, consistency and professionalism. To that end, this manual contains policies and procedures designed to provide guidance and establish requirements for staff as we perform the business of the agency.

The policies included in this manual are based on applicable sections of law, best practices and sound judgment. Adherence to the policies serves not only to facilitate department operations, but also to protect individual members, the Department and the county from exposures to liability.

While policies contained in this manual are intended to cover all aspects of department operations, it is possible that staff may encounter some situations that may not be covered by a specific policy or procedure. On those occasions staff are expected to seek supervisory or management direction when practicable and exercise sound judgment that reflects compliance with all ethical, legal and mission obligations on the Department.

All staff have an affirmative responsibility to remain knowledgeable of and compliant with the contents of this manual, and to keep abreast of additions and revisions as they are completed and distributed.

Nothing in this manual supersedes the Stanislaus County personnel policies.

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MISSION, VISION AND VALUES STATEMENT

MISSION STATEMENT

As an integral part of the criminal justice system, Probation protects our community by:

- Promoting responsible behavior and offender accountability
- Providing objective information and recommendations to the Court
- Operating safe and secure juvenile facilities and programs
- Partnering with the community to provide direct services to offenders, families and victims

VISION STATEMENT

The Stanislaus County Probation Department provides community safety and services with professional integrity.

VALUES STATEMENT

The Stanislaus County Probation Department ascribes to the following values as core business principles:

- Deliver services with integrity, professionalism and competence
- Treat all individuals with dignity and respect
- Commit to innovation, creativity, and collaborative partnerships
- Encourage leadership, professional development and a positive work environment

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GENERAL FUNCTIONS OF THE DEPARTMENT

- Working closely with the Juvenile Justice Commission, service providers and the community at large for the prevention of crime and delinquency.
- Screening and processing all juvenile referrals made to the department by law enforcement, appropriate agencies and individuals.
- Investigating, preparing written reports and making recommenda-tions on all cases referred to the department by the Courts.
- Establishing and executing programs of supervision for persons placed under the jurisdiction of the department.
- Supporting Evidence Based Practices by implementing programs and practices proven to work in reducing recidivism.
- Operating safe and secure juvenile detention and commitment facilities.
- Establishing and performing such other services or programs as directed by law, the Courts, County Administration and the Chief Probation Officer.

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Chapter 1 - Law Enforcement Role and Authority

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Peace Officer Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Stanislaus County Probation Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Pursuant to California Penal Code Section 830.5(a) persons employed in the classification of Chief Probation Officer, Assistant Chief Probation Officer, Probation Manager, Supervising Probation Officer and Deputy Probation Officer are sworn peace officers whose authority to exercise peace officer power(s) is limited by law.

The authority of any such peace officer extends to any place in the State of California while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment.

Persons employed in the foregoing classification shall limit the exercise of their peace officer powers to the following circumstances while on-duty:

(a) To enforce conditions of parole, probation, mandatory supervision, or post release community supervision by any person in this state on parole, probation, mandatory supervision, or post release community supervision.

(b) To the escape of any inmate or ward from a state or local institution.

(c) To the transportation of persons on parole, probation, mandatory supervision, or post release community supervision.

(d) To violations of any penal provisions of law that are discovered while performing the usual or authorized duties of his or her employment.

(e) To the rendering of mutual aid to any other law enforcement agency.

California Penal Code § 830.5(b), persons in the classification of Supervising Probation Corrections Officer and Probation Corrections Officer, to include transportation officers, are sworn peace officers whose authority to exercise peace officers power(s) is limited by law.

All sworn Probation Department officers are “County peace officers” within the meaning of Government Code § 20021.8. As such, they enjoy the protection and rights contained in the Peace Officer Bill of Rights.

All Probation Department peace officers have a sworn duty to exercise their peace officer powers as related to their specific job assignment and within the limited circumstances specified above. All sworn peace officers are prohibited from exercising their peace officer powers while off-duty (see the On-Duty Definitions subsection of this policy).

100.3 ON-DUTY AND OFF-DUTY DEFINITIONS

Sworn peace officers are considered to be on-duty at the following times:

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(a) On regularly scheduled work days, to include overtime shifts, meal (Institutions staff only) and rest breaks, from the time they arrive at work until the time they leave the work site at the end of their scheduled day.

(b) At any time when they have been recalled to work by an authorized representative of the Department during off-duty hours. The authorized representatives who may order a member to return to work are the Chief Probation Officer, Assistant Chief Probation Officer, Probation Managers, Supervising Probation Officers, and/or Supervising Probation Corrections Officers.

(c) Twenty-four hours a day while assigned on-call duties.

(d) At any time they are ordered by an administrative agent of the County of Stanislaus to assist in disaster or emergency services, as required by County ordinance.

(e) At all other times, peace officers are considered to be off-duty. Off-duty officers have no authority to exercise peace officer powers.

100.4 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

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Chief Probation Officer

101.1 PURPOSE AND SCOPE

The California Board of State and Community Corrections (BSCC)- Standards and Training for Corrections (STC), has mandated that all probation officers and juvenile institutions officers employed within the State of California shall receive certification by BSCC-STC within prescribed time periods.

101.1.1 CHIEF PROBATION OFFICER REQUIREMENTS

The Presiding Judge of the Superior Court appoints and swears in the Chief Probation Officer who serves at the pleasure of the Court.

The Probation Department is an arm of the court. The Chief Probation Officer is legally mandated under Penal Code § 1203.6 for adults, and Welfare & Institutions Code § 270 for juveniles, to provide selected services and has the authority to provide other services to the court and community. Any Chief Probation Officer must complete Manager/Administrator CORE prescribed by BSCC-STC prior to, or within the first year of appointment.

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Stanislaus County Probation Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

"I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

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Administrative Policy Manual

103.1 PURPOSE AND SCOPE

The Stanislaus County Probation Department Administrative Policy Manual is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement and probation is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

Specific procedural instructions regarding the various programs and activities of specific job assignments are contained in individual unit manuals. In the event of a conflict in statement between this policy manual and a unit procedure manual, the policy manual shall prevail.

While many County policies are repeated or alluded to in this manual, all policies issued by the Stanislaus County Board of Supervisors and/or any policies dictated by legislation or judicial orders shall take precedence over this policy manual. In the event conflicts arise, or upon receipt of additional or modified policy directives from the Board of Supervisors, legislative changes or judicial orders, the statements in this policy manual will be modified to comply with those directives while all other policies within the manual remain in effect.

A Departmental Directive signed by either the Chief Probation Officer, Assistant Chief Probation Officer or designee is the only document with authority to supersede policies contained in this manual. Such Departmental Directives will remain in effect only until this policy manual is amended to include the issue covered by the Departmental Directive.

This manual is not confidential and may be shared with any concerned party.

See the Stanislaus County Probation Dept Procedures Manual: 100.1 ADMINISTRATIVE POLICY MANUAL - SCOPE OF DUTIES OF DEPARTMENT PERSONNEL.

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103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Stanislaus County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Stanislaus County Probation Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief Probation Officer shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief Probation Officer or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Stanislaus.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/SCPD - The Stanislaus County Probation Department.

DMV - The Department of Motor Vehicles.

Employee- Any person employed by the Department.

Juvenile/Youth - Any person under the age of 18 years.

Lead staff - A person in a position of authority (to include Deputy Probation Officer III, Probation Corrections Officer III, Legal Clerk IV, Accountant I and Systems Engineer II) whose primary responsibility includes assisting the supervisor in supervising daily activities; act as the supervisor in his/her absence; perform line staff functions as a lead worker; and training subordinate staff.

Manual - The Stanislaus County Probation Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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Member - Any person employed or appointed by the Stanislaus County Probation Department, including:

- Full- and part-time employees
- Non-sworn employees
- Volunteers.

Minor- Any person under the jurisdiction of the Juvenile Court.

Officer - Any sworn peace officer personnel who are employed by the Department in the classifications of Deputy Probation Officer, Supervising Probation Officer, Supervising Probation Corrections Officer, Probation Corrections Officer, Part Time/Extra Help Probation Corrections Officer, Probation Manager, Assistant Chief Probation Officer and Chief Probation Officer.

On-duty - A member's scheduled working hours or when called back for a work-related situation by the Chief Probation Officer or designee.

Order - A written or verbal instruction issued by a superior.

POST - The California Commission on Peace Officer Standards and Training.

Shall, must or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

STC - Standards and Training for Corrections.

Supervisor - A person in a position of authority (to include Supervising Probation Officer, Supervising Probation Corrections Officer, Accountant III and Supervising Legal Clerk) whose primary responsibility includes accomplishment of unit operations; direct supervision responsibility over all subordinate line staff assigned to unit or area of responsibility; implementation and enforcement of all department policies; and primary responsibility for communication between administration and line staff assigned to unit or area of responsibility.

The term "supervisor" may also include any person (e.g., Deputy Probation Officer III, Probation Corrections Officer III, Legal Clerk IV or System Engineer II) given responsibility for the direction of the work of others, in the absence of the supervisor.

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief Probation Officer or the authorized designee.

As a condition of employment, all members are required to read and obtain necessary clarification of this department's policies. All members are required to sign a statement of receipt

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acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

Staff shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief Probation Officer or designee will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Human Resources staff, each Division Director and Unit supervisor will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Directors, who will consider the recommendations and forward them to the command staff as appropriate.

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Probation Code of Ethics

104.1 PROBATION CODE OF ETHICS

The Department recognizes certain basic ethical standards that will be adhered to in the performance of its functions and duties.

In upholding the public trust in pursuit of the Department mission, I will follow lawful procedures and conduct myself according to the following ethical principles:

- Consistently demonstrate the highest degree of honesty, integrity and good moral character in my public and private life.
- Act without prejudice and respect the rights of all people.
- Treat all individuals in a courteous and professional manner.
- Uphold the law with dignity.
- Be objective in the performance of duties.
- Protect, as appropriate, confidences entrusted in me in my professional capacity.
- Not compromise my integrity or that of the Department or profession by giving, accepting or soliciting gratuities.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission, vision and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief Probation Officer is responsible for administering and managing the Stanislaus County Probation Department. There are four divisions in the Probation Department as follows:

- Adult Field Services
- Re-alignment Services
- Juvenile Field Services
- Institutions Services

See Stanisalus County Organization Chart

200.2.1 ADMINISTRATION

The Administration Services Division is commanded by the Chief Probation Officer whose primary responsibility is to provide general management direction and control for the Administration Services Division. The Administration Services Division consists of the Assistant Chief Probation Officer, an Administrative Services Manager, Human Resources Manager and the Information Technology (IT) Manager.

200.2.2 ADULT FIELD SERVICES

The Adult Field Services Division is directly supervised by two Division Directors who's primary responsibility is to provide general management direction and control of all adult operations within the Stanislaus County Probation Department. The Adult Division consists of Adult Court Services, Post-Release Community Supervision, Adult Intake and Case Control, Adult Supervision, Mandatory Supervision Unit, Domestic Violence Unit, Intensive Supervision Unit, Day Reporting Center, Adult High-Risk Offender Unit, Assessment Unit and the Specialty Court Unit.

200.2.3 JUVENILE FIELD SERVICES

The Juvenile Field Services Division is directly supervised by a Division Director who's primary responsibility is to provide general management direction and control of all juvenile operations within the Stanislaus County Probation Department. The Juvenile Division consists of Juvenile Intake and Investigations, Juvenile High-Risk Offender Unit, Juvenile Supervision/Placement and Professional Standards Unit.

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200.2.4 INSTITUTION SERVICES

The Stanislaus County Juvenile Hall and Juvenile Commitment Facility is under the direct supervision and direction of the Superintendent and two Assistant Superintendents, who provides general management direction and control for these facilities. The Juvenile Hall and Juvenile Commitment Facility consists of custody services, enhanced education services, and provides services for individual special needs of detained minors. The Superintendent also provides general management direction and control for the Alternatives to Custody Program, which includes transportation officers.

200.3 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Stanislaus County Drug Enforcement Agency), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

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Departmental Directive

201.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief Probation Officer, or designee, to make immediate changes to existing policy and procedure or lays the foundation for a new policy and/or procedure. Departmental Directives will immediately supersede applicable sections of the manual. Departmental Directives and/or changes to policy/ procedures may be subject to the meet and confer process.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the appropriate manual sections as required upon approval of the Chief Probation Officer or designee. Departmental Directives will modify existing policies/procedures and/or create a new policy/procedure as appropriate and will be rescinded upon incorporation into the respective manual section.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 16-01 signifies the first Departmental Directive for the year 2016.

201.2 RESPONSIBILITIES

201.2.1 POLICY REVIEW TEAM

The Policy Review Team is made up of a cross section of supervisors and administration. The Policy Review Team may review and recommend revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF PROBATION OFFICER

The Chief Probation Officer shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All members are required to read and obtain any necessary clarification of all Departmental Directives. All members are required to acknowledge electronically via the Lexipol Knowledge Management System (KMS) the receipt and review of any new Departmental Directive. Electronic receipts showing a member's acknowledgment will be maintained by the Human Resources Manager.

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Continuity of Operations Plan

202.1 PURPOSE AND SCOPE

The County and the Department have prepared a Continuity of Operations Plan (COOP) for use by all members in the event of a major disaster or other emergency event. The plan provides for a strategic response by all members and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

202.2 ACTIVATING THE EMERGENCY PLAN

The Stanislaus County Emergency Operations Plan (EOP) was established and implemented in an effort to establish the emergency organization, assign tasks, specify policies and general procedures and provide for the coordination of planning efforts of the various emergency staff and service elements utilizing the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). The EOP may be activated by the Director of Emergency Services or designee. The Probation Department was responsible for developing an emergency plan which resulted in the implementation of the COOP Plan. The Chief Probation Officer may activate the COOP Plan.

202.2.1 RECALL OF PERSONNEL

In the event that the COOP Plan is activated, all members of the Stanislaus County Probation Department are subject to immediate recall. Members may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.2.2 OBJECTIVES

The objective of the COOP Plan is to ensure that a viable capability exists to continue essential probation functions across a wide range of potential emergencies, specifically when the probation department facilities are either threatened or inaccessible. The objectives of the plan are:

(a) To ensure the continuous performance of essential functions/operations during an emergency.

(b) To protect essential facilities, equipment, records and other assets.

(c) To reduce or mitigate disruptions to operations.

(d) To reduce loss of life, minimizing damage and losses.

(e) To identify and designate principals and support staff to be relocated.

(f) To facilitate decision-making for the execution of the COOP Plan and the subsequent conduct of operations.

(g) To achieve a timely and orderly recovery from the emergency and resumption of full service to all customers.

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202.3 LOCATION OF THE PLAN

The COOP Plan is available in Administration and the Division Director's office. All supervisors should familiarize themselves with the COOP Plan. The Chief Probation Officer should ensure that department personnel are familiar with the roles probation personnel will play when the plan is implemented.

202.4 UPDATING OF MANUALS

The Chief Probation Officer or designee shall review the COOP Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

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Training Policy

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the Standards and Training for Corrections (STC) and the California Commission on Peace Officer Standards and Training (POST), and will make every effort to secure special certification if appropriate.

203.3 STANDARDS FOR TRAINING IN CORRECTIONS (STC) ACT: ANNUAL AND CORE HOURS

In conjunction with the State of California Corrections Standards Authority, the Department requires the following mandatory training as approved and certified by the STC Act.

(a) All department sworn personnel are required to have a current certification in First Aid/ AED and CPR.

(b) Safety Management personnel – Complete all managerial core courses the first year of promotion and 40 hours of elective courses each fiscal year thereafter.

(c) Supervising Probation Officers and Supervising Probation Corrections Officers – Complete all supervisory core courses the first year of promotion and 40 hours of elective courses each fiscal year thereafter.

(d) Deputy Probation Officers – Complete all hours of core courses during the first year hired and 40 hours of elective courses each fiscal year thereafter.

(e) Probation Corrections Officers I, II and III – Complete all core courses within the first year of being hired and 24 hours of elective courses each fiscal year thereafter.

Any member may be required to attend a specific training course if, in the opinion of the member's supervisor or the Department, the training is essential for the member's efficient functioning.

All training courses other than those specifically mentioned above are subject to the approval of the member's supervisor, the department training coordinator and department administration.

Clerical and other support staff not covered by the STC Act may request appropriate training through their supervisor, and may be required to attend training when deemed necessary by the Chief Probation Officer.

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All members required to complete STC training must have all of their hours completed by the end of the training year, unless granted an exception from STC.

203.4 TRAINING PLAN

A training plan will be developed and maintained by the department training coordinator and department administration. It is the responsibility of the department training coordinator and department administration to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- State mandated training
- Legislative changes and case law
- Critical issues training

203.5 TRAINING NEEDS ASSESSMENT

The Chief Probation Officer or their designee will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

203.6 TRAINING PROCEDURES

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Approved vacation
3. Sick leave
4. Physical restrictions identified by a medical professional and a corresponding note preventing the member's participation.
5. Emergency situations
6. Operational staffing challenges

(b) When a member is unable to attend mandatory training, that member shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor, if requested.
3. Make arrangements through his/her supervisor and the department training coordinator or their designee to attend the required training on an alternate date.

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203.7 EXPECTATIONS OF SUPERVISORS

Supervisors in the Department are expected to:

(a) Make members aware that training is their job assignment for that day or days, and relieve them of other workload responsibilities, unless staffing challenges exist.

(b) Follow up with members after training to determine the quality of training.

(c) Evaluate member's training needs and request training in those areas of special needs, relative to assignment, and professional development.

(d) Ensure the timely completion of annual STC training hours by members under their supervision.

203.8 EXPECTATIONS OF STAFF

It is the responsibility of each member to recognize that training is his/her job assignment for the day and that he/she has individual responsibility to derive positive benefits from the training. Each member is expected to:

(a) Attend and complete all training for which he/she is enrolled.

(b) Be punctual and return from breaks and lunch at designated times and remain in training until the class is dismissed.

(c) Possess those training materials pertinent to the session before him/her.

(d) Conduct himself/herself in an appropriate and professional manner.

(e) Respect others' ideas, opinions and questions.

(f) Follow directions of the trainer and/or proctor in each class.

(g) Wear attire appropriate to the training.

(h) Report via the chain of command any perceived inappropriate behavior by the trainer while remaining respectful during the training.

203.9 EXPECTATIONS OF TRAINERS

Persons providing training to probation staff are expected to:

(a) Be organized and prepared to start training at the indicated time.

(b) Ensure insofar as possible that the training area is properly set up and is conducive to the training being offered.

(c) Ensure that training handouts and other materials are prepared and available.

(d) Maintain professionalism at all times.

(e) Be responsive to the needs and questions of the class.

(f) Control disruptive and/or inattentive behavior. If the trainees fail to conform, direct them to leave and immediately report back to their supervisor. Report, in writing, to the department training coordinator, any incidents of disruptive and/or inattentive behavior by trainees.

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(g) Provide regular breaks to the trainees and resume training on time following the breaks.

(h) Comply with STC guidelines related to documented attendance sign in and evaluation by the class participants.

203.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Stanislaus County Probation Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Human Resources Manager or their designee.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Human Resources Manager or their designee. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, members shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

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Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use, retention and application of the Department's electronic mail (email) system by members of this department. Email for the purpose of this policy is considered to be all electronic messages, calendar items, tasks and other content in the Probation email system. This policy pertains to all devices used to access or store email content. Email is a communication tool available to members to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the email system must only be those that involve county business activities or contain information essential to county members for the accomplishment of business-related tasks and/or communication directly related to county business, administration, or practices of the Department.

This policy does not supersede or override any regulations promulgated by state or federal agencies that are more stringent or impose additional requirements.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Members using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

Members should not use personal accounts to exchange email or other information that is related to the official business of the Department.

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by department management. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.

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204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

Members have the same responsibility to retain email content as they would any other form of public record. It is the responsibility of the member to determine if email content is public record. Email content should be routinely deleted unless it would have retained if sent in any other form.

Email content determined to be of public record shall be converted to a PDF and saved to an appropriate file location. It is the responsibility of the end user to move their record email after receipt on department email systems. If the end user is not able to convert their email to PDF, record emails should be printed and retained as paper copy.

204.4.1 RETENTION

Upon migration to Office 365, the Probation email system retains all messages for 2 years. This includes all sent and received email messages regardless of the members actions to delete messages from within their individual email account. After 2 years all email messages are purged and may not be reclaimed.

Forwarding email for the specific purpose of extending the retention period is in violation of this policy. End users are responsible for ensuring that any county email that exists on their non-department email accounts are deleted in correspondence with the Department retention period.

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Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

205.2 MEMORANDUMS

Memorandums or emails may be issued periodically by the Chief Probation Officer to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief Probation Officer. Personnel should use Department letterhead only for official county business and with approval of their supervisor.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief Probation Officer.

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License to Carry a Firearm

206.1 POLICY

The Chief Probation Officer will not exercise statutory discretion to issue a license to carry a firearm within the community, except with respect to department retiree CCWs.

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of the Stanislaus County Probation Department's authorization for honorably retired peace officer's privilege to carry a concealed firearm in accordance with California law (Penal Code § 25450; Penal Code § 25455).

207.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide identification cards to qualified retired officers as provided in this policy.

207.3 LEOSA

The Chief Probation Officer may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c); Penal Code 25450):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

(f) Any other honorably retired peace officer who during the course and scope of his or her appointment as a peace officer was authorized to, and did, carry a firearm.

207.3.1 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

  (a) An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

  (b) A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the

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person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

207.4 AUTHORIZATION STANDARDS

Any qualified, honorably retired peace officer of this department must meet the following standards in order to obtain an identification card with a CCW endorsement (Penal Code § 26305; Title 18 U.S. Code § 926C):

(a) Sign a waiver of liability relieving the Department and the County for all post-retirement acts or omissions related to firearms qualifications or the carrying of a concealed firearm. The decision to carry a firearm post-retirement is solely that of the retiree, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by California law, and also that these acts were not taken as an employee or former employee of the Department. The County of Stanislaus will provide neither a legal defense nor indemnification for any claim arising from a retiree carrying a firearm in accordance with the signed waiver of liability.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

(e) Identify a department approved firearm, holster, and ammunition the retiree intends to carry while authorized to carry a concealed firearm.

(f) Qualify with the authorized firearm at a course approved by this department no more than ninety days prior to his/her retirement or post-retirement application for a CCW endorsement.

1. The Department shall bear no expenses related to a retiree's pre-retirement firearm qualifications. Retiree's expense includes, but is not limited to the cost of targets, ammunition, range fees, qualified range master compensation, membership fees, or any other costs associated with the retiree's firearm qualifications.

(g) Upon the Chief Probation Officer's approval, the honorably retired peace officer shall be issued an identification card with a CCW Approved endorsement (Penal Code § 25455).

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207.5 AUTHORIZATION TO CARRY A CONCEALED FIREARM

Any qualified, honorably retired peace officer who meets the qualifications and standards and has been granted authority to carry a concealed firearm upon retirement may carry a concealed firearm only when he/she is (Title 18 U.S. Code § 926C):

(a) In possession of his/her department issued, valid California Retired Peace Officer CCW Identification card.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal or state law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property, if such prohibition is permitted by California law.

207.6 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer or his/her designee when the conduct of a retired peace officer compromises public safety.

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

(a) The decision of such hearing board shall be binding on the Department and the retiree.

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(b) Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify a supervisor as soon as practicable. The supervisor should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Shift Supervisor should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Probation Officer.
3. The personal and written notification should be as follows:
   (a) The retiree's CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Shift Supervisor should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Shift Supervisor may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

207.7 REPORTING RESPONSIBILITIES

Honorably retired peace officers of this Department who are authorized to carry a concealed firearm are required to notify the Department as soon as practical if he/she becomes the subject of a criminal investigation or arrest. Members who have reason to suspect a retiree's conduct has compromised public safety should notify any available supervisor or manager as soon as possible. The supervisor or manager should take the following action as soon as practical:

(a) Immediately notify the Chief Probation Officer or his/her designee.

(b) Take appropriate steps to promptly investigate the matter.

(c) If warranted, contact the retiree in person and advise him/her in writing of the following:

1. The retiree's CCW endorsement is immediately and temporarily revoked.

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2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.

3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(d) A current copy of Penal Code § 26305, Penal Code § 26312 and Penal Code § 26315 should be attached to the written notice.

(e) If the retiree is contacted in person, every effort should be made to confiscate the retiree's identification card with the CCW endorsement during the period the retiree's CCW endorsement is temporarily revoked.

(f) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the assigned supervisor or manager should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the assigned supervisor or manager may request that a peace officer of that agency act as the department's agent to deliver the written notification.

(g) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

(h) The assigned supervisor or manager should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief Probation Officer as soon as practical.

207.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster or his/her designee will maintain a record of the qualifications and weapons used.

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Internal and External Communications

208.1 PURPOSE AND SCOPE

This policy provides guidelines and standards for all internal and external communication.

208.2 POLICY

All department members are expected to conduct communication with all levels of personnel in an open environment that will foster the free exchange of ideas and views without fear of ridicule, intimidation or repercussion.

(a) All communication between Probation Department members and other agencies should be conducted in a cordial, cooperative and business-like manner, and should follow established procedures. In all such communication, the policies and positions of the Chief Probation Officer should be supported and followed.

(b) All personnel are expected to effectively communicate with others to ensure the smooth, cooperative completion of assigned duties.

(c) Supervisory and management members are expected to effectively communicate policies, directives, suggestions and requests for input.

(d) All department members retain their rights as private citizens to initiate contact with the County Grand Jury, the Board of Supervisors or other elected officials.

(e) The following types of communication must be directed to Department Administration via the chain of command:

1. Complaints regarding an employee from another agency that are encountered by Probation Department members through the course of their employment.
2. Issues that are in conflict with the Probation Department's established policies or positions.
3. Requests for changes in other agencies' policies and procedures.
4. Inquiries or complaints regarding departmental operations received from the County Grand Jury, the Board of Supervisors, Chief Executive Officer, Judges or other agencies.
5. Requests for action by other County departments on behalf of the Probation Department, including things such as County Counsel opinions, personnel recruitments or referrals, the ordering of supplies or equipment, requesting equipment maintenance or repair, requesting Data Processing services, and other similar activities.

208.3 PUBLIC SPEAKING

The Probation Department is committed to providing the public with information regarding the programs and operations of the Department and encourages staff to appear before groups and meetings to disseminate such information.

See Procedures Manual on Internal and External Communications for further information.

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Stanislaus County Probation Dept Procedures Manual: 200.1 INTERNAL AND EXTERNAL COMMUNICATIONS - GENERAL STATEMENT - PUBLIC SPEAKING

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor or manager.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer (Penal Code § 835a).

(e) The effects of drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).

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(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual.

(l) Training and experience of the officer.

(m) Potential for injury to officers, suspects, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

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300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

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Officers shall document the circumstances that led to the use of force and any notable injuries to themselves or the offender(s) in the incident report including a detailed description of the incident, the subject's actions and the officer's response to those actions. When appropriate, statements from witnesses and involved parties will be included. The report shall also contain any medical treatment obtained for the offender and/or officer and any evidence relative to the use of force.

Officers observing a use of force incident, who believe the use of force was excessive shall advise his/her immediate supervisor of such incident.

Any observable injury sustained by the officer, offender or other individual should be photographed, as well as any alleged injuries identified by the offender.

300.5.1 OFFICER RESPONSIBILITIES

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious or was at an altered level of consciousness.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

If the individual is booked, officers shall advise the custodial staff of the type of force that was used and the location on the individual's body that was affected. This advisement shall also include the type of medical treatment rendered, if any.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing

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pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail or juvenile detention facility. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the lead officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident, or is present, in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) If a supervisor is involved in the use of force, a manager should be responsible for obtaining the basic facts as indicated in "a" above.

(d) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in an incident or other report.

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3. The recording of the interview should be distinctly marked for retention and booked into evidence until all potential for civil litigation has expired.

(e) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(f) Identify any witnesses not already included in related reports.

(g) Review and approve all related reports.

(h) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route, via the chain of command, a notification of a potential claim through the appropriate channels.

(i) Evaluate the circumstances surrounding the incident and notify the Chief, via the chain of command, if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit, to include notifying management through the chain of command that a use of force incident occurred.

Supervisors shall review each use of force by any personnel within his/her supervision to ensure compliance with department procedures and guidelines and to address any training issues. If any training issues are discovered, it is the responsibility of the supervisor to ensure appropriate training is received and is appropriately documented in the officer's Supervisor Employee Site File.

300.8 ADMINISTRATIVE RESPONSIBILITIES

When the use of force results in serious physical injury or death of a subject in probation custody, department administration (i.e., Chief or Assistant Chief) will immediately initiate an administrative investigation into the circumstances of the serious physical injury or death and if applicable, request the appropriate law enforcement agency to conduct an immediate concurrent investigation.

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

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300.10 USE OF FORCE ANALYSIS

At least annually, the Assistant Chief Probation Officer should prepare an analysis report on use of force incidents. The report should be submitted to the Chief Probation Officer. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by officers.

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Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions, arrests and transportation.

301.2 POLICY

The Stanislaus County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Stanislaus County Probation Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 TRANSPORTATION OF DETAINEES

All persons being transported in custody shall be handcuffed behind their back or with some form of department-approved restraint from the time they leave their place of arrest or detention until they arrive and are secure at their destination.

Exceptions to the necessity for handcuffs or other mechanical restraints are limited to the following:

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(a) Persons otherwise immobilized that their chances for escape are nonexistent.

(b) Persons whose physical stature renders mechanical restraints useless.

(c) Persons suffering from an injury or other physical/medical condition that the use of restraints is inhumane or potentially dangerous to their health.

(d) Persons being taken into a public transportation terminal.

(e) Cooperative persons being transported to or from a non-secure facility.

(f) Pregnant persons as described in the Restraint of Pregnant Persons subsection of this policy.

Persons in custody shall not be allowed to communicate or come in direct contact with other persons not in custody outside the confines of a secure detention facility, except as required during the course of court proceedings.

To the extent practicable, male and female prisoners should be segregated.

If any person in custody is observed to be suffering from any emotional or behavioral problems, the officer should notify custodial staff as soon as reasonably possible.

Prior to transporting a person in custody and upon completion of the transportation, officers should carefully inspect the rear seat portion of the vehicle to ensure that there are no loose objects that could be used as weapons or other contraband in the vehicle.

Prior to being placed in a vehicle, any secured person shall be subject to a thorough pat-down search for weapons and illegal contraband.

When transporting persons of the opposite gender, arrangements should be made to provide for accompaniment by an additional individual, ideally of the same gender as the person being transported. If solo transportation becomes necessary, the officer shall:

(a) Notify Stanislaus Regional 9-1-1 (Dispatch) and provide the beginning mileage, the location of where the person is being transported to; dispatch will note/state the time back to the officer. Upon arrival, notify dispatch that the transport is complete and the end mileage. Dispatch will then note/state back the time.

(b) Travel nonstop to the selected destination.

During automotive travel, all occupants must wear seat belts at all times.

During transportation, the in-custody person shall at all times remain under the custody and control of the transporting officer(s).

301.3.3 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be

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used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail, juvenile hall or other facility staff upon arrival at the jail, juvenile hall or other facility that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail, juvenile hall or other facility.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should

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provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, if possible, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF THE WRAP OR RIPP HOBBLE

The WRAP device is the designated full-body restraint device authorized for use by department personnel.

The RIPP Hobble device is a restraining device used primarily to secure the legs and ankles of a violent/combative individual, which is authorized for use by department personnel.

The WRAP or RIPP Hobble should only be utilized by those officers that have attended and successfully completed training in the appropriate use and application of the WRAP or RIPP Hobble; however, officers may assist other local law enforcement personnel in the application of these restraint devices while under their direction.

The WRAP or RIPP Hobble may be used in the following situations subsequent to an arrest:

(a) To immobilize a violent/combative individual and limit them from causing injury to themselves or others.

(b) To prevent a violent/combative individual from causing property damage (e.g., kicking, hitting their head within the vehicle).

(c) Transportation of a violent/combative individual.

Candidates for the WRAP or RIPP Hobble would include those individuals that continue to attempt self-harm or are a physical threat to others after lesser forms of physical force has been utilized.

If practicable, officers should notify a supervisor of the intent to apply the WRAP or RIPP Hobble. In all cases, a supervisor shall be notified as soon as practicable after the application of the WRAP or RIPP Hobble.

When the WRAP or RIPP Hobble has been applied for a transport, Dispatch shall be notified.

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Once the WRAP or RIPP Hobble has been applied, the individual shall never be left unattended. Monitoring of the individual in the WRAP or RIPP Hobble shall be continuous direct visual supervision. Continuous direct visual supervision is defined as an officer constantly in the presence of the individual and/or a passenger during a transport in which the WRAP or RIPP Hobble has been applied. The driver of the vehicle is not considered to have direct visual supervision.

(a) Once applied, absent a medical or other emergency or the individual no longer reasonably appears to pose a threat, the WRAP or RIPP Hobble should remain in place until the officer arrives at the jail, juvenile hall or other facility.

(b) Once secured and upon being placed in the vehicle, the individual should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the individual's ability to breathe.

(c) Officers should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to these conditions which may include readjusting the WRAP or RIPP Hobble.

(d) Individuals who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these individuals be restrained by the use of the WRAP or RIPP Hobble.

(e) When transported by ambulance the restrained individual should be accompanied by an officer. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the individual.

An incident report is required for all incidents involving the use of the WRAP or RIPP Hobble and shall be completed prior to the end of the shift. The time of entry, the time of release, how the individual was transported and the position of the individual, any known or suspected drug use or other medical problems and the time medical staff assessed the individual upon delivery to the facility shall be included. Additional documentation of pertinent information may include the individual's behavior, attempts to use less restrictive means of control, and injuries sustained while in the WRAP or RIPP Hobble.

When the WRAP or RIPP Hobble is being utilized during a transport, upon arrival to the facility, the individual must be immediately assessed by the appropriate medical staff and cleared for continued retention. Both the facility staff and transport staff also need to conduct their own assessment to determine whether or not the individual can be safely removed from the restraint device.

The procedure for the use of the WRAP within the juvenile institutional facilities is specifically addressed in Juvenile Institutions Policy and Procedure Manual Section 7.15.

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301.7 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.8 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.8.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other

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circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.9 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints when unusual circumstances occur (e.g. injury to person, allegations of misconduct, threats of a law suit).

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) The types of restraint used.

(c) The time the restraint was applied and the time the restraint was removed.

(d) How the person was transported and the position of the person during transport.

(e) Observations of the person's behavior and any signs of physiological problems.

(f) Any known or suspected drug use or other medical problems.

(g) The time medical staff assessed the individual upon delivery to the facility.

(h) Attempts to use less restrictive means of control, and injuries sustained while restrained.

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Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Stanislaus County Probation Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 DEFINITION

(a) Impact Weapon/Baton: A Department approved Impact Weapon is defined as an expandable-type baton.

(b) Oleoresin Capsicum (OC Pepper Spray): A highly concentrated form of red cayenne peppers or a similar substance that affects the mucous membranes of humans and animals, and is considered a "Tear Gas" as defined by Penal Code Section 12401. OC, when applied to the face, typically causes swelling of mucous membranes, involuntary closing of the eyes, gagging, coughing, shortness of breath, and an intense feeling of burning on the exposed skin areas.

302.4 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department and approved by the Chief Probation Officer or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device. Officers must complete the Request to Authorize Use of Defensive Equipment on Duty (Probation Administration form #ADM5003) and submit it to the Assistant Chief Probation Officer via the chain of command.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.5 RESPONSIBILITIES

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302.5.1 UNIT SUPERVISOR RESPONSIBILITIES

The Unit/Shift Supervisor may recommend the authorization of the use of a control device by selected officers of specialized units who have successfully completed the required training.

302.5.2 EQUIPMENT SUPERVISOR RESPONSIBILITIES

The designated Equipment Supervisor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Unit/Shift Supervisor or the designated instructor for a particular control device. The inspection shall be documented.

302.5.3 USER RESPONSIBILITIES

It is the officer's responsibility to conduct periodic inspections of all control devices to ensure they are functioning properly. All normal maintenance, charging or cleaning shall remain the responsibility of the officer using the various devices.

It is the officer's responsibility to immediately report any lost control device to their supervisor.

Control devices are not to leave the department unless being worn/utilized in the field/training or with the prior approval of a supervisor.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Equipment Supervisor for disposition. Incident reports shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.6 IMPACT WEAPON/BATON GUIDELINES

A Department approved Impact Weapon is defined as an expandable-type baton. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, officers shall carry the baton in its authorized holder on the equipment belt or tactical vest. Plainclothes officers may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

(a) Officers must complete a refresher course on Impact Weapon use at least once every other training year.

(b) Officers requesting to make modifications to an impact weapon shall request approval from the impact weapon instructor(s) prior to making any modifications.

302.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual, groups of individuals, or aggressive animals who are engaging in, or

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are about to engage in violent behavior. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

See Procedures Manual on Oleoresin Capsicum (OC) guidelines for further information.

Stanislaus County Probation Dept Procedures Manual: 300.1 GENERAL PROCEDURES STATEMENT - OLEORESIN CAPSICUM

Stanislaus County Probation Dept Procedures Manual: 300.2.1 CHARACTERISTICS

Stanislaus County Probation Dept Procedures Manual: 300.2.2 GENERAL PRECAUTIONS IN THE USE OF OC SPRAY

Stanislaus County Probation Dept Procedures Manual: 300.3 ISSUANCE AND STORAGE OF CHEMICAL AGENTS

302.7.1 OC SPRAY

Authorized officers carrying OC spray are responsible for securing it on their person.

Canisters involved in any type of malfunction or damage shall be turned in to the Department Equipment Supervisor or designated supervisor for exchange.

302.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons or animals who have been sprayed with or otherwise affected by the use of OC should be promptly decontaminated and provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Information regarding the method of notice and the individuals notified should be included in related reports.

302.9 TRAINING FOR CONTROL DEVICES

The Division Director of the Professional Standards unit or their designee shall ensure that all officers who are authorized to carry a control device have been properly trained, to include completion of courses as noted in the Request to Authorize Use of Defensive Equipment on Duty (Probation Administration form #ADM5003), and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

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(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline and/or removal from their assignment.

302.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

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Officer-Involved Shootings and Deaths

303.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief Probation Officer may decide that the investigation will follow the process provided in this policy.

303.2 POLICY

The policy of the Stanislaus County Probation Department (SCPD) is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

303.2.1 DEFINITIONS

(a) "Officer" means any sworn peace officer personnel who are employed by the department in the classifications of Deputy Probation Officer, Supervising Probation Officer, Supervising Probation Corrections Officer, Probation Corrections Officer, Probation Manager, Assistant Chief Probation Officer and Chief Probation Officer.

(b) "On-duty" means an officer's scheduled working hours or when called back for a work-related situation by the Chief Probation Officer or designee.

  (a) On regularly scheduled work days, to include overtime shifts, meal and rest breaks, from the time they arrive at work until the time they leave the work site at the end of their scheduled day.

  (b) At any time when they have been recalled to work by an authorized representative of the Department during off-duty hours. The authorized representatives who may order an employee to return to work are the Chief Probation Officer, Assistant Chief Probation Officer, Probation Managers, Supervising Probation Officers, and/or Supervising Probation Corrections Officers.

  (c) Twenty-four hours a day while assigned on-call duties.

  (d) At any time they are ordered by an administrative agent of the County of Stanislaus to assist in disaster or emergency services, as required by County ordinance.

(c) "Involved Shooting" means any intentional or unintentional discharge of a firearm. Does not apply to the routine intentional discharge of a firearm during approved range practice.

(d) "Peer Support Officer" means a designated uninvolved department personnel member assigned to accompany the Involved Officer after a shooting. The Peer Support Officer will stay with the involved officer until relieved by investigators.

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303.3 TYPES OF INVESTIGATIONS

Officer-involved shootings or the use of force resulting in serious injury or death(s) involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

303.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

303.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime.

303.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

303.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

303.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or action resulting in serious injury or death.

303.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or action resulting in serious injury or death, the first uninvolved SCPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

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(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

(g) Preserve evidence.

303.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SCPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any SCPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information. Public Safety information shall be recorded by the on-scene supervisor.

(c) Provide all available information to Administration and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SCPD officers until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved SCPD officer should be given an administrative order not to discuss the incident with other involved officers or SCPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers. Notwithstanding the appropriate actions of responding law enforcement officials, the involved officer may be relieved of possession of his/her weapon by the responding Supervisor or Administrative designee.

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3. The department may request an inspection of the firearm by a person of competent authority to determine its mechanical and /or functional condition, in addition to any other physical examinations that may be necessary as part of the investigation.
4. During the period of time that an officer's firearm is being examined and/ or tested, the Chief Probation Officer or his/her designee may authorize the temporary use of another firearm.

(f) The involved officer(s) may immediately be relieved of field duties pending an investigation, and at the discretion of the Chief Probation Officer, either reassigned to other duties or placed on paid administrative leave in accordance with county policies.

1. An officer reassigned or placed on paid administrative leave shall receive full pay and benefits. Such leave or reassignment shall not be construed to imply any improper action by the officer.

303.5.3 SHIFT/UNIT RESPONSIBILITIES

Upon learning of an officer-involved shooting or an action resulting in serious injury or death, the Unit Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief Probation Officer or an Adminstrative designee.

All outside inquiries about the incident shall be directed to the Department's Administration.

303.5.4 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable:

- Chief Probation Officer
- Assistant Chief Probation Officer
- Division Director
- Involved Officer's Direct Supervising Probation Officer
- County Counsel
- Internal Affairs supervisor
- Psychological/peer support personnel
- Department Chaplain
- Involved officer's association representative (if requested)
- Public Information Officer

303.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

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1. Involved SCPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-SCPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each involved SCPD officer. A licensed psychotherapist may also be provided to any other affected SCPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved SCPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

303.6 (WITNESS) OFFICER RESPONSIBLITIES

The (witness) officer shall do the following:

(a) Make a complete statement to a Supervisor/Division Director, and criminal and administrative investigators. The statement shall be recorded.

(b) Complete a department incident report prior to the end of shift unless waived of this requirement by the supervisor or department administration.

(c) If a witness officer believes they are potentially subject to discipline and demand representation, they must clearly state this to a supervisor or investigator that attempts to question them.

1. The witness officer shall be allowed to consult with a representative, prior to providing a statement or completing an incident report.

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2. If after consultation with a representative, the witness officer declines to provide a statement to the assigned law enforcement investigator, the witness officer shall be compelled to provide a statement to the Internal Affairs investigator.

303.7 PEER SUPPORT OFFICER RESPONSIBILITIES

The peer support officer responsibilities include the following:

(a) Drive the involved officer to the responding law enforcement agency or Probation Department if requested.

(b) Accompany the involved officer until relieved by investigators

(c) Ensure the involved officer is isolated from other personnel involved in the incident, as well as from staff in general.

(d) Ensure the involved officer does not discuss the incident.

(e) Attend to any need or request of the involved officer.

303.8 DEPARTMENT ADMINISTRATION RESPONSIBILITIES

The department administration responsibilities include:

(a) The Chief Probation Officer or designee will administratively request the appropriate law enforcement agency to conduct an immediate investigation of any officer-involved shooting or may request such investigation in an accidental discharge situation.

(b) Notification of the involved officer's family should be done as soon as possible and shall be arranged by a supervisor. The involved officer should make the notification if at all possible.

(c) In the event of injury or death, the Chief Probation Officer or designee will determine the appropriate process for notifying the involved officer(s) emergency contact.

(d) The Chief Probation Officer or designee will initiate an Internal Affairs investigation to be conducted concurrent to any criminal investigation and will establish a Shooting Review Team for any firearm discharges by department officers for the purposes of reviewing the investigation upon its completion.

(e) As the sole authority to authorize on-duty arming, the Chief Probation Officer may consider any and all factors in determining an officer's continued assignment to an armed position.

303.9 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) SCPD supervisors and Internal Affairs personnel should not participate directly in any voluntary interview of SCPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

303.9.1 REPORTS BY INVOLVED SCPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SCPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

While the involved SCPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved SCPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

303.9.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take

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reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

303.10 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of SCPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved

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officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Internal Affairs shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

303.11 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

303.12 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators, a supervisor or administration.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel's Office, as appropriate.

303.13 DEBRIEFING

Following an officer-involved shooting or death, the Stanislaus County Probation Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

303.13.1 CRITICAL INCIDENT/STRESS DEBRIEFING (NOT PRIVILEGED COMMUNICATION)

A critical incident/stress debriefing should occur as soon as practicable. The Chief Probation Officer or designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g. dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs personnel.

303.13.2 TACTICAL DEBRIEFING (NOT PRIVILEGED COMMUNICATION)

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief Probation Officer or designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

303.14 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Supervisor, Division Director and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved SCPD officer to visits by the media (Government Code § 3303(e)). No involved SCPD officer shall make any comment to the media unless he/she is authorized by the Chief Probation Officer or a Division Director. Department members receiving

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inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

303.15 REPORTING

If the death of an individual occurs in the Stanislaus County Probation Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Assistant Chief Probation Officer shall meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

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Firearms

304.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those officers who are authorized to carry firearms while on-duty.

304.2 POLICY

The Stanislaus County Probation Department will equip its officers with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

See Procedures Manual on Firearms Authorization Qualifications and Assignments Procedures for further information.

Stanislaus County Probation Dept Procedures Manual: 301.1 PURPOSE AND SCOPE

Stanislaus County Probation Dept Procedures Manual: 301.2 GENERAL PROCEDURE STATEMENT

Stanislaus County Probation Dept Procedures Manual: 301.3 PROVISIONS FOR ARMED QUALIFICATIONS & ASSIGNMENT PAY

304.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief Probation Officer, Assistant Chief Probation Officer or his/her designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

304.3.1 HANDGUNS

The authorized department-issued handgun will be determined by the Chief Probation Officer or his/her designee.

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Additional handguns may be authorized by the Chief Probation Officer or his/her designee.

304.3.2 SHOTGUNS

The authorized department-issued shotgun will be issued by the Rangemaster on a case by case basis for training purposes only.

304.3.3 RIFLES

The authorized department-issued rifle will be issued by the Rangemaster on a case by case basis for training purposes only.

304.3.4 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry department or personally owned secondary handguns are subject to the following restrictions upon written approval by the Chief Probation Officer:

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the officer unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief Probation Officer or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

304.3.5 AUTHORIZED OFF-DUTY FIREARMS

The Attorney General of the State of California has rendered opinions that probation officers have the legal ability to carry concealed firearms without a permit while off-duty by virtue of their status of peace officers.

The Chief Probation Officer cannot prohibit an off-duty probation officer from carrying a concealed firearm (72 Ops. Cal.Atty.Gen. 167).

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Probation officers have the status of peace officers at all times and therefore fall within Penal Code §25450(b) and can carry concealed weapons without a permit while off-duty (72 Ops. Cal.Atty. Gen. 167).

It is the position of Stanislaus County and the Chief Probation Officer that the decision to carry a concealed weapon off-duty is solely that of the officer and is done without authority or approval of the County. The County of Stanislaus will provide neither a legal defense nor indemnification for any claim arising from such off duty use. The County will not assume responsibility for training officers who wish to carry a concealed weapon off-duty, nor will it allow officers to use any departmental equipment, including firearms and ammunition, nor include said officers in department training or qualification shoots.

(a) NOTE: Officers authorized by the Department to be armed on-duty may carry their equipment including firearms and ammunition off-duty when they are traveling to-and-from a duty assignment, or to-and-from home, or to a private range.

The responsibility for maintaining eligibility pursuant to PenalCode§ 832 for the carrying of a concealed weapon in an off-duty capacity is the responsibility of the individual officer.

304.3.6 AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms on an annual basis. Reloaded ammunition is prohibited for use in any department-issued firearm. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Officers carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

304.4 EQUIPMENT

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual officer.

304.4.1 REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the officer's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

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304.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by officers, unless expressly approved in writing by the Chief Probation Officer. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

304.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

304.5 SAFE HANDLING, INSPECTION AND STORAGE

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Officers shall not unnecessarily display or handle any firearm.

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded using clearing barrels.

(e) Officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail or juvenile institution facilities or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Officers providing access to the juvenile institution facilities to persons from outside agencies are responsible for ensuring firearms are not brought into the facilities, unless authorized in writing by the Superintendent.

(f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

304.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of training by the Rangemaster to whom

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the weapon is issued. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done in a safe manner. All firearms shall be pointed in a safe direction or into clearing barrels.

When not being carried or worn, the firearm and ammunition shall be stored in a designated locked and safe place that is not accessible to unauthorized persons.

(a) Under NO circumstances shall a firearm, ammunition, and/or other item, which could threaten the security of a correctional facility, be left in any unsecured vehicle or location on institutional grounds.

(b) Personally owned firearms may be safely stored in lockers until the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster.

(c) Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate equipment storage room.

304.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

304.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer, on-duty, who has consumed an amount of an alcoholic beverage, or has taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the officer's senses or judgment.

304.5.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, officers shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

304.6 FIREARMS TRAINING AND QUALIFICATIONS

All officers who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, officers will qualify on a quarterly basis with their duty firearms. Officers will qualify with secondary firearms on a quarterly basis.

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Training and qualifications must be on an approved range course and the qualification shoots shall be administered by the department Rangemaster or Firearms Instructor.

At least annually, all officers carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

304.6.1 NON-QUALIFICATION

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that officer shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range training may be scheduled to assist the officer in demonstrating consistent firearm proficiency.

(b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following

    1. Unauthorized range make-up

    2. Failure to meet minimum standards or qualify after remedial training

Officers who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

304.7 FIREARM DISCHARGE

Except during training, any officer who discharges a department-issued firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the officer shall file a written report with his/her Division Director or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

304.7.1 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

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In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

304.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

304.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

304.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster or designee. Written verification of firearms qualification results shall be retained by the Rangemaster. The Rangemaster shall ensure all officers sign a monthly training log as well as a quarterly qualification log. Training and qualification logs will be kept and maintained by the Rangemaster. At the end of each calendar year, logs will be turned over to the Division Director assigned to the Professional Standards unit. Failure of any officer to sign in and out with the Rangemaster may result in non- qualification.

The range shall remain operational and accessible to Department officers during hours established by the Department.

The Rangemaster and/or Armorer has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster and/or Armorer has the authority to deem any department-issued or personally owned firearm unfit for service. The officer will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each officer meets the minimum requirements during range training and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the officer is authorized to carry.

The Rangemaster shall complete and submit to the Division Director assigned to the Professional Standards unit documentation of the training courses provided. Documentation shall include the

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qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training materials and range drills, qualifications, repairs, maintenance or other records as directed by the Division Director assigned to the Professional Standards unit.

304.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Stanislaus County Probation Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

305.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing suspects to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against probation officer's duty to apprehend violators of the law.

305.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

305.2 PURSUITS

Use of Code-3 response in any type of vehicle pursuit of an actual or suspected violator of the law using a Probation Department vehicle is prohibited under Probation Department policy. A vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. The only exception to this policy is if an officer is a passenger in another law enforcement vehicle, which becomes involved in a vehicle pursuit.

If requested by a partner law enforcement agency and/or Dispatch to assist with a vehicle pursuit, officers must respond via radio that they are prohibited from doing so.

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Canines

306.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment probation services to the community including, but not limited to locating drugs and/or weapons.

306.2 POLICY

It is the policy of the Stanislaus County Probation Department that within the scope of the handler's peace officer authority, the Probation Department's canine may be utilized for the detection of drugs and/or weapons to aid in the monitoring of probation compliance and the investigation and prosecution of persons or probationers engaged in illegal drug and/or weapon activities.

The canine shall not be utilized for the apprehension of suspects.

The canine shall not be used in defense of self or other individuals unless justifiable to prevent serious bodily injury, to ensure the preservation of life, or to prevent a serious public hazard.

306.3 ASSIGNMENT

The Probation Department's canine teams should be assigned to assist and supplement the Field Services or Institutional Divisions to function primarily in assist or cover assignments. However, they may be assigned by the Unit Supervisor to other functions, such as a supervision caseload and/or routine calls for service, based on the current operational needs.

The Probation Deaprtment's canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Unit Supervisor.

306.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor include, but are not limited to:

(a) Reviewing all canine use reports (to include canine sniff and training reports) to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Provide functional supervision of the canine handler, including development and oversight of a continuous training program.

(c) Prepare and disseminate training and information pertinent to the use of canines by the Probation Department.

(d) Serve as a liaison between the Probation Department and agencies requesting specialized canine service from the Probation Department.

(e) Coordinate public relations, including appearances or demonstrations.

(f) Maintaining a liaison with the vendor kennel.

(g) Maintaining a liaison with administrative staff and unit supervisors.

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(h) Maintaining accurate records to document canine activities.

(i) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(j) Review investigative reports and weekly activity reports.

(k) Scheduling all canine-related activities.

(l) Maintain a high level of expertise relating to the operation, training and supervision of the canine and handler.

306.5 REQUESTS FOR CANINE TEAMS

Field Services Division officers are encouraged to request the use of a canine. Requests for a Probation Department canine team from department units outside of the Field Services Division shall be reviewed by the Unit Supervisor.

(a) Only the designated canine handler may engage in any job-related activity utilizing the canine.

(b) Any probation officer may request a canine search of a probationer's residence or property under the probationer's control after consultation with their supervisor.

(c) Probation institutional search requests must be approved by department administration.

(d) Prior to the scheduling of a search, the requesting staff member is responsible for verifying that a valid search court order is in effect.

(e) Searches should be pre-scheduled whenever possible; however, immediate searches may be approved when necessary and if the canine and handler are both available.

(f) The requesting party should provide the handler the following information when the request is made:

1. Date and time of the proposed search.
2. Location to meet prior to the search.
3. Type of search and areas to be searched.
4. Background and criminal history of individual(s) to be searched.
5. Tactical and logistical information relating to the search location, including any known safety concerns.

(g) The final decision whether to deploy the canine will be determined by the handler after consultation with the supervisor.

306.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Unit Supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

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(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

306.5.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Chief Probation Officer, or their designee, prior to making any resource commitment. The canine supervisor is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any detection of drug and/or weapon drills unless authorized to do so by the canine supervisor.

306.5.3 RESTRICTIONS

No persons shall work, train or handle the canine without proper certification or approval from the canine team's supervisor or handler.

Handlers shall not allow Probation Department personnel or civilians to tease or agitate any department canine.

The canine shall not be used in conjunction with off-duty employment or drugs and/or weapon detection.

306.6 CANINE SEARCHES

Prior to the use of a canine to search for drugs and/or weapons, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The residence or area to be searched must be secured prior to the entry of the canine and handler.

1. The canine handler should check for any potential hazards for the canine prior to initiating the canine search.

(d) Any specific areas where the canine alerts to drugs and/or weapons will be pointed out by the canine handler to the requesting officer.

(e) It will be the requesting officer's responsibility to seize, record and take control of any contraband that is located.

(f) Should drug and/or weapons be located, the canine handler will provide a supplemental report to the officer that requested assistance.

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(g) The canine handler will complete and submit a written report in the event there is property damage or injury to a person directly related to the canine.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

306.7 REPORTING DEPLOYMENTS, BITES, INJURIES OR PROPERTY DAMAGE

Whenever a canine deployment results in a bite or causes injury to an individual, property damage, or the canine is injured, a supervisor should be promptly notified and the injuries documented in an incident report and/or arrest report. Reports should also contain witness information. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine supervisor. Unintended bites or injuries caused by a canine should be documented in an incident report, as well as in a canine sniff report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

In the event of property damage, the canine handler should attempt to notify the property owner and take photographs of the damaged property.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

306.8 DRUGS AND/OR WEAPONS DETECTION

A canine trained in drugs and/or weapons detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for drugs and/or weapons during a search warrant service.

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(c) Obtaining a search warrant by using the drug and/or weapons-detection trained canine in support of probable cause.

A drugs and/or weapons-detection trained canine will not be used to search a person for drugs and/or weapons unless the canine is trained to passively indicate the presence of narcotics.

306.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A Deputy Probation Officer II or above in good standing.

(b) Successful completion of an armed officer academy.

(c) Be available for service during non-traditional work hours, including weekends and evenings.

(d) Willingness to devote a minimum of three years to the canine handler position.

(e) Upon selection, successful completion of the Canine Handler's Course and the Basic Drugs and/or Weapons Canine Handler's Course.

(f) Possess the ability to present the canine program to the public.

(g) Home and family conditions:

1. Fenced yard and appropriate location for a department-provided kennel, away from public access and view.
2. Family acceptance.
3. Canine vehicle be maintained at the officer's home pursuant to the County's vehicle use policy.

306.10 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall secure and maintain the canine vehicle at the handler's home pursuant to the County's vehicle use policy.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Stanislaus County Probation Department facility.

(e) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

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(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine supervisor as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided and approved by the Department at the home of the handler. The canine shall be kept under the control of the handler while off-duty. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. The kennel shall be kept clean, sanitary and in a safe condition at all times. When off-duty, the canine may be let out of the kennel while under the direct control of the handler. Generally, the canine should be kenneled while not in the presence of the handler and not be allowed to roam at will. An exception may be made at the discretion of the handler under appropriate circumstances.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler. The handler and his/her family must realize the canine placed in their care is a 24-hour responsibility, seven days a week. The canine must be an integrated part of the family life.

(i) Under no circumstances will the canine be lodged at another location unless approved by the Probation Department Administration or the Unit Supervisor. If the handler is going to be away from the home and the canine is going to remain at the home, the handler may designate an appropriate individual to provide routine care for the canine. The supervisor must approve the caretaker and the care that will be provided while the handler is away. The caretaker will be provided with the appropriate telephone numbers to reach the handler and supervisor if necessary.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Probation Department Administration or the Unit Supervisor. The handler shall not be involved in any off-duty activities with the canine that could discredit the Probation Department or the canine program.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine supervisor so that appropriate arrangements can be made.

1. Time allowed for kenneling the canine will match the amount of vacation, compensation or furlough time the handler has allotted according to personnel records.
2. Priority should be given to keeping the canine at home whenever possible as long as appropriate care can be provided to the canine while the handler is away.
3. Any approved kennel is acceptable, up to a reasonable fee, with the approval of the Department.

(l) Provide scheduled and unscheduled service to probation officers and other law enforcement agencies when directed or approved by Probation Department Administration or the Unit Supervisor.

(m) Render assistance to outside agencies when directed or approved by Probation Department Administration or the Unit Supervisor.

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(n) Participate in public relations, such as demonstrations and activities within the community.

(o) Maintain standards of proficiency for assigned canine through continual care, training and record keeping.

1. Periodically maintain 24-hour a day call-out service when pre-arranged and directed or approved by management.
2. Care for and maintain the canine in the handler's home at the County's expense, including the procurement of equipment, food and supplies.
3. Provide for medical care and treatment of the canine at the County's expense.
4. Prepare and file all appropriate reports and logs pertinent to the canine's activities, including weekly activity reports.

306.10.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

306.11 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine supervisor.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

306.12 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the Probation Department Administration or the canine Unit Supervisor as soon as practicable and appropriately documented.

(a) In the event that the canine is unfit for duty due to illness or injury, the handler will attempt to maintain care for the canine.

(b) The handler should advise the supervisor of the canine's condition and problems immediately and on an ongoing basis.

(c) The handler may perform other duties as assigned by the supervisor while the canine is unfit for duty if deemed necessary.

(d) In the event that both the canine and the handler are injured, the assisting officers/ individuals should request emergency medical personnel and veterinarian assistance as soon as possible.

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(e) Non-handlers should only command the canine in emergency situations when no handler is present, and only if proper commands are known or immediate action is necessary.

(f) The Probation Department is responsible for any costs associated with the welfare and care of the canine.

(g) The Department will request that any person who intentionally assaults or injures a canine be prosecuted under Penal Code § 600 and reimbursement will be requested for any injuries and/or costs associated with the injuries.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

306.13 INJURED CANINE HANDLER

The following course of action shall be considered by all officers in the event that the handler is injured and unable to command his/her canine. If the handler is downed, his/her canine in all probability will stand guard and prevent anyone from approaching his/her handler:

(a) Do not rush in on the handler or canine.

(b) The canine and handler train, work and live together. The canine's attitude may change if the handler is hurt or in danger.

(c) Call to the handler. If he/she can, he/she will call the canine off.

(d) If the handler does not respond, position the canine vehicle near the canine with all windows up and with an access door open. Using an authoritative voice, call the canine by name and command the canine to "kennel up"/"load." Secure the canine in the vehicle.

(e) If the canine appears agitated or aggressive, the assisting officer/individual(s) should contact another handler if possible, or request assistance from another law enforcement agency.

306.14 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine supervisor shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

The handler shall complete all training required by the Probation Department or mandated by the State and maintain all required certifications, training requirements, and logs during the course of the assignment.

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All training activities and hours will be documented in the canine's training file and the handler's Supervisor/Employee site file.

All canine training should be conducted while on-duty unless otherwise approved by the canine Unit Supervisor

306.14.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Stanislaus County Probation Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

306.14.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular supervision and/or court duties.

306.14.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

306.14.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances weapons, or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Stanislaus County Probation Department may work with outside trainers with the applicable licenses or permits.

306.14.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief Probation Officer or the authorized designee may authorize an officer to seek a court order to allow controlled substances seized by the Stanislaus County Probation Department to be possessed by the officer or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

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As an alternative, the Chief Probation Officer or the authorized designee may request narcotics training aids from the Drug Enforcement Agency (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

306.14.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed and tested as requested by the DEA and/or the canine supervisor. The canine supervisor shall inventory/count all controlled substance samples quarterly.

(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Only the handler and supervisor or designee will have access to the locked narcotics container.

(h) In the event that training narcotics are accidentally spilled or lost, the handler will attempt to have the situation witnessed by another individual. In addition, the handler will attempt to photograph any evidence resulting from the incident. The handler will submit a written report to the supervisor.

(i) Any unusable controlled substance training samples shall be returned to the Property and Evidence or to the dispensing agency.

(j) All controlled substance training samples shall be returned to the dispensing agency upon demand by the dispensing agency.

306.15 CANINE RETIREMENT

The determination of suitability for service shall be made by the supervisor and the Chief Probation Officer, in conjunction with input from the handler, trainer and veterinarian. Some factors to be considered, but not limited to, will be:

(a) The present performance and level of the canine.

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(b) The length of time that the canine can be expected to remain serviceable.

(c) The canine's health.

If the determination has been made to retire a canine from service, the handler presently assigned to the canine may be given the opportunity to assume ownership and liability of the canine. If the present handler does not desire to assume ownership of the canine, and the canine has had a previous handler, that handler may be given the opportunity to assume ownership. The Chief Probation Officer or designee will determine the final ownership of the canine.

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Domestic Violence

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through probation supervision and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, and to provide assistance to victims of domestic violence.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

307.2 POLICY

The Stanislaus County Probation Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

307.3 OFFICER SAFETY

Domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

All victim issues or safety concerns shall be staffed with a supervisor or manager as soon as possible, but no later than the same day the information/call is received.

307.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. Responses may include the following:

1. Contacting local law enforcement and requesting a safety check of the victim.
2. Conducting a field visit to ensure the safety of the victim.
3. Conducting follow-up contact with the victim by telephone.
4. Contacting the offender if under the jurisdiction of the Probation Department.
5. Arrest of the offender or return to court for a violation of court orders.

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(b) Upon receipt of information relating to the potential harm or threat to a victim, officers shall exercise due diligence to assess the situation and to take an appropriate course of action to protect victims from harm.

(c) Officers shall take all appropriate steps to mitigate the threat or circumstances and shall consider the following in determining the best course of action to take:

1. If there is imminent danger, direct the victim, or reporting party, to immediately call 911. Officers shall follow up with law enforcement and provide all pertinent information such as:

    (a) Suspect information and relationship to potential victim(s).

    (b) Living arrangements between the victim and the offender.

    (c) Criminal history including history of violence and/or weapons related charges.

    (d) Substance use by the offender.

    (e) Others in the home including children.

    (f) Any reported weapons in the home.

(d) When in the field or office, and when practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the agency who is investigating the incident in the event that the injuries later become visible. All photographs taken are to remain secured at all times.

(f) If the suspect is no longer at the scene, officers should follow up with law enforcement as indicated above.

(g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has violated their court ordered terms and conditions of probation.

(i) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take action include:

1. Marital status of suspect and victim.

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2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

307.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

307.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution. All victim, suspect and collateral contacts shall be clearly documented in the ICJIS, case management system and/or in a department incident report, when applicable, by the end of the workday on the day the information is received.

307.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

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(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Refer the victim to the Court Clerk's Office to obtain information for an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

307.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

307.7 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order

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before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

307.8 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

307.8.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(c) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant,

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rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(d) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

307.8.2 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

307.8.3 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

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Search and Seizure

308.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Stanislaus County Probation Department personnel to consider when dealing with search and seizure issues.

Officers assigned to specialized task forces function as members of the task force and shall adhere to policies and procedures of the task force as long as they are not in conflict with law and case law pertaining to searches of persons or property. If written policies and procedures for the task force agency are non-existent, the assigned officer shall adhere to the policies and procedures contained within this policy.

308.2 POLICY

It is the policy of the Stanislaus County Probation Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. Officers have limited peace officer powers (PC 830.5), and in the course of their assignment are expected to exercise search and arrest powers as authorized by law, court order and will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current STC certified training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

308.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of probation supervision activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest provided the search is limited to the person arrested and the area under that person's immediate control, usually defined as within arm's reach
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- In the following exigent circumstances the officer may, with or without a “knock and notice” warning, force entry:
    - When the officer has reason to believe a crime is in progress.
    - When the officer has reason to believe evidence is being destroyed.

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- When the officer is in pursuit of a fleeing felon.
- When the officer is rendering mutual aid to another law enforcement officer.

- Pursuant to a court ordered condition of probation or mandatory supervision, or conditions of release on Post Release Community Supervision (PRCS) under the limitations set forth in this policy
- Parole Authorization
- When rendering mutual aid to a law enforcement officer at the direction of the officer or when said officer is unable to assist in the search (i.e., officer is injured, or is occupied in searching/arresting another individual)

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate probation supervision activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

A search is defined as actively seeking out items of a person, property or building not in plain view, including areas and property within a probationer's dominion, access, or control.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

308.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Unless granted prior approval by a supervisor, officers who plan to conduct a search in the field shall carry probation officer identification, wear a tactical vest and body armor, and display their probation officer badge in plain view.

(b) Officers of this department will strive to conduct searches with dignity and courtesy.

(c) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(d) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(e) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(f) Officers shall conduct a pat-down search of any person upon arrest by the officer or upon transfer of said person for the purpose of custodial transfer. For safety, arrested

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persons shall be handcuffed prior to a search. Officers shall also search the vehicle the arrested person will be transported in prior to transporting the arrested person to a custodial facility for purposes of booking.

(g) The extent and scope of the search should be dictated by the circumstances. However, in all cases, the officer shall conduct a pat down of the person in custody for weapons, contraband and for the officer's safety.

(h) Officers are permitted to conduct a pat-down search of individuals who they have reasonable suspicion may be armed and dangerous, when contacted in the presence of or during the course of conducting a probation search.

(i) Under no circumstances will probation officers conduct or participate in strip searches in the field. Strip searches of arrested persons shall be conducted only by custodial personnel incidental to booking.

(j) In the absence of the probationer, when conducting searches of a probationer's residence, officers should attempt to contact the probationer or a person who has the ability to maintain control over the home, before executing the search

(k) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.

(l) The only items which may seized pursuant to any search are:

1. Items which are evidence of a violation of law, a violation a court ordered condition of probation or mandatory supervision, or a condition of release on PRCS.
2. Weapons which are either illegal or which must be seized in order to ensure immediate officer safety.

308.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred. Injuries and/or damage to property should be photographed.
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Adult Abuse

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Stanislaus County Probation Department members as required by law.

309.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

309.2 POLICY

The Stanislaus County Probation Department will report all incidents or suspected alleged adult abuse to Adult Protective Services (APS), the District Attorney's office, and local law enforcement and ensure proper reporting and notification as required by law. See California Department of Human Services SOC 341 for the applicable reporting form.

309.3 MANDATORY NOTIFICATION

Members of the Stanislaus County Probation Department shall notify the local office of the Stanislaus County Community Services Agency, APS division, the District Attorney's Office and local law enforcementwhen they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

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Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

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(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

309.3.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

309.4 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger

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the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS, or stay with the adult until APS arrives.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

309.5 INTERVIEWS

309.5.1 PRELIMINARY INTERVIEWS

Investigative interviews regarding suspected adult abuse shall be conducted by APS or law enforcement.

309.6 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

309.7 TRAINING

The Stanislaus County Community Services Agency/ Adult Protective Services division provides training on best practices in adult abuse reporting and all members who are mandatory reporters are required to attend.

309.8 OFFICER RESPONSIBILITIES

The reporting officer is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

309.9 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

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Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

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Welfare and Institutions Code § 15610.63

15610.63. "Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

310.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

310.2 POLICY

The Stanislaus County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

All staff members are required to adhere to Stanislaus County Workplace Harassment, Discrimination and Retaliation Policy, Stanislaus County Personnel Manual- (Employee Conduct/Behavior Expectations Tab 16, pp. 16-19) http://www.stancounty.com/personnel/pdf/personnelmanual.pdf

310.3 DEFINITIONS

Definitions related to this policy include:

310.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures,

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cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

310.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

310.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

310.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and California Fair Employment and Housing Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with county or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

310.4 RESPONSIBILITIES

This policy applies to all departmentmembers who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command

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and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief Probation Officer, the Human Resources Manager, or the Chief Executive Officer.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

310.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief Probation Officer, the Human Resources Manager, the Chief Executive Officer, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

310.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief Probation Officer or the Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

310.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

310.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

Staff members are to follow the Stanislaus County's EEO Complaint Procedure which is located in the County's Personnel Manual and on-line on the County's Equal Rights website. http://www.stancounty.com/personnel/pdf/complaint-procedure.pdf

All staff members are to follow the Stanislaus County Equal Employment Opportunity (EEO) Complaint Procedure and the Board of Supervisors Resolution approved January 24, 2012 / Resolution #2012-026; Equal Employment Opportunity Complaint Procedure located in the County's Personnel Manual, Tab 28. http://www.stancounty.com/personnel/pdf/personnelmanual.pdf

310.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief Probation Officer. The outcome of all reports shall be:

(a) Approved by the Chief Probation Officer, the Chief Executive Officer, or the Human Resources Manager, depending on the ranks of the involved parties.

(b) Maintained in accordance with the department's established records retention schedule.

310.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint within 60-calendar days of learning of the complaint. If the complaint will require more than 60-calendar days to fully evaluate and respond, the Human Resources Manager, Chief Probation Officer, or designee will notify the complainant of the additional period of time necessary to complete their findings.

310.6.2 APPEALS

The complainant and/or victim may appeal the findings of the investigation in accordance with the Stanislaus County Personnel Manual, EEO Complaint Procedure – Tab 28, p. 5-6.

310.7 WORKING CONDITIONS

The Human Resources Manager or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other county employees who are similarly tasked (2 CCR 11034).

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310.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

310.8.1 STATE-REQUIRED TRAINING

The Human Resources Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Human Resources Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

310.8.2 TRAINING RECORDS

The Division Director of the Professional Standards Unit shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

310.9 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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Child Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Stanislaus County Probation Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

311.2 POLICY

The Stanislaus County Probation Department will report all incidents or suspected alleged child abuse to CPS, the District Attorney's office, and the appropriate law enforcement agency as required by law. See the California Department of Justice Suspected Child Abuse Report for the applicable reporting form.

311.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

Stanislaus County CPS, or the law enforcement agency responsible for investigating suspected child abuse, shall be notified in all instances of known or suspected child abuse or neglect reported to this department.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

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When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services Community Care Licensing Unit or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

311.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

311.4 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

311.5 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer shall make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS, or stay with the child until CPS arrives.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

311.5.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

311.6 INTERVIEWS

311.6.1 PRELIMINARY INTERVIEWS

Investigative interviews regarding suspected child abuse shall be conducted by CPS or law enforcement.

311.6.2 INTERVIEWS AT A SCHOOL

Interviews conducted at school regarding suspected child abuse shall be conducted by CPS or law enforcement.

311.7 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

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311.8 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

311.8.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

311.8.2 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

311.9 TRAINING

The Stanislaus County Community Services Agency/Child Protective Services division provides training on best practices in child abuse reporting and all members who are mandatory reporters are required to attend.

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Victim Assistance/Notification

312.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims receive appropriate assistance and that they are provided with information from government and private resources.

312.2 POLICY

The Stanislaus County Probation Department is committed to providing guidance and assistance to the victims of crime. The members of the Stanislaus County Probation Department will show compassion and understanding for victims and will make reasonable efforts to provide the support and information identified in this policy.

312.3 CRIME VICTIMS

Officers should provide victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the available victim resources.

312.4 VICTIM INFORMATION

The Adult Division Director or the Domestic Violence Unit Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(g) Notice regarding U visa and T visa application processes.

(h) A place for the officer's name and any applicable case or incident number.

(i) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling

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centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(j) Section 1203.097(b)(4) of the Penal Code requires the officer to attempt to notify the victim regarding the requirements of the offender's participation in a 52-week batterer's program, as well as any victim resources. The victim also shall be informed that attendance in any program does not guarantee that an abuser will not be violent.

312.5 DUTY TO WARN VICTIMS

Officers have a legal duty to warn potential victims, even in the absence of any prior actual relations between Department Officers and the victim(s) if:

(a) A probationer and/or offender makes threats to injure or kill an identifiable person(s) and such threats are either discovered throughout the course of duties or communicated to the Department Officers.

(b) The probationer and/or offender is in a situation where it is likely or probable that his/her previous criminal behavior will be repeated.

The duty to warn potential victims is a mandatory duty and, failure to perform this duty or performing it in a negligent manner exposes both the officer and the County to liability for any injuries or damages that occur.

(a) Non-sworn personnel shall report any threats, made by a probationer and/or offender, to injure or kill an identifiable person to their supervisor immediately.

312.6 NOTIFICATION OF A POTENTIAL VICTIM

Immediately upon discovering that a situation exists in which it appears that a potential victim should be warned, the officer assigned the case will conference it with their supervisor or, if no supervisor is available, a member of Department Administration.

(a) In a situation where time is of the essence and a delay caused by a case conference would enhance the danger to a potential victim, the officer should utilize his/her best judgment and proceed without a case conference. A decision as to whether to disclose should involve a careful review of the pertinent facts in a case to determine the strength of the need for disclosure.

If the decision to issue a warning to a potential victim has been made, the officer will proceed as follows:

(a) If there is a direct threat to an individual, the individual threatened or a member of the potential victim's immediate family shall be contacted either by telephone or in person immediately. If such personal or telephone contact is impossible, a written communication will be delivered to the victim in the quickest manner possible.

(b) If the situation involves a probationer and/or offender either residing or working or otherwise engaged in potentially violent or serious criminal behavior which may be repeated, the officer shall proceed as follows

1. Instruct the probationer and/or offender to alter the circumstances so that potential danger no longer exists, or notify those in jeopardy of the danger. The

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probationer and/or offender should be given a very short, but reasonable period of time in which to accomplish this. A means of verifying compliance must be established

2. If the probationer and/or offender either refuses or fails to follow these directives, the officer will, by registered, return receipt mail, notify the parties endangered by the defendant's propensity to commit violent or serious criminal acts
3. Officers shall document all information received and any action taken related to their efforts of warning potential victims in ICJIS within one business day.

312.7 CONFIDENTIALITY OF CRIMINAL RECORDS

Nothing in this policy is intended to eliminate or supersede other areas of confidentiality concerning criminal record information and other sensitive material concerning criminal justice clientele. The duty to warn potential victims does, however, take precedence over the general issue of client confidentiality.

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Standards of Conduct

313.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Stanislaus County Probation Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

313.2 POLICY

The continued employment or appointment of every member of the Stanislaus County Probation Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

313.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

313.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

313.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

313.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

All members of the department are required to adhere to Board Resolution Number 2005-675, Stanislaus County Personnel Manual - Tab 16, p. 4 – Employee Conduct and Behavior Expectations – Code of Ethics.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

313.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

313.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.

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(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

313.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Stanislaus County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity. To include the use of their identification or badge for any purpose other than official county business.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

313.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

313.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, probationer, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

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(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or under the supervision of the courts, any probation department, or any correctional authority after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

313.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

313.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief Probation Officer or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Stanislaus County Probation Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

313.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

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(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

313.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

(g) Improper political activity including:

(a) Unauthorized attendance while on--duty at official legislative or political sessions.

(b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Chief Probation Officer.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Chief Probation Officer.

(i) Any act on- or off-duty that brings discredit to this department.

313.5.9 CONDUCT

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(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

(n) Inconsistent, incompatible or conflicting employment, activity, or enterprise.

313.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

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(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

313.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

(d) Improper use of alcohol or drugs, including:

1. Use of alcohol, drugs, or other intoxicants while on call; or
2. Impairment caused by use of alcohol, drugs, or other intoxicants on or off duty or on call that affects proper performance of duties. The term "drugs" shall mean controlled substances as defined in Division 10 (commencing with Section 11000) of the California Health and Safety Code.

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Information Technology Use

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Attachment - A separate file which is incorporated into an email message for transmission to the mail addressee.

Authentication - A method of checking the rights of a potential user to access a network or a resource on a network; usually involves checking the user's username and password against a table of approved users.

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Stanislaus County Probation Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Digital network - The physical connections and appliances which join digital equipment together, such as computers and printers, and allow them to communicate among themselves.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Internet - The largest global computer network. The internet is not under the control of any single entity, but is dynamic and ever changing.

Intranet - A local network with access restricted to an organization's internal audience.

Local area network (LAN) - A high-speed digital network, covering a relatively small geographical area, such as one building, or a part of one building.

Password - A code used to secure access to network resources.

Prohibited use - Unauthorized automated functions, not to be performed on the department's networks.

Protocol - A formal description of a set of rules that define how devices on a network exchange information.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

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Special use - Duly authorized automated functions, not directly related to the conduct of the department's business, performed on the department's networks.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

Wide area network (WAN) - A computer network that extends across a geographic area.

314.2 POLICY

It is the policy of the Stanislaus County Probation Department that members shall use information technology resources, including computers, mobile devices, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

314.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

314.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors, IT Manager and Administration, including loss or theft of laptops or portable computing devices.

Members shall not use another person's access passwords, logon information and other individual security data.

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Member use of the department LAN, County's WAN, the department's connection(s) to the internet or department computers in a manner contrary to this policy may be cause for disciplinary action up to and including termination, or criminal prosecution.

314.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

Software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief Probation Officer or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Any other introdution of software requires prior authorization from IT staff and a full scan for malicious attachments.

314.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by the Chief Probation Officer or their designee.

314.4.3 TYPES OF USE

The following uses of the department LAN, internet and department computers are strictly prohibited:

(a) No file with inappropriate content such as obscene, profane, or sexually harassing or otherwise unprofessional material may be stored or processed on the department network.

(b) Gambling, conducting illegal activities, or soliciting for personal gain.

(c) Offering to sell or to buy personal items.

(d) Engaging in any political solicitation or support of a candidate.

(e) Conducting private business.

(f) Providing personal opinion as official departmental position or information.

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(g) Any form of what is commonly known as “hacking.”

(h) Sharing departmental data, reports, policies or correspondence or client information with anyone not a member of the criminal justice system or for non-official, departmental business purposes, unless given prior approval in writing by a Division Director, Assistant Chief Deputy Probation Officer or the Chief Probation Officer.

Probation Systems Administration

(a) Only designated Probation Department IT staff have the authority to administer, setup, configure, and maintain department systems.

(b) The right to administrator privileges may be granted or revoked by the Chief Probation Officer, Assistant Chief Probation Officer, or Probation IT Manager

314.4.4 INTERNET USE

Internet access provided by or through the Department should be used for authorized, work-related purposes. Limited personal use is permitted, provided that personal use is conducted on personal time and does not deplete departmental resources, hinder the ability of others to conduct their work, or endanger the department’s security. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a division director as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail and data files.

314.4.5 TROUBLESHOOTING

(a) Network users should familiarize themselves with the various Help systems that are available to them.

  (a) Application “F1” help is available in most applications. This Help system can also be accessed under the “Help” menu bar item at the top of most application windows.

  (b) Requests for support should be directed to the Probation Helpdesk by emailing “ProbationIT@stanpro.org” or calling IT Support at 525-4546 or 567-4153.

  (c) For emergencies only, contact the IT staff directly.

314.4.6 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

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314.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

The Probation Department provides a password manager. The use of the Probation Department provided password manager is only authorized for work related accounts and passwords. Work related account and password information is only permitted to be stored in the Probation Department provided password manager. Storing work related passwords in other password management solutions such as internet browsers is in violation of this policy. Personal accounts including but not limited to banking, shopping, email, social media shall not be stored in the Probation Department provided password manager.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

314.5.1 NETWORK SECURITY

General security policy - All information stored or processed on the department's network is considered confidential and for department use only, unless specifically designated as public information by the Chief Probation Officer. Users are responsible for safeguarding the confidentiality of all such information to which they have access in accordance with the department's Records Maintenance and Release and Protected Information policies.

(a) **System-level security** - The department network will be protected at the system level with appropriate technology, including:

1. Firewalls between the department's LANs and the internet, appropriately configured to deny access to unauthorized users.
2. Secure networks, tunnels, or virtual private networks, between the department's LANs and all remote workstations which access the department's LANs through the internet.
3. Periodic security audits by internal or contracted networking security specialists.
4. Periodic penetration testing.

(b) **User-level security** - The department network will be protected at the user level by various authentication systems, including:

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1. Department network systems user accounts and passwords. Only authorized users are permitted to login and or access Department resources.

    (a) Each approved user of the department's network will be assigned a domain user account. Network permissions are controlled through management of domain accounts. Domain user account passwords will expire within 90 days, of their creation date. The user must create a new password before their password expires.

    (b) Access to the Integrated Criminal Justice Information System (ICJIS) is controlled by a user login system requiring UserIDs and passwords. Authorized department personnel are responsible for establishing these passwords. Only a Division Director, Assistant Chief Probation Officer or the Chief Probation Officer may approve this access. Request and authorization must be in writing.

    (c) The user accounts and passwords for Accounting's CASE database are set and may periodically be changed by the Database Administrator.

(c) Network object rights

    (a) Access to user and shared files and folders may be controlled, limited, or prohibited by the Division Director or Chief Deputy Probation Officer based on individual or unit needs.

    (b) Users desiring to gain or restrict access to any file or folder outside the standard permissions of their assignment need to make a request, to the IT Manager, through their supervisor and division director or Assistant Chief Probation Officer.

(d) File storage and transfer

    1. All files stored or processed on the department network shall be relevant to department business and are the property of the Department or County.

    2. Only County provided removable media is permitted to be used with County computers.

314.6 INSPECTION OR REVIEW

The division director or their authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a division director during the course of regular duties that require such information.

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Department Use of Social Media

315.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy)

315.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

315.2 POLICY

The Stanislaus County Probation Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

315.3 AUTHORIZED USERS

Only members authorized by the Chief Probation Officer or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief Probation Officer may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

315.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

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(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Press releases.

(g) Recruitment of personnel.

315.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Stanislaus County Probation Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

315.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

315.6 MONITORING CONTENT

The Chief Probation Officer will appoint a supervisor or administrator to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

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315.7 RETENTION OF RECORDS

Administration should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

315.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Report Preparation

316.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

316.1.1 REPORT PREPARATION

Officers should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned officer to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting officer will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Officers who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Officers shall not suppress, conceal or distort the facts of any reported incident, nor shall any officer make a false report orally or in writing. Generally, the reporting officer's opinions should not be included in reports unless specifically identified as such.

316.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

316.2.1 CRIMINAL ACTIVITY

When an officer responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime or a violation of probation has occurred, the officer shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in an incident or arrest report includes:

(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy

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4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved incident report.

316.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person, this action shall be documented in written form. For officers this can be accomplished using one of the two methods:

1. For those subjects who have an existing Probation-ICJIS page, a contact note shall be prepared.
2. For those subjects who are not actively open in Probation-ICJIS, an incident report shall be prepared and forwarded to the supervisor for review.
3. Documentation should include, but is not limited to the following: date and time of incident; subject name(s) and other identifying information (DOB, physical characteristics, etc.); officers present during the incident; and the circumstances for which an officer's firearm was pointed at a particular subject.

(b) Any use of force against any person by an officer of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Any found property or found evidence

(e) Any traffic collisions involving department vehicles or members engaged in County business

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) Suspicious incidents that may place the public or others at risk

(h) Whenever the officer believes the circumstances should be documented or at the direction of a supervisor

(i) When a person in an officer 's custody or care requires medical attention or treatment

316.2.3 INJURY OR DAMAGE BY COUNTY PERSONNEL

An incident report shall be completed if an injury occurs that is a result of an act of a County employee. Additionally, an incident report shall be taken involving damage to County property or County equipment.

316.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require an incident report when:

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(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct a member to document any incident he/she deems necessary.

316.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

316.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

316.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

316.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should provide feedback to the officer submitting the report. The original report and the corrections should be returned to the reporting officer for correction as soon as practicable. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

316.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Clerical Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Clerical Division may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

317.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, probation investigations, emergencies and other law enforcement activities.

317.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer, however, in situations not warranting immediate notice to the Chief Probation Officer and in situations where the Chief Probation Officer has given prior approval, Division Directors, Supervisors and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

317.2.1 MEDIA REQUEST

Any media request for information or access to a probation situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from the Chief Probation Officer or their designee.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief Probation Officer.

317.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities pursuant to (Penal Code § 409.5(d) and local law enforcement will oversee the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Chief Probation Officer, department Public Information Officer or other designated spokesperson.

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(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief Probation Officer and the express consent of the person in custody.

(e) Media inquiries regarding release of juvenile offender information pursuant to Welfare and Institutions Code § 676 shall be referred to the Juvenile Division of the Superior Court.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Chief Probation Officer or the Public Information Officer.

317.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by probation department personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present.

317.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Chief Probation Officer (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

Department members using their title or affiliation with the department shall receive approval of the Chief Probation Officer prior to initiating contact with the media to express opinions or provide information in any form. Nothing in the foregoing is intended to prohibit personnel from exercising their free speech rights as private citizens.

317.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the Chief Probation Officer or authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

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Subpoenas and Court Appearances

318.1 PURPOSE AND SCOPE

This policy has been established to provide guidelines for the acceptance of subpoenas and to ensure that members appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

318.2 POLICY

Stanislaus County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

318.3 COURT SUBPOENAS

Members who receive subpoenas related to their employment with this agency are subject to the provisions of this policy. Members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Members are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

318.4 SERVICE OF SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the member or by delivery of two copies of the subpoena to the member's supervisor or other authorized departmental member (Government Code § 68097.1; Penal Code § 1328(c)).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named member within sufficient time for the named member to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named member within sufficient time for the named member to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

318.4.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

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(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Stanislaus County Probation Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Stanislaus County Probation Department.

The supervisor will then notify the Chief Probation Officer, or designee and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

318.4.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties. Members shall obtain prior approval from the Chief Probation Officer or Assistant Chief Probation Officer in order to use county vehicles.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

318.4.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

318.5 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

318.6 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

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318.7 COURTROOM PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

318.7.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

318.8 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Outside Agency Assistance

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

319.2 POLICY

It is the policy of the Stanislaus County Probation Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

319.3 ASSISTING OUTSIDE AGENCIES

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling officer unless otherwise directed by a supervisor.

319.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Stanislaus County Probation Department shall notify his/her supervisor or the Shift Supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

319.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the officer requesting assistance should, if practicable, first notify a supervisor. The handling officeror supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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319.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift/Unit Supervisor.

319.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Director or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

The Division Director of the Professional Standards unit should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

320.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Stanislaus County Probation Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will refer offenders for registration to the appropriate law enforcement agency for registration as sex, arson, gang and drug offenders.

320.2 POLICY

It is the policy of the Stanislaus County Probation Department to formally notify and refer those offenders on a supervised caseload to the appropriate law enforcement agency for registration as directed by the Court.

320.3 MONITORING OF REGISTERED OFFENDERS

The Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant on a supervised caseload remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Contact with the offender to show proof of registration.

(b) Contact the law enforcement agency within the jurisdiction that the offender resides.

Any discrepancies should be reported to the court via a violation of probation report.

320.4 DISSEMINATION OF PUBLIC INFORMATION

Officers will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Officers who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief Probation Officer or Assistant Chief Probation Officer, or their designee if warranted. A determination will be made by the Chief Probation Officer, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website.

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Major Incident Notification

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

321.2 POLICY

The Stanislaus County Probation Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

321.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief Probation Officer and the affected Division Director. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Stanislaus County official
- Arrest of a department employee or prominent Stanislaus County official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

321.4 SHIFT/UNIT SUPERVISOR AND CHIEF PROBATION OFFICER RESPONSIBILITY

The Shift/Unit Supervisor is responsible for making the appropriate notifications to the Chief Probation Officer, Assistant Chief Probation Officer and Division Director. The Chief Probation Officer or their designee shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Chief Probation Officer or their designee will determine if the member has completed and submitted an Emergency Notification & Personal Request Packet. If an Emergency Notification & Personal Request Packet has been completed, the Chief Probation Officer or their designee will follow the request of the member as indicated within the document. If the member has not completed and submitted an Emergency Notification & Personal Request, the Chief Probation Officer or their designee will make the notification. In either of the events above, attempts to make the notifications shall be made as soon as practicable.

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321.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief Probation Officer shall be notified along with the Assistant Chief Probation Officer, the affected Division Director, and the Shift/Unit Supervisor of the unit that is affected.

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Communications with Persons with Disabilities

322.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

322.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Disability – The Fair Employment and Housing Act defines two categories of disability: physical and mental. A physical disability is defined as one having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that (1) affects one or more of several body systems and (2) limits a major life activity. A mental disability is defined as one having any mental or psychological disorder or condition, such as intellectual or cognitive disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity, or having any other mental or psychological disorder or condition that requires special education or related services (2 CCR § 11065).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

322.2 POLICY

It is the policy of the Stanislaus County Probation Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to probation services, programs and activities in accordance with Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 797), the Americans with Disabilities Act (ADA) of 1990, and Title VII of the Civil Rights Act of 1964 (P.L. 88-352). Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

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322.3 DEPARTMENT EQUAL RIGHTS OFFICER (EEO OFFICER)

The Chief Probation Officer shall delegate certain responsibilities to an EEO Officer (28 CFR 35.107). The EEO Officer shall be appointed by, and directly responsible, to the Chief Probation Officer or the authorized designee.

The responsibilities of the EEO Officer shall include, but not be limited to:

(a) Working with the County Equal Rights Officer and Equal Rights Commission regarding the Stanislaus County Probation Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each member of the Department. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

322.4 FACTORS TO CONSIDER

Because the nature of any probation contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the probation contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

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(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

322.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various probation encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Stanislaus County Probation Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

322.6 TYPES OF ASSISTANCE AVAILABLE

Stanislaus County Probation Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive

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auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

322.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

322.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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322.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

322.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

322.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

322.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the

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individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

322.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as home or school visits, street contacts and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

322.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

322.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interview, this department will provide interpreter services before beginning an interview, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

322.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

322.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

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322.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

322.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

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Limited English Proficiency Services

323.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

323.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Stanislaus County Probation Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

323.2 POLICY

It is the policy of the Stanislaus County Probation Department to reasonably ensure that LEP individuals have meaningful access to probation services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

323.3 LEP COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Chief Probation Officer or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Stanislaus County Probation Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each member of the Department. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

323.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that probation contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

323.5 TYPES OF LEP ASSISTANCE AVAILABLE

Stanislaus County Probation Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

323.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

323.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

323.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established County and department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical probation and law enforcement terminology, and be sufficiently

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proficient in the non-English language to perform complicated tasks, such as conducting interviews, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

323.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the County which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

323.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.

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- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

323.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

323.10 CONTACT AND REPORTING

While all probation contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

323.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Stanislaus County Probation Department will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

323.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as home or school visits, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

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Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

323.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or a violation of probation of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

323.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interviews may have a substantial impact on the evidence presented in a criminal case. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interviews. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

323.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate

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medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

323.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

323.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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Biological Samples

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

324.2 POLICY

The Stanislaus County Probation Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

324.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

324.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

324.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

(d) In addition to the buccal swab sample, the required print impressions shall be taken.

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(e) All specimens, samples and print impreession shall be forwarded immediately to the Department of Justice in compliance with department-approved procedures.

324.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

324.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

324.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

324.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

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324.6.1 DOCUMENTATION RELATED TO FORCE

The Shift Supervisor shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

324.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

324.6.3 LITIGATION

The Chief Probation Officer or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplains

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Stanislaus County Probation Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

325.2 POLICY

The Stanislaus County Probation Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

325.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief Probation Officer may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

325.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Stanislaus County Probation Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

325.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief Probation Officer and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

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(e) Complete an appropriate probationary period as designated by the Chief Probation Officer.

Chaplains are volunteers and serve at the discretion of the Chief Probation Officer. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief Probation Officer or the authorized designee.

325.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Stanislaus County Probation Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Stanislaus County Probation Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

325.6 CHAPLAIN COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Assistant Chief Probation Officer or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief Probation Officer. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief Probation Officer or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Supervisor.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

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(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

325.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Field Services and Institutions Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Stanislaus County Probation Department.

325.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

325.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Stanislaus County Probation Department personnel a minimum of eight hours per month.

(c) Chaplains shall be permitted to ride with officers during any shift and observe Stanislaus County Probation Department operations, provided the supervisor has been notified and has approved the activity.

(d) Chaplains shall not be evaluators of members of the Department.

(e) In responding to incidents, a chaplain shall never function as an officer.

(f) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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(g) Chaplains shall serve only within the jurisdiction of the Stanislaus County Probation Department unless otherwise authorized by the Chief Probation Officer or the authorized designee.

(h) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

325.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

325.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

325.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

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(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

325.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

325.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Stanislaus County Probation Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Stanislaus County Probation Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

325.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Professional Standards Unit, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of probation and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The probation family
- Substance abuse

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- Suicide
- Officer injury or death
- Sensitivity and diversity

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Child and Dependent Adult Safety

326.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

326.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Stanislaus County Probation Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

326.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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326.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in an incident report.

326.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

326.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the officer will document in a contact note and may include the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting officer will document in a contact note and may include the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

326.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

326.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the local law enforcement facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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326.5 TRAINING

The Professional Standards Unit is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Service Animals

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

327.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

327.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

327.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

327.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Stanislaus County Probation Department affords to all members of the public (28 CFR 35.136).

327.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

327.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

327.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

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327.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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Volunteer Program

328.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

328.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains and interns among others.

328.2 VOLUNTEER MANAGEMENT

328.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief Probation Officer. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department members on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

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328.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

328.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

328.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

328.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

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Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

328.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

328.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

328.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to members on all levels.

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(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

328.4 CONFIDENTIALITY

With appropriate security clearance (as outlined in the Protected Information policy) , volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

328.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

328.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief Probation Officer or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief Probation Officer or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

328.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the

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volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

328.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Community Relations

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy
- Communications with Persons with Disabilities Policy
- Chaplains Policy
- Suspicious Activity Reporting Policy

329.2 POLICY

It is the policy of the Stanislaus County Probation Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

329.3 OFFICER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community liaison officer to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

329.4 COMMUNITY LIAISON OFFICER

The Chief Probation Officer or the authorized designee should designate a member of the Department to serve as the community liaison officer. He/she should report directly to the Chief Probation Officer or authorized designee and is responsible for:

(a) Obtaining department-approved training related to his/her responsibilities.

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(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Field Services Division Directors to develop field activities that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending County council and other community meetings to obtain information on community relations needs at the direction of a supervisor.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

329.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community liaison officer should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

329.6 INFORMATION SHARING

The community liaison officer should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

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(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

329.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The community liaison officer should develop methods to educate community members on general probation department operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations in schools.

(d) Student internships at the Department

Instructional information should include direction on how community members should interact with the probation officers during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

329.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as student internships.

329.9 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community liaison officer should work with the community advisory committee to identify information that may increase transparency regarding department operations.

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329.10 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Probation supervision and problem-solving principles.

(e) Probation actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Continuous Electronic Monitoring System

330.1 PURPOSE AND SCOPE

To provide guidelines for the use of continuous electronic monitoring of persons on probation, Post Release Community Supervision or Mandatory Supervision (MS).

330.2 DEFINITIONS

(a) Probationer" means any person under the jurisdiction of the Probation Department including those supervised under Post Release Community Supervision (PRCS) and Mandatory Supervision (MS).

330.3 LEGISLATIVE INTENT AND FINDINGS

(a) California Penal Code Section 1210.7 through 1210.16 authorizes Probation Departments to utilize continuous electronic monitoring to electronically monitor the whereabouts of persons on probation. California Penal Code 3450(b)(8)(C) authorizes Probation Departments to utilize GPS monitoring on Post Release Community Supervision (PRCS) offenders as an intermediate sanction.

(b) It is the intent of the Legislature that continuous electronic monitoring have as its primary objective the enhancement of public safety through the reduction in the number of people being victimized by crimes committed by persons on probation.

(c) The Legislature has found that because of its capability for continuous surveillance, continuous electronic monitoring has been used in other parts of the country to monitor persons on formal probation who are identified as requiring a high level of supervision.

(d) The Legislature has found that continuous electronic monitoring has proven to be an effective risk management tool for supervising high-risk persons on probation who are likely to re-offend where prevention and knowledge of their whereabouts are a high priority for maintaining public safety.

(e) It is the intent of the Legislature that continuous electronic monitoring programs maintain the highest public confidence, credibility, and public safety.

330.4 GENERAL POLICY STATEMENT

The Chief Probation Officer has the sole discretion to decide which persons shall be supervised using continuous electronic monitoring.

(a) Continuous electronic monitoring shall be used on those probationers where there is a need for enhanced monitoring and where public safety needs will be served by the enhanced monitoring. Consideration will be given to the following factors in determining the need for enhanced monitoring:

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1. Current offense
2. Criminal history
3. Victim concerns
4. Compliance with terms/conditions of probation, post release community supervision and/or mandatory supervision
5. Gang involvement
6. Substance use

(b) A risk assessment instrument shall be completed for every probationer placed on continuous electronic monitoring pursuant to this policy to assist in determining the probationer's risk, unless documented special circumstances exist.

(c) No individual shall be required to participate in continuous electronic monitoring for any period of time longer than the term of their probation, MS or PRCS. In all instances, individuals subject to continuous electronic monitoring pursuant to this policy shall be evaluated every 30 days by the officer and supervisor for continuance on continuous electronic monitoring. Evaluation determinations shall be documented.

(d) The Chief Probation Officer may revoke, in his or her discretion, the continuous monitoring of any individual.

(e) The continuous electronic monitoring system shall be used for legitimate governmental purposes only.

(f) Only those persons designated by the Chief Probation Officer are authorized to have access to or use of information obtained through the use of continuous electronic monitoring.

(g) Continuous electronic monitoring devices shall not be used to eavesdrop or record any conversation, except a conversation between the probationer and the person supervising the probationer that is to be used solely for the purposes of voice identification.

(h) No public or private agency or entity may operate a continuous electronic monitoring system as authorized by Penal Code Sections 1210.7 without a written contract with the County's Probation Department.

330.5 ELECTRONIC MONITORING DEVICES

Continuous electronic monitoring may include the use of worldwide radio navigation system technology, known as the Global Position System, or GPS.

(a) The Probation Department will utilize continuous electronic monitoring devices that have all of the following attributes:

1. A device designed to be worn by a human being.

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2. A device that emits a signal as a person is moving or is stationary. The signal shall be capable of being received and tracked across large urban or rural areas, statewide, and being received from within structures, vehicles and other objects to the degree technically feasible in light of the associated costs, design and other considerations as are determined relevant by the department.
3. A device that functions 24 hours a day.
4. A device that is resistant or impervious to unintentional damage.

330.6 ACTUAL OR SUSPECTED VIOLATIONS OF PROBATION/NON-COMPLIANCE

The continuous electronic monitoring devices may have the capacity to immediately notify the department of violations, actual or suspected, of the terms of probation, MS or the conditions of release under PRCS that have been identified by the monitoring system deemed necessary with respect to an individual person.

(a) Notifications of actual or suspected violations of terms of probation, MS or PRCS, including geographic location and tampering, may be used as evidence to prove a violation of the terms of probation.

(b) Whenever an officer supervising a probationer has reasonable cause to believe that the probationer is not complying with the rules or conditions set forth for the use of continuous electronic monitoring as a supervision tool, the officer, may without a warrant of arrest, take the probationer into custody for a violation of probation.

330.7 RESTITUTION

Any lost, stolen, damaged or broken equipment may result in the Probationer being charged criminally. In these cases, the offender may be ordered to pay restitution as ordered by the court and determined by the probation officer.

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Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex(LGBTQI) Policy

331.1 PURPOSE AND SCOPE

To establish operational practices that reinforce our commitment to respect the dignity of all probationers, including transgender and gender non-conforming probationers, create a safe environment for all probationers, and ensure that all probationers have equal access to all available services, care and treatment.

This policy shall apply to all members of the Stanislaus County Probation Department, as well as volunteers and contractors who come into contact with probationers.

331.1.1 DEFINITIONS

(a) LGBTQI person- LGBTQI individuals shall include persons who have self-identified or are perceived by others as lesbian, gay, bisexual, transgender, intersex, or questioning their sexual orientation or gender identity.

(b) “Gay” refers to a person who is emotionally, romantically, and sexually attracted to people of the same gender. Sometimes, it may be used to refer to gay men and boys only. It is preferred over the term “homosexual.”

(c) “Lesbian” refers to a female who is emotionally, romantically, and sexually attracted to other females.

(d) “Bisexual” refers to a person who is attracted to, and may form sexual and romantic relationships with, males and females.

(e) “Gender Expression” means the manner in which a person expresses their gender through clothing, appearance, behavior, speech.

(f) “Gender Identity” means a person’s sense of identification with either the male or female self.

(g) “Sexual Orientation” means a person’s emotional, romantic, and sexual attraction for the same, opposite, or both sexes.

(h) “Transgender Youth” means a youth whose gender identity does not correspond with their anatomical sex.

(i) “Questioning” refers to a person, often an adolescent, who is exploring or questioning issues of sexual orientation or gender identity or expression in their life. Some questioning people will ultimately identify as gay, lesbian, bisexual or transgender; others will self-identify as heterosexual and not transgender.

(j) “Probationer” means any person under the supervision of the Probation Department.

(k) “Intersex” - Intersex individuals are born with a congenital anomaly affecting their sexual and reproductive anatomy as well as their genetic and hormonal composition that do not fit traditional biological sexual assignment as male or female. Those born

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intersex are sometimes assigned gender identity through surgical alterations, social upbringing, choosing gender identity at maturity, or any combination of circumstances specific to that individual.

331.2 GENERAL POLICY STATEMENT

It shall be the policy of the Stanislaus County Probation Department to maintain and promote an organization that provides the highest quality of services to probationers regardless of actual or perceived sexual orientation or gender identity.

(a) Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) probationers under the supervision of the Probation Department shall receive fair and equitable treatment, without bias and in a professional and confidential manner based upon evidence-based best practices.

(b) Members, volunteers and contractors who offer services to probationers shall not discriminate or harass any probationer in their care based on the probationer's actual or perceived sexual orientation or gender identity.

(c) Members shall protect probationers from discrimination, physical and sexual harassment by other probationers, based on a probationer's actual or perceived sexual orientation or gender identity.

(d) The Probation Department will take reasonable steps within its control to meet the diverse needs of all probationers and provide an environment in which all individuals are treated with respect and dignity, regardless of sexual orientation or identity.

331.3 GUIDING PRINCIPLES

These principles guide the work of the Stanislaus County Probation Department and represent the values that support our collective commitment to increase our competency to serve and support probationers of all sexual orientations and gender identities.

(a) We treat all probationers and families with respect and fairness and strive to convey the intrinsic worth and dignity of every person in the course of our work.

(b) We believe that youth deserve to feel safe and accepted in their homes and in the court, institutions, placements, schools and community settings.

(c) We affirm and respect the sexual orientation and gender identity of each individual we serve regardless of our personal beliefs.

(d) We understand that all probationers have the same basic need for safety, acceptance and support, and that some probationers experience unique challenges due to external responses to their actual or perceived sexual orientation, gender identity or gender expression.

(e) We aim to prevent and work to remedy any bias, injustice or disrespect directed at probationers based upon their sexual orientation, gender identity or gender expression within the Justice System.

(f) We embody integrity, professionalism and fairness and take ownership of the critical role we play in building the character of the people we serve.

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(g) We understand the sensitive nature of information related to a probationer's sexual orientation and gender identity. Therefore we respect the probationer's right to control disclosure of that information except where necessary to protect the probationer's well-being.

(h) We understand that any attempt to control or change the sexual orientation or gender identity of any probationer is contrary to accepted professional practice and potentially harmful.

(i) All members are required to adhere to the guidelines of the Stanislaus County Personnel Manual, Employee Conduct/Behavior Expectations – Tab 16, Workplace Harassment, Discrimination and Retaliation Policy and the County's Equal Employment Opportunity Plan to ensure that this protected class can report discrimination or harassment without fear of reprisals.

331.4 GENERAL OPERATIONS

All probationers, regardless of sexual orientation or gender identity, need to feel safe in their surroundings in order to fully benefit from programming. The Stanislaus County Probation Department shall establish and maintain a culture where the dignity of everyone is respected and all feel safe.

(a) The Probation Department shall create opportunities for dialogue with probationers and members about all forms of diversity to increase tolerance and respect.

(b) The Probation Department will promote the positive adolescent development of all youth in its care. Actions that support positive adolescent development include the following: modeling desired behavior such as demonstrating respect for all youth; reinforcing respect for differences amongst youth, encouraging the development of healthy self-esteem in youth, and helping youth manage the stigma sometimes associated with difference.

(c) Members shall remind all probationers that anti-LGBTQI threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.

(d) The Probation Department intends to provide a safe and non-discriminatory environment in its institutions and placements where youth can learn and grow. Members shall not prohibit or discourage communication or interaction between youth of the same sex that is not also prohibited or discouraged between youth of different sexes.

(e) Where possible, members shall display materials that convey to probationers that the Probation Department maintains a supportive environment for LGBTQI probationers.

331.5 CONFIDENTIALITY

Members of the Stanislaus County Probation Department, or employees and volunteers of any agency providing services on behalf of the probationer and their family, shall not disclose a probationer's sexual orientation or gender identity to other probationers, outside parties, individuals, agencies, including health care or social service providers, or a youth's parent/legal

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guardians or other family members without the youth's permission, unless such disclosure is necessary to comply with state or federal law. Further, a probationer shall not be compelled by any member, provider agency and/or volunteer to disclose his/her sexual orientation or gender identity to anyone.

Members shall explain to probationers the extent and limits of their ability to keep information about their sexual orientation or gender identity confidential. If members are not in a position to keep information that a probationer discloses confidential, such as information relating to safety issues or needed for appropriate service referrals, they shall inform the probationer that such information may need to be shared and why. Probation members inside and outside of secure facilities shall communicate information within the agency about a probationer's sexual orientation or gender identity only if relevant to treatment, case planning, finding effective services for probationers, or to ensure the safety of the probationer. Any disclosure shall be limited to information necessary to achieve the specific beneficial purpose.

This confidentiality restriction does not prevent members from discussing a probationer's needs or services with other staff members or when resolving a grievance.

331.6 SCREENING AND INTAKE OF JUVENILE PROBATIONERS

Members should be aware that LGBTQI youth are in various stages of awareness and comfort with their sexual orientation and gender identity. Members shall sensitively inquire about fears the youth may have of being harassed in the facility. Booking and Intake Officers will ask youth their sexual orientation and gender identity. Some youth will disclose that they are LGBTQI. However, no youth shall be compelled to disclose. If a youth discloses his/her sexual orientation or gender identity, the Booking or Intake Officer should talk with the youth about it in an open and non-judgmental fashion and determine if the youth has particular concerns or needs related to being LGBTQI.

Transgender youth may be identified during admissions based on:

(a) A youth's statements that he or she is transgender, is "trapped in the wrong body," or is really a different sex than his or her birth sex;

(b) A youth's request to be called by a name that is not traditionally associated with his or her birth sex;

(c) Any statements in arrest reports indicating the youth is transgender or that the police were unsure of the youth's sex.

Specific policies for processing transgender youth in custody can be found in the Juvenile Hall Policy and Procedures Manual.

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331.7 NAMES AND LANGUAGES

Members, volunteers, and contractors, when working with probationers shall use respectful language and terminology that does not further stereotypes about LGBTQI people.

(a) Members shall respect the choices made by the probationer and refer to the probationer by the probationer's preferred name and pronoun even if their name has not been legally changed. All written documentation about a transgender probationer shall utilize the probationer's legal name.

(b) In the Probation ICJIS system, the probationer's legal name will be used along with any preferred name as an AKA.

(c) Members, volunteers, and contractors of the Stanislaus County Probation Department, in the course of their work, shall not refer to probationers by using derogatory language in a manner that conveys bias towards LGBTQI people. In particular, members of the StanislausCounty Probation Department shall not imply to or tell LGBTQI probationers that they are abnormal, deviant, or sinful, or that they can or should change their sexual orientation or gender identity.

(d) Members should use the words gay, lesbian, bisexual, and transgender in an appropriate context when talking with probationers about diversity, and members should not use the value-laden, more antiquated terms, "homosexual", "transvestite" or "hermaphrodite."

331.8 SEARCHES

Probationers shall not be physically searched in a manner that is humiliating or degrading or for the purpose of determining the probationer's physical anatomy.

(a) If a search is necessary, a transgender or intersex probationer may request that either a male or female staff member conduct the search. Staff shall accommodate this request when possible and consistent with maintaining safety and security. If the probationer has no preference, he or she will be searched by a staff member of the same biological sex.

331.9 TRAINING OF MEMBERS

The Department recognizes the importance of creating an environment free of discrimination and harassment in order to deliver effective and constructive services to its diverse probation population. To that end, all are required to attend training as follows:

(a) Member training shall consist of, but not be limited to the following topics:

1. County Employee Conduct/Behavior Expectations – Workplace Harassment, Discrimination and Retaliation Policy-Personnel Manual; Tab 16.
2. Recognize, prevent and design appropriate responses to acts of discrimination and harassment of LGBTQI probationers
3. Develop awareness of needs, fears, and challenges particular to LGBTQI probationers in and out of custody settings.
4. Respect, support, and work constructively with LGBTQI probationers.

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331.10 VOLUNTEER AND SERVICE PROVIDER REQUIREMENTS

Volunteers and Service Providers are responsible for reading, understanding, and abiding by the content of the following policies:

(a) The Stanislaus County Employee Conduct/Behavior Expectations – Workplace Harassment, Discrimination and Retaliation Policy-Personnel Manual; Tab 16.

(b) The Stanislaus County Probation Administrative Policy Section : Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex.

Volunteers, service providers and any of its officers, employees, agents, representatives or subcontractors shall not unlawfully discriminate against LGBTQI probationers pursuant to this policy or the Nondiscrimination terms contained in the County Agreement for Professional Services.

Failure of any volunteer or service provider to honor the terms of the aforementioned terms can result in discharge or severance of any agreement for professional services.

331.11 REPORTING AND RESPONDING TO HARASSMENT AND DISCRIMINATION

Members of the Stanislaus County Probation Department, including volunteers and contractors, shall promptly and appropriately intervene when a probationer physically, verbally, or sexually abuses or harasses another probationer based on the probationer's actual or perceived sexual orientation or gender identity.

(a) All members, volunteers, and contractors shall be required to report all untimely, absent, or inappropriate interventions.

(b) Probationers shall be able to report violations of this policy following established grievance procedures. Grievance procedures shall protect confidentiality of probationers and contain other measures to prevent retaliation. The youth and adult probationers may also tell a teacher, counselor, Division Director, Probation Manager, supervisor, medical or mental health staff, the Juvenile Hall Superintendent, Chief Probation Officer, Assistant Chief Probation Officer, parent/guardian, or any trusted adult when applicable.

(c) Supervisory and management staff shall treat all reports of violations of this policy seriously and promptly and effectively respond to grievances filed by probationers and shall take swift action according to established procedures when probationers, members, volunteers, or contractors report violations.

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Restitution

332.1 PURPOSE AND SCOPE

To establish policies for the determination, management, enforcement and aggressive collection of victim restitution orders.

332.2 GUIDING PRINCIPALS

The purpose of restitution is to require both adult and youthful offenders under the jurisdiction of the department to accept responsibility for their conduct and actions by compensating victims for economic losses.

(a) Victims will be provided with the opportunity to receive reimbursement from offenders for losses incurred as a result of the crime.

(b) As a general principle, payment of restitution is to be a necessity, not a surplus priority, in the offender's budget.

(c) It is important for victims to understand that we will make every reasonable effort to aggressively collect restitution in compliance with the Court's order.

1. In juvenile matters, parents and guardians are jointly and severally liable. Victims in whose favor the restitution order has been made shall be notified within 60 days after restitution has been ordered of the following:
   (a) The name and address of the youth ordered to make restitution.
   (b) The amount and any terms of conditions of restitution.
   (c) The offense or offenses that were sustained.
   (d) The name and address of the parent/guardian of the youth.
   (e) The presumption that the parent/guardian is jointly and severally liable with the youth for the amount of restitution ordered.
2. In adult matters, victims have the right to receive, upon request, access to all resources available under the law to enforce the restitution order, including, but not limited to, access to the offender's financial records.

See Procedures Manual on the General Provisions Statement for Restitution Determination for further information.

Stanislaus County Probation Dept Procedures Manual: 302.1 GENERAL PROCEDURES STATEMENT - VICTIM RESTITUTION

Stanislaus County Probation Dept Procedures Manual: 302.2 RESTITUTION AMOUNTS DETERMINED BY THE PROBATION OFFICER

Stanislaus County Probation Dept Procedures Manual: 302.3 RESTITUTION DETERMINATION GUIDELINES

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Stanislaus County Probation Dept Procedures Manual: 302.4 RESTITUTION MANAGEMENT AND ENFORCEMENT

Stanislaus County Probation Dept Procedures Manual: 302.5 RESTITUTION COLLECTION

332.3 EXPIRATION OF PROBATION WITH RESTITUTION OWING

It is the general goal of the Probation Department to satisfy restitution accounts in full whenever possible. All attempts should be made to avoid terminating probation with restitution owing.

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Building Access/Visitor Pass

333.1 PURPOSE AND SCOPE

To ensure the safety and security of members as well as safeguarding the department's confidential information by controlling access to the Probation Department and identifying authorized visitors.

333.2 ACCESS TO PROBATION DEPARTMENT

The following individuals have unlimited access to Probation Department employee work areas other than the bookkeeping area:

(a) Probation Department members.

(b) Other County employees whose official duties require their presence in the building.

333.2.1 LIMITED ACCESS

The following individuals have access to Probation Department work areas while on official business, but must make their presence known to the receptionist or Division Director upon entering the building:

(a) Law enforcement officers and other governmental officials.

(b) Private sector agency representatives and private practitioners who contract with or routinely provide services to the department.

(c) Family members of department employees.

333.2.2 VISITOR PASS PROCEDURE

All individuals not listed in the preceding sections may enter the Probation Department member work areas utilizing the following visitor pass procedure:

(a) (a) A member will meet the visitor at the main reception desk.

(b) The receptionist or Division Director will issue a visitor pass and log the name, date, time and pass number.

(c) The visitor will wear the pass in a conspicuous place on the front of their clothing while in the building.

(d) Upon completion of the visit, the member will escort the visitor back to the reception desk or Division Director and return the visitor pass.

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Removable Media

334.1 PURPOSE AND SCOPE

Provide guidelines and standards for the use of removable media with Stanislaus County Probation Department computers.

334.1.1 DEFINITION

Removable media for the purpose of this policy is considered to be any device or media that is readable and/or writeable by the end user and is capable of being moved from computer to computer without modification to the computer. This includes flash memory devices such as USB thumb drives, digital cameras, MP3 players, mobile phones, and PDAs; removable hard drives (including hard drive-based MP3 players); optical disks such as CD and DVD disks; wearable technology devices, and any commercial music and software.

334.2 POLICY

Members may only use removable media provided by the Stanislaus County Probation Department in their work computers. Media not provided by the Probation Department must be approved by Probation IT prior to use in Probation computers. Media provided by the Probation Department may not be connected to or used in devices that are not owned or leased by the Department without explicit permission of the Chief Probation Officer. Sensitive information should be stored on removable media only when required in the performance of your assigned duties.

This policy does not supersede or override any regulations promulgated by state or federal agencies that are more stringent or impose additional requirements.

334.3 DISPOSAL OF MEDIA

Prior to the disposal or salvage of any removable media storage device the device must be taken to Probation IT where it will be destroyed or wiped adhering to Department of Defense compliant methods.

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Chapter 4 - Field Operations

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Bias-Based Policing

400.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Stanislaus County Probation Department's commitment to probation services that are fair and objective.

Nothing in this policy prohibits the use of specified characteristics probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

400.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

400.2 POLICY

The Stanislaus County Probation Department is committed to providing probation services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide probation services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

400.3 BIAS-BASED PROFILING PROHIBITED

Bias-based profiling is strictly prohibited.

400.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

400.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Chief Probation Officer or his/her designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

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Hazardous Material Response

401.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to members resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

401.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

401.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or during probation supervision field activity. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

401.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member by completing and submitting the Stanislaus County's On the Job Injury (OJI) and corresponding paperwork which shall be forwarded via chain of command to the Unit Supervisor and Division Director. If the exposure occurs as a result of a probationers' actions and a new law violation will be submitted, a department incident report is also required. Should the affected

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member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the OJI paperwork. All documents are to be forwarded to Human Resources.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

401.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that amember has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel.

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Hostage and Barricade Incidents

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

402.2 POLICY

It is the policy of the Stanislaus County Probation Department to jointly address with responding law enforcement hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

402.3 COMMUNICATION

The incident command structure shall be deferred to the responding law enforcement agency. Armed probation officers will assist as directed by the officer in charge.

402.4 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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(b) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(c) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(d) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(e) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(f) Determine the need for and notify the appropriate persons within and outside the Department, such as a supervisor and administration.

402.5 REPORTING

Officers directly involved in any hostage or barricade situation as defined in this policy will prepare appropriate department incident reports as directed by their supervisor or administrator. Upon request, these incident reports or additional supplemental reports may be prepared and provided to the investigating law enforcement agency.

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Response to Bomb Calls

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Stanislaus County Probation Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

403.2 POLICY

It is the policy of the Stanislaus County Probation Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual Bomb Threat Policy; Tab 18-Safety Policies.

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Crisis Intervention Incidents

404.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

404.2 POLICY

The Stanislaus County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its officers' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

404.3 SIGNS

Officers should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Officers should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

404.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief Probation Officer should designate an appropriate Division Director to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

404.5 FIELD CONTACTS

Safety is a priority. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer arriving to a field contact involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) Attempt to determine if weapons are present or available.

(d) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(e) Secure the scene and clear the immediate area as necessary.

(f) Employ tactics to preserve the safety of all participants.

(g) Determine the nature of any crime.

(h) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(i) If circumstances reasonably permit, consider and employ alternatives to force.

404.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding officers should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

404.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous probation or law enforcement response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

404.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

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(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an incident report to be forwarded to the Division Director.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

404.9 INCIDENT REPORTING

Officers engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Officers having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

404.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

404.11 EVALUATION

The Division Director designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved

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individuals, officers or incidents and will be submitted to the Chief Probation Officer through the chain of command.

404.12 TRAINING

Behavioral Health and Recovery Services provides Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities. Supervision officers will be provided an opportunity to attend upon availability, if applicable.

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Mental Illness Commitments

405.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

405.2 POLICY

It is the policy of the Stanislaus County Probation Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

405.2.1 DEFINITION

(a) "Probationer" means any offender under the supervision of the Probation Department including those under Post Release Community Supervision and Mandatory Supervision.

(b) "Gravely Disabled" means a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing and shelter.

(c) "Gravely Disabled minor" means a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development. This includes food, clothing and shelter, even though provided to the minor by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder.

(d) "Mental Health Facility" means a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

405.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

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405.3.1 VOLUNTARY EVALUATION

If an officer encounters a person who may qualify for a 5150 commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes their mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the person's desire to pursue voluntary evaluation and/or admission.

405.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

405.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's property, the officer shall take reasonable precautions to safeguard the person's personal property in their possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

405.5 TRANSPORTATION

When transporting any person for a 5150 commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the person and whether any special medical care is needed.

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Officers may transport persons in a probation-caged vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Supervisor approval is required before transport commences.

405.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the person into a treatment area designated by a facility staff member. If the person is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the person. However, if the person is transported and delivered while restrained, the officer may assist with transferring the person to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

405.7 DOCUMENTATION

The officer shall complete an application for a 72-hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case file/notes report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

405.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise them of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at their residence, they should also be advised that they may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where they are being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

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The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

405.8 CRIMINAL OFFENSES

Officers investigating a person who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning, a violation of probation or submitting a report to the District Attorney's Office for consideration in the issuance of a complaint.

When a person who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the person when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the person's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the person may qualify for a 5150 commitment.

In the supervisor's judgment, the person may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the person, department resources (e.g., posting a guard) and other relevant factors in making this decision.

405.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent, the person has search terms). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

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405.10 TRAINING

Only those department officers who have completed the POST certified Crisis Intervention Academy Course are permitted to evaluate and transport probationers to a designated and approved Mental Health facility for 72-hour treatment and evaluation.

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Immigration Violations

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Stanislaus County Probation Department relating to immigration and interacting with federal immigration officials.

406.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

406.2 POLICY

It is the policy of the Stanislaus County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

406.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

406.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

406.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

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Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

406.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

406.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

406.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to the Chief Probation Officer. The Chief Probation Officer, or his/her designee, is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

406.7 INFORMATION SHARING

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for information from this department should be directed to the Chief Probation

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Officer. The Chief Probation Officer, or his/her designee, is responsible for determining whether the requested information would be permitted under the California Values Act, including but not limited to:

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

406.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

406.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Stanislaus County Probation Department intends to comply with the request (Government Code § 7283.1).

If the Stanislaus County Probation Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

406.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Stanislaus County Probation Department shall provide the

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individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

406.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

406.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Division Director or designee for required reporting to the DOJ (Government Code § 7284.6(c)(2).

406.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

If applicable, any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the supervisor assigned to oversee the handling of any related case. The supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

406.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

406.8.2 REPORTING TO LEGISLATURE

The supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

406.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

406.9 TRAINING

The Division Director supervising the Professional Standards Unit should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Field Training Officer Program

407.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to introduce new officers to the essential duties, tasks and tactics of supervision work and to enhance the professionalism and competency of supervision officers.

The Field Training Program is intended to give the officer instruction, direct supervision, guidance, and evaluation so that the officer may develop sound judgment, efficiency, confidence, effective counseling, and officer safety skills.

The Field Training Program is designed to achieve the following goals:

(a) To produce a competent Deputy Probation Officer capable of working a field supervision assignment in a safe and effective manner.

(b) To provide standardized field training to all newly hired officers and newly armed officers.

(c) To provide clear standards for rating and evaluation and to provide the officers every reasonable opportunity to succeed.

(d) To enhance the professionalism of the officers involved in the Field Training Program.

407.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral probation officers in the application of their previously acquired knowledge and skills.

407.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Be a permanent DPO II

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Discussion by supervisors and current FTOs

407.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

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407.3 FIELD TRAINING OFFICER PROGRAM COORDINATOR

The FTO Program Coordinator should possess, or be eligible to receive, a POST or STC Supervisory Certificate.

The responsibilities of the FTO Program Coordinator include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Develop ongoing training for FTOs.

(i) Review and approve the Daily Trainee Performance Evaluations and forward any concerns to the Division Director assigned to the Professional Standards Unit.

The FTO Program Coordinator will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

407.4 TRAINEE DEFINED

Any entry level, lateral, or newly armed probation officer appointed to the Stanislaus County Probation Department.

407.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for a lateral or newly armed officer may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practicable, trainees should be assigned to a variety of Field Training Officers and geographical areas during their Field Training Program.

Entry level officers must successfully complete PC 832 Laws of Arrest, PC 832 Firearms, 40-hour interdepartmental IFORCE, FTO training, tactical baton, weapon retention, and OC pepper spray certification training.

407.5.1 FIELD TRAINING MANUAL

Each trainee will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Stanislaus County Probation Department. The officer shall become

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knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the Stanislaus County Probation Department.

407.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

407.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the lead FTO Coordinator on a daily basis. This evaluation is based upon observation of actual field behavior and is completed in writing by the FTO.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day as circumstances allow.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

407.6.2 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

407.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End of phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of weeks of field training

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Contacts and Temporary Detentions

408.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

408.2 POLICY

The Stanislaus County Probation Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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408.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion, and in no situation should an officer conduct a vehicle stop in order to perform an FI.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Stanislaus County Probation Department to strengthen community involvement, community awareness, and problem identification.

408.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

408.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

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(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

408.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

408.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

408.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

408.5.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

408.5.4 DISPOSITION OF PHOTOGRAPHS

If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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Mobile Data Terminal Use

409.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

409.2 POLICY

Stanislaus County Probation Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

409.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

409.2 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift/Unit Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

409.2.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

409.3 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift/Unit Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated electronically via the MDT or by voice over the probation radio unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

409.3.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the probation radio or through the MDT system.

Officers responding to calls should advise changes in status over the radio to assist other officers responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

409.3.2 EMERGENCY ACTIVATION

If there is an emergency activation and the officer does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the officer. If the location is known, the nearest available officer should respond.

Officers should ensure a field supervisor and the Shift/Unit Supervsior are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the probation radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

409.4 EQUIPMENT CONSIDERATIONS

409.4.1 MALFUNCTIONING MDT

Whenever possible, officers will not use vehicles with malfunctioning MDTs. Whenever officers must drive a vehicle in which the MDT is not working or not present, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the probation radio.

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409.4.2 BOMB CALLS

When law enforcement is investigating reports of possible bombs, officers should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Public Recording of Official Probation Activity

410.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record official probation actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

410.2 POLICY

The Stanislaus County Probation Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction..

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

410.3 RECORDING OFFICAL PROBATION ACTIVITY

Members of the public who wish to record official probation activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the official probation activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

410.4 OFFICER RESPONSE

Officers should promptly request that additional law enforcement respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation.

Whenever practicable, officers should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be

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compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with official probation activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

410.5 SUPERVISOR RESPONSIBILITIES

A supervisor or their designee should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

410.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person. In this instance, local law enforcement having jurisdiction should seize the recording devices or media.

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Medical Marijuana

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

411.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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411.2 POLICY

It is the policy of the Stanislaus County Probation Department to prioritize resources to forgo making arrests related to marijuana that the probation department reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Stanislaus County Probation Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

411.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

411.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

411.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

(e) The person is otherwise in violation of their terms and conditions of probation.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

411.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

411.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

411.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(b) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

(c) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

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411.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

411.5 PROPERTY AND EVIDENCE SUPERVISOR RESPONSIBILITIES

The Property and Evidence supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order.

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Foot Pursuits

412.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of supervised persons and/or suspects on foot.

412.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the supervised person and/or suspect with the risk and potential for injury to department personnel, the public or the supervised person and/or suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

412.2.1 DEFINITIONS

Supervised person - To include adults and juveniles subjected to the supervision of the probation officer, including juveniles in detention status.

412.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of supervised persons and/or suspects is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, or is engaging in felonious criminal activity, or is known to be on felony warrant status. Before initiating a foot pursuit, officers should give consideration to the imminent harm to the public or individual being pursued. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of felonious criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place officers and the public at significant risk. Therefore, no officer or supervisor shall be subjected to discipline for terminating or deciding not to engage in a foot pursuit when the perceived risks are based on reasonable assumptions.

If circumstances permit, surveillance and establishing a perimeter are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as the following:

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(a) Establishing a perimeter of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the supervised person and/or suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

412.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by an administrator and/or supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the supervised person and/or suspect in sight from a safe distance and coordinate the perimeter effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with Dispatch or with backup officers.

(h) The supervised person and/or suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating a perimeter pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

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(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The supervised person's and/or suspect's location is no longer definitely known.

(n) The identity of the supervised person and/or suspect is established or other information exists that will allow for the supervised person and/or suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to officers, the probationer or the public if the supervised person and/or suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

412.5 RESPONSIBILITIES IN FOOT PURSUITS

412.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the supervised person and/or suspect but should attempt to keep the supervised person and/or suspect in sight until sufficient officers are present to safely apprehend the supervised person and/or suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Call sign identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description, to include name if known

(e) Whether the supervised person and/or suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts to establish a perimeter should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further

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actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

412.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

412.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate arrest reports, to include an incident report documenting, at minimum, the following:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a supervised person and/or suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

Assisting officers taking an active role in the apprehension of the supervised person and/or suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Homeless Persons

413.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Stanislaus County Probation Department recognizes that members of the homeless community are often in need of special protection and services. The Stanislaus County Probation Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

413.1.1 POLICY

It is the policy of the Stanislaus County Probation Department to provide probation services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or probation related contact.

413.2 FIELD CONTACTS

Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of non-compliant behavior or criminal activity. However, when encountering a homeless person who has committed a minor technical violation or non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

413.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property.

413.4 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate.

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413.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur.

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Suspicious Activity Reporting

414.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

414.2 POLICY

The Stanislaus County Probation Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

414.3 REPORTING

Any officer receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including notifying local law enforcement when applicable. Any non-sworn member who receives such information should ensure that it is passed on to a supervisor or manager in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an incident report and include information about involved parties and the circumstances of the incident and submit to their supervisor.

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Medical Aid and Response

415.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a response to such situations.

415.2 POLICY

It is the policy of the Stanislaus County Probation Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

415.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so. For those officers assigned to the Juvenile Institutions, officers shall take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

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Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

415.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Officers shall not provide emergency escort for medical transport or civilian vehicles.

415.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

415.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints and Control Devices and Techniques policies.

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415.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

415.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

415.8.1 AED USER RESPONSIBILITY

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

415.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

415.8.3 AED TRAINING AND MAINTENANCE

The Division Director of the Professional Standards Unit should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Human Resources Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

415.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

415.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Division Director of the Professional Standards Unit.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

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415.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate incident report.

The Division Director of the Professional Standards Unit will ensure that clerical is provided enough information to meet applicable state reporting requirements.

415.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Division Director of the Professional Standards Unit should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

415.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Human Resources Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

415.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

415.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

415.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Chapter 5 - Investigation Operations

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Brady Material Disclosure

500.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

500.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information -Information known or possessed by the Stanislaus County Probation Department that is both favorable and material to the current prosecution or defense of a criminal defendant.**

***Material* information- Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.**

500.2 POLICY

The Stanislaus County Probation Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Stanislaus County Probation Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

500.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or the Division Director who will consult with County Counsel to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

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Supervisors who are uncertain about whether evidence or facts are material should address the issue in the investigative reports.

500.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event an attorney has filed a *Pitchess* motion, any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(b) The Custodian of Records shall notify County Counsel upon a *Pitchess* motion being filed.

(c) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

500.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

500.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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Chapter 6 - Equipment

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Department Owned and Personal Property

600.1 PURPOSE AND SCOPE

Department members are expected to properly care for department property assigned or entrusted to them. Members may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

600.2 CARE OF DEPARTMENTAL PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. A member's intentional or negligent abuse or misuse of department property, to include department-issued firearms, may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Members shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by administration or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of a supervisor.

600.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Director, which shall include the results of his/her investigation and whether the member followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

600.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

An incident report shall be submitted before the member goes off-duty or the next business day the member is scheduled to work.

600.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.

(b) An incident report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

600.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the member present or the member responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The member shall submit an incident report before going off duty or as otherwise directed by the supervisor.

These incident reports, accompanied by the supervisor's incident report, shall promptly be forwarded to the appropriate Division Director.

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Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones, electronic recording devices and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, electronic recording devices, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, using audio or video recordings, playing games and accessing sites or services on the Internet.

601.2 POLICY

The Stanislaus County Probation Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

All members are required to adhere to the guidelines of the Stanislaus County Personnel Manual, Employee Conduct/Behavior Expectations, Tab 16 - Telecommunications Policy.

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance). Devices such as smart phones and other PCDs with GPS location are tracked and may be located by Probation monitoring systems.

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at

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work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

601.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content and GPS location) at any time without notice and without cause. The member shall treat the department issued PCD as a controlled device and protect it as they would a personal credit card or an issued firearm to ensure only they will be in possession of the device.

The PCD is provided for official and authorized use exclusively. Only authorized information may be stored on or transmitted by this device. Misuse of this device may be subject to appropriate disciplinary actions. The member issued a PCD is responsible for physical damage to the device and the confidentiality and integrity of data on the PCD. Any damage caused will be immediately reported to the member's supervisor. The member will not connect this device to non-department approved computing equipment, including wireless connections to personal PCDs. The member will not configure a PCD to download, install, or use unauthorized applications, or personal accounts.

Unless a member is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

    (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized in writing by the Chief Probation Officer.

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(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video, audio or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express written authorization of the Chief Probation Officer or the authorized designee.

(f) Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) The member should not create or store work related documents, emails, photographs, audio/video recordings or other public records on their personally owned PCD. Members should not transfer these work related files to other members personally owned PCD. If such files are received on a member's personally owned PCD, the member should notify their supervisor and contact Probation IT regarding transferring and removing the files from their personally owned PCD.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications. Members may use a PCD to record all aspects of the interrogation during Internal Affairs Investigations pursuant to Section 3303(g) of the CA Public Safety Officers Bill Of Rights Act.

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(c) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business and approved by the Chief Probation Officer or authorized designee. Disclosure of any such information to any third party through any means, without the express written authorization of the Chief Probation Officer or the authorized designee, may result in discipline.

(d) Members will not access social networking sites on a department-issued PCD for any purpose that is not official department business.

(e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

(f) The Department will not accept collect calls unless an exception is approved by the supervisor.

(g) Text messaging is blocked on mobile phones with a few exceptions. Members with a business case to use text messages must submit a request through the chain of command. Approval for texting capability will be granted on a case by case basis.

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief Probation Officer or the authorized designee.

601.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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601.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Vehicle Maintenance

602.1 PURPOSE AND SCOPE

Members are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

602.2 POLICY

Operation of County vehicles is limited to members and volunteers who have been authorized to drive pursuant to the department's Vehicle Use Policy and who are engaged in authorized departmental business.

All members are required to adhere to Stanislaus County Safety Manual Tab 8 regarding Driver Authorization and Performance policy.

602.3 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. The member who first becomes aware of the defective condition, shall inform their supervisor, describing the correction needed, and the vehicle shall be taken to the County Fleet Services for repair.

602.3.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

602.3.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, or hard/extended braking.

602.3.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

602.4 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

602.4.1 PATROL VEHICLES

Officers shall inspect the department vehicle prior to field work and ensure that the following equipment, at a minimum, is present in the vehicle:

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- Emergency road flares
- Assigned gas card
- 1 First aid kit, CPR mask
- 1 Solar safety blanket
- Protective gloves
- Sharps container

602.4.2 UNMARKED VEHICLES
All members driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- Assigned gas card
- 1 First aid kit, CPR mask
- 1 Solar safety blanket
- Protective gloves
- Sharps container

602.5 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving department vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

602.6 WASHING OF VEHICLES

All probation vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Members using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

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Vehicle Use

603.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the County of Stanislaus to provide assigned take-home vehicles.

603.2 POLICY

The Stanislaus County Probation Department provides vehicles for department-related business and may assign probation marked and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical operations and other considerations.

Operation of County vehicles is limited to members and volunteers who have been authorized to drive pursuant to the department's Vehicle Maintenance policy and who are engaged in authorized departmental business.

Except for those vehicles assigned to individuals as take-home vehicles, County vehicles may not be driven from the departmental work location to lunch, or for personal errands. Employees in the field may drive to the nearest reasonable place for a meal.

All members are required to adhere to Stanislaus County Safety Manual Tab 8 Section IV regarding Driver Responsibility and Tab 8 Section III regarding Emergency Operations.

603.3 USE OF VEHICLES

603.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., field activity, transportation to training, community event) shall first notify their supervisor.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

All department vehicles shall be returned to their usual storage place at the end of the workday, unless prior approval is obtained.

603.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting officer shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

603.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., canine safety). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Officers shall ensure all weapons are secured while the vehicle is unattended.

603.3.4 MDT

Officers assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the officer shall notify Dispatch if conducting field activity. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

603.3.5 VEHICLE LOCATION SYSTEM

Probation Department vehicles, at the discretion of the Chief Probation Officer, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, officers are not relieved of their responsibility to use required communication practices to report their location and status.

Officers shall not make any unauthorized modifications to the system. At the start of each shift, officers shall verify that the system is on and report any malfunctions to their supervisor. If the officer finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Director approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

603.3.6 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command in the form of an incident report.

603.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle.

603.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

603.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, officers driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. County vehicles assigned to each separate office location of the Department will be pooled for use and parked in designated locations only.

603.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program supervisor.

603.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

603.4 INDIVIDUAL OFFICER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual officers at the discretion of the Chief Probation Officer. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the officer is unable to perform his/her regular assignment.

603.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief Probation Officer or the authorized designee.

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603.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by officers to commute to and from a work assignment. Officers may take home department vehicles only with prior approval of the Chief Probation Officer and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The officer lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Stanislaus County limits.

(d) Off-street parking will be available at the officer's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

603.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the officer's residence, the nature of the officer's duties, job description and essential functions, and employment or appointment status. Residence in the County of Stanislaus is a prime consideration for assignment of a take-home vehicle. Officers who reside outside the County of Stanislaus may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief Probation Officer.

Officers are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the officer's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief Probation Officer or a Division Director gives authorization.

(b) Vehicles may be used to transport the officer to and from the officer's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when an officer has been placed on call by the Chief Probation Officer or Division Directors and there is a high probability that the officer will be called back to duty.
2. When the officer is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the officer has received permission from the Chief Probation Officer or Division Directors.

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4. When the vehicle is being used by the Chief Probation Officer, Division Directors or officers who are in on-call administrative positions.

(d) While operating the vehicle, authorized officers will carry and have accessible their duty firearms.

(e) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., canine safety).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(f) Vehicles are to be parked off-street at the officer's residence unless prior arrangements have been made with the Chief Probation Officer or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(g) Vehicles are to be secured at the officer's residence or the appropriate department facility, at the discretion of the Department when an officer will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the officer, the Department shall have access to the vehicle.
2. If the officer is unable to provide access to the vehicle, it shall be parked at the Department.

(h) The officer is responsible for the care and maintenance of the vehicle.

603.4.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) All weapons, gas cards and garage prox cards shall be removed from any vehicle left for maintenance.

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(f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to officers under their command to ensure the vehicles are being maintained in accordance with this policy.

603.5 UNMARKED VEHICLES

Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division.

603.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in an incident report and forwarded to the Unit/Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

603.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all officers operating department vehicles on a toll road shall adhere to the following:

(a) Officers operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Officers may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

(b) Officers passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Director immediately upon their return to the Department explaining the circumstances.

603.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Traffic Collision Reporting

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines and the steps to be taken in the event that a member or volunteer suffers a vehicle accident or injury while in the course and scope of their employment or activity with the department. Additionally, these policies are meant to clarify responsibilities of members, supervisors and division directors as related to work-related vehicle accident and injury reporting requirements.

604.2 RESPONSIBILITY

Members are required to immediately report to their supervisor all vehicle accidents or injuries suffered during the course and scope of their employment and to keep their supervisor informed of their medical status and/or work restrictions that may affect the member's ability to perform his or her job.

(a) Members are required to complete all applicable forms contained in the Department Injury Packet whenever an accident or injury occurs during the course and scope of their employment.

(b) Members should radio dispatch to advise them that they were in a vehicle accident.

(c) Supervisors are to inform the Safety Analyst and their Division Directorof the accident/ injury immediately. Supervisors are required to review all accidents or injuries reported to them by their subordinates.

(d) Division Directors are required to notify the Chief Probation Officer via the chain of command as to any accident or injury suffered by members during the course and scope of their employment.

604.3 REPORTING SITUATIONS

All applicable forms contained in the Department Injury Packet must be completed by a member or volunteer and submitted to the immediate supervisor or supervisor on-duty whenever any of the following events occur:

(a) An accident occurs while driving a County vehicle.

(b) An accident occurs in a private vehicle while operating the vehicle on County business.

(c) A member is injured on the job.

If a member suffers a work-related injury which requires medical attention, Workers' Compensation forms must accompany the member on the first medical visit. If emergency circumstances prevent this, forms must be forwarded to the member and treating physician at the first opportunity.Forms are available from the Department Safety Analyst, Supervisor's Office in the Institution and Clerical Supervisor in the Adult Division. Forms are also available on the

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Probation S: drive in the Forms/Administration/Human Resources/Safety forms folder, as well as the Department's Intranet.

(a) Supervisors are required to complete the Supervisor's Accident Investigation Report in the event that a member or volunteer suffers an accident or injury on-duty.The report should be submitted to the Division Director for review and signature.Once all forms have been reviewed and signed, they should be forwarded to the Department Safety Analyst who will in turn forward the form(s) to the Stanislaus County Risk Management Division.

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Personal Protective Equipment

605.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

605.1.1 DEFINITIONS

Definitions related to this policy include:

N95 facepiece - These are filtering facepiece half-mask respirators, sometimes referred to as N95s. A filtering facepiece respirator covers the nose and mouth, and is a tight-fitting, air-purifying respirator in which the whole facepiece functions as the filter. Filtering facepieces may or may not have an exhalation valve to help exhaled breath exit the facepiece. They need to be fit tested, unless you are wearing them under voluntary use conditions. Filtering facepiece respirators filter out particles and do not protect against non-particulate hazards such as gases or vapors.

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

605.2 POLICY

The Stanislaus County Probation Department endeavors to protect officers by supplying certain PPE to officers as provided in this policy or as otherwise authorized by the Chief Probation Officer or designee.

All members are to follow the guidelines as outlined in the Stanislaus County Safety Manual-Tab 11 - Respiratory Protection Policy.

605.3 OFFICER RESPONSIBILITIES

Officers are required to use PPE as provided in this policy and pursuant to their training.

Officers are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

605.4 HEARING PROTECTION

Approved hearing protection shall be used by officers during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

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605.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by officers during firearms training. Eye protection for officers who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Officers shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

605.6 RESPIRATORY PROTECTION

The Department Safety Analyst is responsible for ensuring a respiratory protection plan is developed as it pertains to the use of N95 face pieces.

605.7 RECORDS

The Department Safety Analyst is responsible for maintaining records of all PPE training.

605.8 TRAINING

Officers should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All officers shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Officers issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Driver's License and Safe Driving

606.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure the lawful and safe operation of vehicles used for County business and to set forth standards for driving performance.

606.2 POLICY

The Chief Probation Officer or designee may authorize driving privileges and issue a County driving permit to a member or volunteer who must drive a County-owned, a County-leased and/or a privately owned motor vehicle to perform assigned functions, provided the member meets the following requirements:

(a) Presents to the Department a valid California driver's license appropriate for the motor vehicle the member will be authorized to drive.

(b) Has no physical impairment which precludes driving.

(c) Maintains a valid California driver's license.

(d) If requesting authorization to drive a private car, the member must certify minimum liability insurance coverage as required by the Financial Responsibility Law of California.

(e) Private vehicle use will not be reimbursed without the prior approval of the Chief Probation Officer or designee.

All members are required to adhere to the Stanislaus County Safety Manual, Tab 8- Driver Authorization and Performance Policy.

606.3 MOTOR VEHICLE RECORD CHECKS

Motor vehicle record checks shall be made by the Risk Manager's Office with the cooperation of the Department of Motor Vehicles in the following instances:

(a) New driver authorizations.

(b) Renewals of driver authorizations.

(c) Whenever deemed necessary by the department's Accident Review Committee and/or the Chief Probation Officer.

(d) All record checks shall be deemed confidential.

606.4 POOR DRIVING PERFORMANCE

Members who are required to drive in the performance of their duties shall abide by all applicable vehicle codes. Failure of a member to drive safely may result in disciplinary action. Departments and/or safety committees shall review all member motor vehicle accidents, including, but not limited to:

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(a) Repeated Non#Serious Accidents: Two or more on#the#job, non#serious, accidents within twenty#four months. A non#serious accident is limited to property damage of less than $1500 without bodily injury.

(b) Serious Vehicle Accidents: Vehicle accident that results in injury or death, or involves a history of two or more vehicle accidents, within a thirty#six month period resulting in property damage of more than $1500 each.

(c) Willful Misconduct or Recklessness: Any occasion where a safety committee (established under County Ordinance 2.36.00 and 2.60.00) finds the member has demonstrated driving behavior more serious than a failure to exercise due care.

Citizen Complaints shall be investigated.

If a member is involved in an accident while on County business, a Stanislaus County Motor Vehicle Accident Report form must be completed by the end of the workday or as soon as possible.

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Radio Policy

607.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure direct communication with the Stanislaus Regional 911 (SR 911) dispatch during field supervision, transportation of subjects/youth in-custody and special assignments. Maintaining radio communication will also increase officer safety in providing dispatch with your location during field supervision and other assignments.

607.2 DEPARTMENT POLICY

Radio equipment is assigned to Probation Officers to facilitate the Department's mission and to enhance officer and public safety. Officers assigned radios with the capability to communicate directly with outside law enforcement agencies must ensure that all communication is consistent with the guidelines specified below. The probation department utilizes the SR 911 "10- and 11-series codes," in common use by law enforcement agencies within Stanislaus County.

Individual officers shall use handheld/vehicle radios for legitimate law enforcement purposes only. Failure to use the radio according to this policy may be subject to discipline, including, and up to termination.

607.3 AGENCY CALL SIGNS

Individual officers with permanently assigned radios will have an assigned "PR #." Each radio, hand held or vehicle mounted, possesses an individual identification number that is displayed on a dispatcher's radio console. It is imperative that radios are not loaned or exchanged arbitrarily between officers. In the event of a critical incident, this electronic identification information will assist SR 911 staff in recognizing, assessing and properly employing an emergency response. For this reason, radio assignment information must be kept current at all times.

For the Professional Standards unit that utilize "pool" radios, the Field Training Officer (FTO) Program Coordinator will maintain a list which will be logged with SR 911 so that it is known that these radios are shared. In these instances, officers will be tracked with their PR #.

Users of radios within the Probation allocated talk groups (Channel 16) are not required to preface their call sign with the word "8 Paul." The "8 Paul" prefix is required whenever the user is operating on a non-probation talk group, such as one assigned to the Stanislaus County Sheriff's Department or other law enforcement agencies utilizing SR 911. This will ensure that other agencies know they are communicating with a member of the Probation Department.

607.3.1 PORTABLE RADIO USE

Portable radios shall be used during probation searches, field contacts, warrant arrests and when working with partner law enforcement agencies in the field.

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607.3.2 CALL SIGN DESIGNATORS
8P- "Paul" – Probation Field units

8R- "Robert" – Juvenile Hall transport and Electronic Monitoring units

607.4 GENERAL RADIO CONSIDERATIONS

Officers should be aware that radio transmissions are recorded and are subject to review. They should pause before transmitting to ensure that they do not interfere with other users' transmissions or emergency traffic.

See Procedures Manual on Radio Procedure for further information.

Stanislaus County Probation Dept Procedures Manual: 600.1 PRIMARY TRAFFIC

Stanislaus County Probation Dept Procedures Manual: 600.2 SECONDARY TRAFFIC

Stanislaus County Probation Dept Procedures Manual: 600.3 PROBATION CHANNEL

Stanislaus County Probation Dept Procedures Manual: 600.4 EMERGENCY TRAFFIC

Stanislaus County Probation Dept Procedures Manual: 600.5 WORKING WITH PARTNERING AGENCIES

Stanislaus County Probation Dept Procedures Manual: 600.6 STANISLAUS 10- AND 11- SERIES CODES & Phonetic Alphabet

607.5 EMERGENCY BUTTON ACTIVATION

The handheld radio is equipped with an orange emergency button located on the radio. The purpose of the emergency button is to summon assistance during a life-threatening emergency. Once an emergency button is activated, the dispatcher will check the PR # and call out the officer's name on SO Channel 1 to confirm an emergency. The expectation is the officer responds to confirm they are okay or respond that they are Code 4 if the orange emergency button was activated in error. The system does not notify the dispatcher of the location of the emergency. Officers must be aware of their exact address and location in the field at all times so they can report their whereabouts to dispatch in the event of an emergency. Officers' address and location should be entered into CAD. If possible, they must also state clearly the nature of their emergency and what assistance they need.

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Purchasing; Use of County Purchasing Card; Account & Office Supply Managment; Fixed Asset Inventory Policies

608.1 PURPOSE AND SCOPE

To establish policies in accordance with County directives and state law to ensure legal and cost effective purchase of departmental equipment, supplies, and training needs.

To establish internal controls to track and audit all purchases and maintain a fixed asset inventory.

608.2 POLICY

Administrators have final purchasing authority as specified in this policy.Administrators include the Chief Probation Officer, Assistant Chief Probation Officer, Division Directors, Probation Managers, the Human Resources Manager, Information Technology (IT) Manager and the Administrative Services Manager.

Administrators have purchasing authority up to $5,000. The Chief Probation Officer shall approve all purchases over $5,000.Authority for approving purchases and ordering of routine items may be delegated to Department members.All purchases shall be reviewed and approved by the appropriate Administrator.For Purchase Card acquisitions, the appropriate Administrator shall legibly sign, date and note approval on the Purchasing Card Use Report prior to submission to Fiscal Services for processing.

Failure of a member to adhere to the policies and procedures of the County and the department in the expenditure of County funds including use of the County Purchasing Card may be cause for cancellation of the member's Purchasing Card privilege, and/or disciplinary action up to, and including, termination and/or referral for criminal prosecution.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 17 – Financial Policies; Purchasing Card Policy.

608.3 USE OF THE COUNTY PURCHASING CARD

608.3.1 PURCHASING LIMITS

(a) The County Purchasing Card is the property of Stanislaus County.Use of the Purchasing Card and credit limits are established by the County and this Department Policy. The Purchasing Card may only be used for authorized business related services, supplies and equipment.The Chief Probation Officer is authorized by the County to determine if purchases not meeting this criteria will require reimbursement to the County.

(b) Purchasing Card limits for authorized members shall not exceed $3,000 monthly, except as approved by the Chief Probation Officer.

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(c) Supervisors or members may be given authority by their Administrator to purchase specific items. The purchasing procedures and the County's Purchasing Policy will apply in those instances.

See Procedures Manual on the Use of County Purchasing Card; Account & Office Supply Management; Fixed Asset Inventory.

Stanislaus County Probation Dept Procedures Manual: 601.1 COUNTY PURCHASING CARD/ LOCATION/STORAGE

Stanislaus County Probation Dept Procedures Manual: 601.2 SUBMISSION OF RECEIPTS & DOCUMENTATION FOR USE OF THE COUNTY PURCHASING CARD

Stanislaus County Probation Dept Procedures Manual: 601.3 LOST OR STOLEN COUNTY PURCHASING CARD

Stanislaus County Probation Dept Procedures Manual: 601.4 ADMINISTRATIVE SERVICES FISCAL REVIEW OF COUNTY PURCHASING

Stanislaus County Probation Dept Procedures Manual: 601.5 REIMBURSEMENT OF OVERCHARGES

608.4 AUTOMATED PURCHASES/REQUISTIONS

All individual items over $5,000 must be purchased through the automated purchasing system (Oracle FMS) consistent with Purchasing ordinances, policies and procedures. Moreover, the services of the County Purchasing Division shall be sought to assure compliance with applicable Purchasing ordinances, rules and regulations for non-routine acquisitions. The Administrative Services Manager will provide the electronic approval in the Oracle Financial Management System (FMS).

608.5 ACCOUNTS PAYABLE MANAGEMENT

(a) All invoices received in the department will be distributed to the appropriate Manager or Division Director for final review and approval after Administrative Services members have reviewed the invoice to determine that sufficient fiscal documentation is provided to support the claim.If the appropriate Manager or Division Director responsible for the particular order/invoice cannot be determined, the invoice will be sent to the Administrative Services Manager for appropriate action.

(b) The appropriate Manager or Division Director shall review each invoice and, after confirming that the supplies, services or equipment have been received and payment of the invoice should be made, the Manager or Division Director will annotate an approval to pay note on the invoice to include his/her signature/initial and date.

(c) Approved invoices shall be returned to the Fiscal Services Accounting Technician for payment processing.

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608.5.1 ACCOUNTS RECEIVABLE/BILLING

Appropriate administrative members shall submit invoices for receivables established by contract or memorandum of understanding (MOU) to other departments or agencies for services or support provided in accordance with these agreements.A file will be maintained in the appropriate office to track the billing status of each account receivable managed by the department.

608.6 CONTRACT MANAGEMENT

(a) Members engaged in contract administration are encouraged to consult with the Purchasing Division buyer and/or the Administrative Services Manager before entering into new contracts.In all instances, the services of the Purchasing Division will be required when leasing real property as required by County ordinance. Contractors should not be allowed to perform work without a written contract or Purchase Order being approved. (Contracts and Purchase Orders provide liability protection for the County). Emergency situations may arise requiring immediate outside vendor services.

(b) A copy of all departmental contracts, agreements and Memorandums of Understanding (MOUs) will be maintained in the office of the Administrative Services Accountant III. The Administrative Services Accountant III will also maintain a list of all current contracts, agreements and MOUs to include the expiration date and responsible member.

(c) It is the responsibility of the appropriate Administrator to ensure that contracts, agreements and MOUs in his/her area of control are renewed in a timely manner and processed in accordance with County policy. To assist in this effort, the Administrative Services Manager will advise the responsible parties three months before these items are due to expire.

608.7 FIXED ASSET INVENTORY

(a) County policy requires that all individual items exceeding $1,000 initial cost (including tax and shipping) will be reflected on the department's fixed asset inventory. Administrative Services is responsible for ensuring that all fixed assets are labeled, for maintaining a current departmental fixed asset inventory list and for responding to requests for inventory reports.

(b) Certain items costing less than $1,000, such as computers, will be included on the fixed asset inventory as directed by the Chief Probation Officer.

(c) When an item is transferred to another department or to salvage, Administrative Services personnel shall process the appropriate asset transfer form.

608.8 RETENTION/DESTRUCTION OF RECORDS

The monthly-reconciled Purchasing Card statements and receipts for the current fiscal year shall be kept in the Administrative Services Division. The previous fiscal years' Purchasing Card batches shall be kept for a minimum of five years.

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Chapter 7 - Evidence and Records

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Property and Evidence

700.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

700.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an officers duties that may be used as proof of a new law violation or a violation of the terms and conditions of probation. This includes photographs.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a bicycle
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))
- Whenever possible the personal property of a detainee will be logged and accompany the detainee to be booked at the juvenile detention facility or the county jail. Any property that is not retained as evidence or booked with the detainee will be held for safekeeping. This may also include property held for subjects subsequently committed to placement, placed in treatment programs, or hospitalized.

Found property - Includes property found by a member or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

700.3 PROPERTY HANDLING

Any officer who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form, to include at the Sheriff's Department. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

700.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the officer going off-duty unless otherwise approved by a supervisor. Officers booking property shall observe the following guidelines:

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a. A property receipt form in triplicate shall be completed. The original shall be attached to the evidence/property seized. A copy shall be issued to the person from whom it is seized or another individual present as the location. Upon return to the probation department, the third copy of the receipt form shall be placed in the probationer's file. The officer shall immediately secure the property in the temporary evidence locker at either the adult or juvenile department office. At no time shall officers maintain evidence at any other location, other than the department's designated evidence room or an approved law enforcement evidence room. When utilizing the department's evidence room, the officer shall record the property information in the evidence log. The evidence officers shall issue the evidence/property number upon booking the evidence into the permanent evidence room. The evidence officers, and the Assistant Chief Probation Officer are the only personnel authorized to access evidence storage keys.

b. Complete the property form describing each item of property separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings.

c.The evidence officer will assign a case number.

d. If conducting a new law violation, the original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker (firearms and drug cases go to the Sheriff's Department). All other evidence/property shall be placed in the temporary lockers.

e. When the property is too large to be placed in a locker, the item may be retained in the evidence room. Officers shall contact an evidence officer to place large items in the permanent evidence room. The property sheet shall be attached to any large/bulky evidence items placed directly into the permanent evidence room.

f. With the approval of partner agencies, out-stationed officers may utilize their partner law enforcement agencies' evidence storage facilities.

g. Items, which appear to be evidence of new crimes and seized in jurisdictions where there is an agreement between the Probation Department and the law enforcement agency to utilize the law enforcement agency's evidence room, may be booked into the law enforcement agency's evidence room by officers. Officers who book items into a law enforcement agency's evidence room shall follow that agencies chain of evidence procedures and policies.

700.3.2 NARCOTICS AND DANGEROUS DRUGS

When seizing paraphernalia as defined by Health and Safety Code § 11364, for evidence purposes, items shall be photographed and placed into a Sharps container. The photograph shall be booked into evidence..

When seizing narcotics for destruction purposes, officers shall book such items into the Probation Department’s evidence room.

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700.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the Sheriff's Department or Police Department, followed up with notifying their immediate supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the probation facility. Officers are to transport fireworks immediately to the fire department. They are not to be booked into the probation evidence room. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be transported to the fire department for destruction. The officer who confiscates such items is responsible for their transport to the fire department.

700.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall not be collected by probation officers. Probation officers who encounter potential evidence of a crime in the field should contact the appropriate law enforcement investigative agency to respond. Officers should secure any potential crime scene to maintain chain of evidence while taking care not to contaminate the scene of a crime. Probation officers will be relieved by the arrival of the appropriate investigating law enforcement agency.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the evidence officer, or returned to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property receipts will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence officer.

(d) All cash shall be counted in the presence of a witness and the envelope initialed by the booking officer and the supervisor. The Shift Supervisor and Division Director shall be contacted for cash in excess of $1,000 for special handling procedures.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

700.3.5 FIREARMS

When seizing firearms, officers shall book such evidence in the Sheriff's Department's evidence room.

700.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

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(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband

700.4.1 PACKAGING CONTAINER

Officers shall package all property in a suitable container available for its size. Knife boxes should be used to package knives..

A property receipt shall be securely packaged inside the heat sealed bag.

Hypodermic syringes and pipes commonly used to ingest methamphetamine or "crack" cocaine may be photographed, then placed in the biohazard box located in the temporary evidence room. A contact note shall be completed describing such evidence and where it was disposed.

700.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs for evidentiary purposes shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker at the Sheriff's Department, accompanied by two copies of the property record.

Narcotics and dangerous drugs used for evidentiary purposes shall be packaged in an envelope of appropriate size available in the Sheriff's Department report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

700.4.3 "HANDS-OFF" POLICY RELATED TO DRUG LABS AND SUSPECTED FENTANYL

The following procedures shall be followed in every case in which a drug/fentanyl lab or evidence of a drug/fentanyl lab is discovered.

(a) Nothing should be touched or handled; retreat outdoors immediately.

(b) No items of any description shall be seized by probation officers.

(c) Immediately contact the Stanislaus Drug Enforcement Agency, or local law enforcement agency to respond to the scene and assume responsibility.

700.5 RECORDING OF PROPERTY

The evidence officer is responsible for obtaining a property number for each item or group of items. This number shall be recorded on the property bag and the master evidence log.

Any changes in the location of property held by the Stanislaus County Probation Department shall be noted in the property logbook.

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700.6 PROPERTY CONTROL

Each time the evidence officer receives property or releases property to another person, he/she shall enter this information on the master evidence log. Officers desiring property for court shall contact the evidence officer at least one day prior to the court day.

700.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving authorization from a evidence officer.

700.6.2 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court,shall be noted on the master evidence log, stating the date, time and to whom released.

The evidence officer shall obtain and note the name of the person to whom property is released, and the reason for release. Any officer receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the master evidence log, indicating date, time, and the person who returned the property.

700.6.3 AUTHORITY TO RELEASE PROPERTY

The evidence officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

700.6.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or officer and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction

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or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

The evidence officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. If some items of property have not been released the master evidence log shall reflect that information. Upon release, the proper entry shall be documented in the master evidence log.

700.6.5 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

700.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The evidence officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or officer. Once it is determined that the property seized is no longer needed as evidence, the evidence officer shall make arrangements for destruction of the property. The evidence officer will complete the evidence log indicating the disposition, date and time.

700.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)

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- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

700.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

700.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the evidence officer shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief Probation Officer, or his or her designee.

(c) An annual audit of evidence held by the Department shall be conducted by the Assistant Chief Probation Officer.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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Clerical Division

701.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Stanislaus County Probation Department Clerical Division. The policy addresses department file access and internal requests for case reports.

701.2 POLICY

It is the policy of the Stanislaus County Probation Department to maintain department records securely, professionally, and efficiently.

701.3 RESPONSIBILITIES

701.3.1 DIVISION DIRECTOR

The Chief Probation Officer shall appoint and delegate certain responsibilities to a Division Director. The Division Director shall be directly responsible to the Assistant Chief Probation Officer or the authorized designee.

The responsibilities of the Division Director include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Clerical Division.

(b) Scheduling and maintaining the Supervising Legal Clerk's time records.

(c) Supervising, training and evaluating the Supervising Legal Clerk.

(d) Ensuring compliance with established policies and procedures.

(e) Supervising the access, use and release of protected information (see the Protected Information Policy).

701.3.2 DIVISION DIRECTOR

The responsibilities of the Clerical Division include but are not limited to:

(a) Maintaining a records management system for case files (ICJIS).

  (a) The records management system should include a process for numbering, identifying, tracking, and retrieving case files.

(b) Entering case file information into the records management system (ICJIS).

  1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case files when needed for supervision or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

  (a) All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).

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(b) Suspected hate crimes (Penal Code § 13023).

(c) Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).

(d) Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case files and notifying the responsible member's supervisor.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

701.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Stanislaus County Probation Department and no accusatory pleading has been filed, the person arrested may petition the Court to request that the Probation Department destroy the related arrest records. The Supervising Deputy Probation Officer or designee should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the Court affirming factual innocence, the Supervising Deputy Probation Officer should forward the petition to the Supervising Legal Clerk for review and sealing of such records. When needed, the petition should be forwarded for review and consultation of County Counsel. After such review and consultation with the County Counsel, the Supervising Deputy Probation Officer shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Supervising Deputy Probation Officer shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Supervising Deputy Probation Officer should respondto a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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701.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Division Director should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention by the Sheriff's Department.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

701.6 FILE ACCESS AND SECURITY

The security of files in the department must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence, field interview (FI) cards and any other reports related to a probation department case, criminal history records and publicly accessible logs, shall be maintained in a secure area within the various divisions.

701.7 CONFIDENTIALITY

Clerical Division staff has access to information that may be confidential or sensitive in nature. Clerical Division staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies.

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Records Maintenance and Release

702.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

702.2 POLICY

The Stanislaus County Probation Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

702.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief Probation Officer shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

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(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

702.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

702.4.1 REQUESTS FOR RECORDS

Any member of the public, in accordance with the law, may request unrestricted records of this department, during regular business hours. The requester may be required to pay any fees associated with the production of records (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) All requests shall be processed pursuant to existing law.

  (a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

  (b) If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record may be provided.

(d) Upon request, a record may be provided in an electronic format utilized by the Department.

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

  1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/ video release should be maintained in the department-approved media storage

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system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the basis for withholding the record.

702.5 RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order, or as required by law.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief Probation Officer, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

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(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports may be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals in accordance with law..

1. All requests from criminal defendants or their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts in accordance with law..

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants in accordance with the law..

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012, or in accordance to law.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel.

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law.

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain

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juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

702.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Counsel..

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

702.7 RELEASED RECORDS TO BE MARKED

Any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

702.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4 or Penal Code § 1001.9, the clerical supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

702.9 SECURITY BREACHES

The Division Director, or designee shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification

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will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes, but not limited to, an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number or California identification card number
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology

702.9.1 FORM AND MANNER OF NOTICE

(a) The notice shall be written and provided in accordance with law.

702.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released in accordance to law.

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

702.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed in accordance with law.

702.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester in accordance with law.

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702.10.3 REDACTION

Redactions shall be made in accordance with the law.

702.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

Recordings withheld from public disclosure will be made in accordance with law.

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Protected Information

703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Stanislaus County Probation Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

703.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Stanislaus County Probation Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

703.2 POLICY

Members of the Stanislaus County Probation Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

703.3 RESPONSIBILITIES

The Chief Probation Officer shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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The following uses are legitimate and appropriate uses of CLETS:

(a) Criminal history checks for the purpose of conducting investigations for court reports or other court hearings, to determine risk assessment, ensure officer safety, or to assess the potential threat of child endangerment.

(b) Communication with other system agencies when written correspondence is necessary and the U.S. Mail could not meet critical time deadlines.

703.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Stanislaus County Probation Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

703.4.1 LEVELS OF ACCESS REQUIREMENTS

(a) **Security** - All employees, volunteers, or contractors employed with or working in partnership with the Department shall be required to:

1. Submit fingerprints and gain clearance from the Department of Justice and FBI;
2. Read and sign the Stanislaus County Probation Department Employee/ Volunteer/Contractor Confidentiality Statement, copy of which will reside in a file kept in Human Resources;
3. Read and sign the Department of Justice CLETS Employee/Volunteer Statement, a copy of which will reside with the designated Agency CLETS Coordinator (ACC); and
4. Successfully complete and pass the Department of Justice CJIS Security Test every two years or as required by law.
5. Those employees, volunteers, or contractors who work after normal business hours or otherwise have unsupervised access will be required to successfully complete and pass a thorough background investigation executed by the department or designee approved by the Chief Probation Officer.

(b) **Less Than Full Access** - Employees, volunteers or contractors granted less than full access by the Chief Probation Officer or his/her designee shall be required to:

1. Meet all the requirements of the security level of access noted above;
2. Must successfully complete and pass a thorough background investigation executed by the department or designee approved by the Chief Probation Officer without exception;

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3. Successfully complete and pass the Department of Justice CJIS Less Than Full Access training every two years or as required by law;
4. After meeting the requirements above, the employee will be granted an authentication key to use for accessing protected information from the ACC.

(c) **Full Access** - Employees granted full access by the Chief Probation Officer or his/her designee shall be required to:

1. Meet all the requirements of the Security level of access noted above;
2. Successfully complete and pass a thorough background investigation executed by the department or designee approved by the Chief Probation Officer without exception;
3. Successfully complete and pass the Department of Justice CJIS Full Access training every two years or as required by law;
4. After meeting the requirements above, the employee will be granted an authentication key to use for accessing protected information from the ACC.

703.4.2 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

703.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

(a) **Right to know** - The right to obtain Criminal Record Information pursuant to court order, statute or decision law.

(b) **Need to know** - The necessity to obtain Criminal Record Information in order to execute official responsibilities.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Division Director for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Clerical Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

All documents containing juvenile offender information and/or criminal offender record information as defined by California Penal Code § 11075 that are authorized to be released shall be stamped

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as "controlled documents" and shall have release information entered into "Controlled Documents" log prior to release.

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

Release of all offender information and records shall be controlled by current laws and standards provided by:

(a) Applicable Penal Code and Welfare and Institutions Code Sections.

(b) California Department of Justice Regulations.

(c) Court order.

703.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

703.6 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

703.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others

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when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

703.7 RETENTION AND DESTRUCTION OF OFFENDER RECORD INFORMATION

Records of all persons currently or formerly under the jurisdiction of the Department, or records of all persons formally referred to the Department, will be maintained in compliance with current security regulations and will only be discarded or destroyed according to law.

(a) Adult and juvenile records may be physically destroyed five years after the jurisdiction of the Court has expired.

(b) Juvenile records that have been sealed may be destroyed only after five years has elapsed from the date of sealing.

(c) Records of juvenile or adult offenders contained in the department's current automated data system will be deleted only when an appropriate Court order is received pursuant to Welfare and Institutions Code § 781 or Penal Code § 1203.45.

703.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

703.9 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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Computers and Digital Evidence

704.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

704.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with a case number and evidence item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Evidence Room.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and

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disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

704.2.1 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

704.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(d) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

704.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container or in a faraday bag, to prevent the device from sending or receiving information from its host network.

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(c) When seizing the devices, reasonable attempts should be made to seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

704.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

704.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

704.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence room as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The IT staff are the only members authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier.

(d) IT staff will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the IT staff will erase the memory card for re-use. The storage media will be marked as the original.

704.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

704.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only IT staff are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

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(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Chapter 8 - Custody

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Custodial Searches

800.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Stanislaus County Probation Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

800.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

800.3 FIELD AND TRANSPORTATION SEARCHES

An officer shall conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer shall be present during the search.

If a search is necessary for a Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) individual, the transgender or intersex individual may request that either a male or female staff member conduct the search. Staff shall accommodate this request when possible and

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consistent with maintaining safety and security. If the individual has no preference, he or she will be searched by a staff member of the same biological sex.

800.4 SEARCHES AT PROBATION FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Stanislaus County Probation Department facilities. Except in exigent circumstances, the search should be conducted by an officer of the same sex as the individual being searched. If an officer of the same sex is not available, an on-duty Supervising Probation Corrections Officer (SPCO) must approve the pat down search in advance and a witnessing officer must be present during the search. A transgender or intersex individual may request that either a male or female staff member conduct the search. Staff shall accommodate this request when possible and consistent with maintaining safety and security. If the individual has no preference, he or she will be searched by a staff member of the same biological sex.

The SPCO must document the unusual circumstances necessitating this action in an incident report and submit it to the Superintendent. Whenever pat down searches are conducted, officers shall wear gloves.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

800.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy and the Juvenile Institutions Admittance Procedures, Section 4.3.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member.

800.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added,

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the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope. Any currency of $1.00 and over is to be placed in the safe.

800.5 STRIP SEARCHES

No individual in temporary custody at any Stanislaus County Probation Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

800.5.1 STRIP SEARCH PROCEDURES

Strip searches at Stanislaus County Probation Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030) and as indicated in the Juvenile Institutions Admittance Procedures, Section 4.3; 4.3.8 Strip Search Procedure and Regulations :

(a) Written authorization from the Supervising Probation Corrections Officer (SPCO) shall be obtained prior to the strip search.

(b) All officers involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second officer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

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(e) Officers conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary officer conducting the search shall prepare a written incident report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Supervisor.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No officer should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the SPCO shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

800.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

No strip searches shall be conducted in the field. Should an officer suspect an individual in custody to have hidden contraband he/she shall request the individual to voluntarily remove the item at the site, while maintaining visual sight, while allowing a reasonable amount of privacy. Restraints may be adjusted to allow removal of any concealed contraband, however clothing shall remain intact.

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800.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and Superintendent and only upon a search warrant, which shall be requested by the On-Call Deputy Probation Officer. (This does not include the ears, nose and mouth). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department officers needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented in an incident report, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Supervisor's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

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800.7 TRAINING

The Division Director assigned to the Professional Standards unit shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Prison Rape Elimination

801.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against youth detained in the Stanislaus County Probation Department Secure Juvenile Facilities (28 CFR 115.111; 15 CCR 1029).

801.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.6; 15 CCR 1006).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above

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- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

801.2 POLICY

The Stanislaus County Probation Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Stanislaus County Probation Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

801.3 PREA COORDINATOR

The Chief Probation Officer shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Stanislaus County Probation Department Secure Juvenile Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Secure Juvenile Facilities. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).
2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual

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abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Secure Juvenile Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Secure Juvenile Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved detainees, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

801.4 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION

Detainees may make reports Tto any staff member verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

801.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Secure Juvenile Facility.

(b) Retaliation against detainees or the member who reports any such incident.

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(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

801.4.2 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor shall report to the facilities managers all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Stanislaus County Secure Juvenile Facility to another secure facility or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

801.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171). Such investigations will be referred to law enforcement for investigation.

801.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that

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could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a department officer (28 CFR 115.164).

801.5.2 INVESTIGATOR RESPONSIBILITIES

The local law enforcement agency of jurisdiction shall be notified so that they may initiate a criminal investigation.

801.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether member actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

801.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

801.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief Probation Officer, or if the allegations may reasonably involve the Chief Probation Officer, to the Assistant Chief Probation Officer. The Chief Probation Officer or Assistant Chief Probation Officer shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All members shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief Probation

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Officer shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

801.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee and Compliance Officer shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee and Compliance Officer shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

801.7 REVIEWS AND AUDITS

801.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

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The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief Probation Officer and the PREA Coordinator/Compliance Officer. The Chief Probation Officer or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

801.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief Probation Officer and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Secure Juvenile Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Stanislaus County Probation Department Secure Juvenile Facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

801.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

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All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

801.9 TRAINING

All members, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Division Director assigned to the Professional Standards unit and the Compliance Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of detainees to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Division Director assigned to the Professional Standards unit and the Compliance Officer shall maintain documentation that members, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current members and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The Department shall provide annual

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refresher information to all such members and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 9 - Personnel

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Recruitment and Selection

900.1 PURPOSE AND SCOPE

This policy provides a framework for member recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules and Approved Local Merit System that governs employment practices for the Stanislaus County Probation Department and that are promulgated and maintained by the Human Resources Department.

900.2 POLICY

In accordance with applicable federal, state, and local law, the Stanislaus County Probation Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

900.3 RECRUITMENT

The Human Resources Manager should employ a comprehensive recruitment and selection strategy to recruit and select members from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

The Human Resources Manager shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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900.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Medical and psychological examination (may only be given after a conditional offer of employment)

(i) Review board or selection committee assessment

See the Stanislaus County Probation Department Hiring Process Guide for further information on procedures used in the selection process.

900.4.1 VETERAN'S PREFERENCE

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Special Recruitments/Veterans Preference Program; Board of Supervisors Resolution Adopted January 18, 2011; Resolution #2011-049, Tab 6 - Hiring Preference for Veterans.

900.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Stanislaus County Probation Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

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900.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

900.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

900.5.3 REVIEW OF SOCIAL MEDIA SITES

Notwithstanding California Labor Code Section 980, the department may access the social media accounts of new hire or lateral transfer applicants for sworn peace officer positions to verify his/her personal integrity and high ethical standards only if the applicant consents and signs a consent form prior to the review, and only under the following conditions:

(a) The applicant will not be required to divulge his/her username or password for any social media account;

(b) The applicant understands access to his/her social media accounts will not be used to view third-party personal information that belong to other persons;

(c) The applicant's consent does not extend to allow access to or to record the content of electronic mail, electronic messaging, instant messaging, text messaging, or other communications transmitted bi-directionally between two or more parties that are intended to be private conversation, or to gain further access to the applicant's accounts;

(d) The applicant will access his/her social media accounts in the presence of an authorized department background investigator;

(e) The background investigator will be limited to viewing the applicant's private social media accounts once during the course of the background investigation process;

(f) The applicant will be permitted to comment or explain the content or context of any part of his/her social media accounts;

(g) Information gathered or viewed, intentionally or unintentionally, about the applicant or a third party shall only be used for the purpose of pre-employment screening and in no event shall the information be used as a basis for any action against the applicant, including, but not limited to, administrative, civil, or criminal action, except as allowed or required by law;

(h) The department shall not access, retain, or solely act upon information posted by a third party; and

(i) The department shall ensure that potential impermissible information does not become available to any person involved in the candidate selection process.

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900.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

900.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

900.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief Probation Officer, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Stanislaus County Probation Department or is transferred to a different department within the County as provided in 11 CCR 1953(f).

900.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

900.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer

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Standards and Training (POST) developed a Job Dimensions list, which is used as a professional guide in background investigations.

900.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 21 years of age for full-time employment

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two year, four year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional or mental condition which might adversely affect the exercise of peace powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

  (a) Reading and writing ability assessment (11 CCR 1951)

  (b) Oral interview to determine suitability for peace officer service (11 CCR 1952)

900.7.2 ESSENTIAL FUNCTIONS AND MINIMUM REQUIREMENTS

In addition to the above minimum POST required standards, the California Board of State and Community Corrections (BSCC) published an extensive job task analysis and use of equipment for the peace officer classifications as defined under Penal Code Section 830.5(a) and 830.5(b) to establish the importance and frequency of tasks performed by the aforementioned peace officer classifications. Candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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Civilian Personnel Recruitment and Selection

901.1 PURPOSE AND SCOPE

This policy provides a framework for member recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern the Approved Local Merit System and employment practices for the Stanislaus County Probation Department that are promulgated and maintained by the Human Resources Department.

901.2 POLICY

In accordance with applicable federal, state and local law, the Stanislaus County Probation Department provides equal opportunities for applicants and members, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, member or group of members unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 5 – Recruitment/Selection and Tab 7 – Pre-Employment/Post-Offer Ordinances.

901.3 RECRUITMENT

The Human Resources Manager should employ a comprehensive recruitment and selection strategy to recruit and select members from a qualified and diverse pool of candidates.
The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) The Human Resources Manager shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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901.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Review board or selection committee assessment

Refer to the Stanislaus County Probation Department Hiring Process Guide for further information on procedures used in the selection process.

901.4.1 VETERAN'S PREFERENCE

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Special Recruitments/Veterans Preference Program; Board of Supervisors Resolution Adopted January 18, 2011; Resolution #2011-049, Tab 6 - Hiring Preference for Veterans.

901.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Stanislaus County Probation Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

901.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

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901.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

901.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Division Director shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Director should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Division Director should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

901.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

901.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

901.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief Probation Officer, be conducted in lieu of a complete new background investigation on a civilian candidate who is reappointed within 180 days of voluntary separation from the Stanislaus County Probation Department or is transferred to a different department within the County as provided in 11 CCR 1953(f).

901.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred

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- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

901.7 EMPLOYMENT STANDARDS

Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the Approved Local Merit System (Government Code § 19800-19810 et seq.) and the high standards of integrity and ethics valued by the Department and the community.

901.7.1 STANDARDS FOR CIVILIAN APPLICANTS

Candidates shall meet the minimum standards:

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 18 years of age for full-time employment

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation

(f) High school graduate, passed the GED or other high school equivalency test

All members are to follow the guidelines as outlined in the Stanislaus County Probation Department Background Investigation Manual.

901.7.2 ESSENTIAL FUNCTIONS AND MINIMUM REQUIREMENTS

In addition to the above minimum standards, the department has established additional standards informed by an independent job task analysis for each job classification that identifies essential and marginal physical job functions.

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Evaluation of Employees

902.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the member, providing recognition for good work and developing a guide for improvement.

902.2 POLICY

The Stanislaus County Probation Department utilizes an Employee Performance Appraisal report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and member. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates members in a non-discriminatory manner based upon job-related factors specific to the member's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 19, Section 3.08.070, Performance Evaluation Policy.

902.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by the supervisor who supervised the member for the longest period of time during the rating period. Other supervisors directly familiar with the member's performance during the rating period should be consulted by the supervisor writing the evaluation for their input. Thereafter, the supervisor should meet at least quarterly with each member to review and document their performance. When performance deficiencies exist, the supervisor shall advise the member of:

(a) Any work related deficiency in a timely manner

(b) Remedies, if available, to correct such deficiency

(c) Provide reasonable assistance and training as practical to help the member overcome such deficiency

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each member upon change of a new assignment.

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The supervisor shall rate the member on each performance factor provided in the Employee Performance Appraisal form by comparing the member's performance to the standards described in the corresponding Performance Action Planning form.

Assessment of a member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and members with opportunities to correct performance issues as they arise.

Non-probationary members demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Members who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

Performance evaluations may be considered in approving transfers, promotions, salary increases, demotions, discharges and other personnel actions.

902.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. During the probationary period, both non-sworn and sworn staff will receive a performance evaluation at the mid-point (six months).

Upon recommendation for permanent appointment or extension of probationary period, a performance evaluation must be completed.

902.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent members are subject to the following types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the member's immediate supervisor on the anniversary of the member's date of hire except for members who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the member's date of last promotion.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.).

Additionally, appropriate documentation may be required upon promotion, demotion, resignation or dismissal of permanent employees, or a recommendation to withhold step increase.

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902.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the member's performance. The definition of each rating category is as follows:

Exceeds Expectations - Represents performance that is better than expected of a fully competent member. Member's performance is characterized by high quality and quantity of work in the accomplishment of position duties and goals. Member contributed innovative and workable solutions in meeting performance objectives and maintaining a high level of service to department customers. Member requires less supervision than required by acceptably performing members in the same position.

Meets Expectations - Is the performance of a fully competent member. It means satisfactory performance that meets the standards required of the position.

Does Not Meet Expectations - Is a level of performance less than that expected of a fully competent member and less than standards required of the position. Documentation of unacceptable performance is required, along with specific recommendations for improvement. A specific plan to correct the deficiencies may be included, along with a caution to the member that if the recommended improvements do not occur, the member may be reevaluated, which may result in disciplinary action, including demotion, suspension, or discharge. A definitive time frame within which the suggested improvements must be achieved must be included, with a statement that the member will be reevaluated at the conclusion of the time frame indicated. A does not meet expectations rating must be thoroughly discussed with the member.

A Performance Improvement Plan may be implemented and included in the performance evaluation for any ratings of "does not meet expectations."

902.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the member in a timely manner. The supervisor should discuss the results of the just completed rating period and clarify any questions the member may have. If the member has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and member should sign and date the evaluation. No performance evaluation shall be placed in the member's personnel file if the member has not been given the opportunity to discuss the evaluation with the rater or to respond in writing. Members that disagree with their evaluation may submit an attachment to the evaluation depicting their position or may follow standard department complaint procedures.

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902.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the member, the signed performance evaluation is forwarded to the rater's supervisor (Division Director). The Division Director shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Director shall evaluate the supervisor on the quality of ratings given.

902.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the member's personnel file in the office of the Human Resources Manager for the tenure of the member's employment. A copy will be given to the member and a copy will be forwarded to County Human Resources Department.

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Special Assignments and Promotions

903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Stanislaus County Probation Department.

903.1.1 GENERAL REQUIREMENTS FOR POSITION ASSIGNMENTS AND TRANSFERS

The following guidelines for allocating position assignments and transfers of department members are as follows:

(a) Position assignments and transfers are intended to support the mission of the department and the professional growth of departmental member(s). Decisions regarding initial assignment and subsequent transfers are within the discretion of the Chief Probation Officer and are not subject to appeal. No section of this policy shall be construed as to limit the authority of the Chief Probation Officer to assign departmental members to any position within the same classification throughout the department at any time.

903.1.2 INITIAL POSITION ASSIGNMENT

All newly appointed/promoted staff members will be assigned to a position based upon the needs of the department and the newly appointed/promoted staff member's level of knowledge and abilities to perform the required job duties.

903.1.3 ASSIGNMENT TRANSFERS

A transfer is a change in work assignment from one working unit or division to another. Transfers for clerical staff are considered between adult clerical, juvenile clerical and institutions clerical. Transfers for institutions members are considered between Alternative to Custody Programs, Juvenile Hall and the Commitment Facility. Assignment changes within Juvenile Hall and the Commitment Facility are not considered transfers and are not subject to the provisions of this policy.

(a) A voluntary transfer is a change in work assignment at the request of the member being transferred. An administrative transfer is a change in work assignment deemed necessary by department management, but not at the request of the member being transferred.

903.1.4 VOLUNTARY TRANSFERS

Eligibility for volunteer transfers is as follows:

(a) Members must complete a minimum of 12 months of active service in their current work assignment to be eligible to request a transfer to another work assignment. Members who have received an administrative transfer to a new work assignment are not required to wait the minimum 12 months to submit a new transfer request.

(b) Members must be currently performing at a meets expectation or above level of performance to be eligible to request a transfer to another work assignment.

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903.1.5 PROCEDURES FOR REQUESTING A VOLUNTARY TRANSFER

Members who would like to request a voluntary transfer are to complete the Admin Form #1029 and submit it to their supervisor. The supervisor will forward the request to the Division Manager/ Assistant Chief Probation Officer for review and then to Human Resources for inclusion in the request for transfer file.

(a) Members may submit a request for voluntary transfer at any time during the year for any work assignment. The work assignment does not have to be vacant for a staff member to request a transfer to that assignment.

(b) Members may withdraw or change their transfer request at anytime by forwarding a new request form through their supervisor. All transfer request forms will be purged from the active file once per year on January 1st.

(c) Members being transferred or reassigned will be informed in person or by telephone prior to an announcement to the rest of the department.

903.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Stanislaus County Probation Department's Human Resource Department.

903.3 POLICY

The Stanislaus County Probation Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief Probation Officer.

903.4 SPECIAL OR COLLATERAL ASSIGNMENT POSITIONS

Refer to the applicable Memorandum Of Understanding for your respective bargaining unit.

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Grievance Procedure

904.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Stanislaus County Probation Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

904.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Department rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

904.2 POLICY

It is the policy of this department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Procedures for Settling Grievances and Procedures for Settling Grievances Including Binding Arbitration (MOU); Tab 27- General Complaint and Grievance Procedures.

Members should consult applicable bargaining unit agreement or Memoranda of Understanding (MOU) for more detailed guidelines.

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Anti-Retaliation

905.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

905.2 POLICY

The Stanislaus County Probation Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Whistleblower Policy, Tab 27- General Complaint & Grievance Procedures.

905.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.

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- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

905.4 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Human Resources Manager for investigation pursuant to the Personnel Complaints Policy.

905.4.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

905.5 RECORDS RETENTION AND RELEASE

The Human Resources Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

905.6 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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Reporting of Employee Convictions

906.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties. Therefore, all members shall be required to promptly notify the Chief Probation Officer of any past and current criminal convictions, to include their arrest.

906.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

906.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on an officer's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with probation department duties and the public trust.

906.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief Probation Officer in the case of

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retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

906.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any member falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each member shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the member's own resources and on the member's own time.

Pending satisfactory proof of relief from any legal restriction imposed on a member's duties, the member may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return a member to any assignment, reinstate any member or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy and in accordance with the member's respective Memorandum of Understanding (MOU).

906.5.1 NOTIFICATION REQUIREMENTS

The Human Resource Manager or designee shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Human Resource Manager or designee shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

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Drug- and Alcohol-Free Workplace

907.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

907.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Drug Free Workplace Policy, Tab-8 Drug Free Workplace Policy.

907.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

907.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

907.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

907.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

907.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Members should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

907.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall immediately notify a Manager, Division Director, the Assistant Chief Probation Officer or the Chief Probation Officer.

907.7 REQUESTING SCREENING TESTS

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual Drug Free Workplace Policy, Tab-8.

907.7.1 SCREENING TEST REFUSAL

A member may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, the member must provide within two (2) working days of request bona fide verification of a current valid prescription in the member's name for any potentially impairing medication identified when a drug screening/test is positive. Extensions of time beyond the two working days may be granted upon the showing of good cause. A member must abide by the regulations of the Federal Drug-Free Workplace Act of 1988. Thus, such members who are convicted after March 18, 1989 of any criminal drug statute for

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a violation occurring in the workplace must notify the Chief Executive Officer no later than five (5) days after the conviction. Once the County is notified of the conviction, the County must then notify the appropriate Federal agency of the conviction. With respect to any member so convicted, the County will take appropriate personnel action up to and including termination. As a condition of continued employment, the County may require the convicted member to satisfactorily participate in an approved drug abuse rehabilitation program.

(c) Violates any provisions of this policy.

907.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

907.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the member's other personnel files.

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Sick Leave

908.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible members are detailed in the County personnel manual or applicable collective bargaining agreement.

908.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide eligible members with a sick leave benefit.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11- Leave Time Benefits.

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Communicable Diseases

909.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

909.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Stanislaus County Probation Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

For purposes of this policy, the department's Safety Analyst will be designated as the Exposure Control Officer (ECO), the officer liaison, and the designated officer.

909.2 POLICY

The Stanislaus County Probation Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

All members are to follow the guidelines as outlined in the Stanislaus County Safety Manual, Tab 12- Infection Control Policy; Bloodborne Pathogens Policy; Aerosol Transmissible Disease Protection Policy.

909.3 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

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(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

909.4 EXPOSURE PREVENTION AND MITIGATION

909.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

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(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

  (a) Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately/taken to a commercial laundry or dry cleaners for cleaning.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

909.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

909.5 POST EXPOSURE

909.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

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909.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the On Duty Injuries Policy).

909.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

909.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

909.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

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Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

909.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

909.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

910.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Stanislaus County Probation Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

910.2 POLICY

The Stanislaus County Probation Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use can present an unprofessional image for the Departement. Therefore smoking and tobacco use is prohibited by members and visitors in all county facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Smoking, Tab 16- Employee Conduct/Behavior Expectations.

910.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Stanislaus County Probation Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

910.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

910.4.1 NOTICE

The Chief Probation Officer or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Personnel Complaints

911.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Stanislaus County Probation Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

911.2 POLICY

The Stanislaus County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

911.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

911.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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911.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

911.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

911.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the probation facility and be accessible through the department website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

911.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a fact finding summary report.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

911.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

911.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form or a fact finding summary report. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief Probation Officer or the authorized designee.

911.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

911.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the Division Director of the accused member, who will take appropriate action to include bringing the formal complaint to the attention of the executive team.
    (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Director or the Chief Probation Officer, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a fact finding summary report and forward the report to the Division Director.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Director, Assistant Chief Probation Officer and the Chief Probation Officer are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Department and the Division Director for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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(f) Forwarding unresolved personnel complaints to the Chief Probation Officer via the chain of command, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

  (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

  (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

911.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Stanislaus County Probation Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

  1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related

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investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

911.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Complaint Type- Choose the category or classification of the complaint.

Source of Allegation(s)- Identify how the complaint came to the attention of the department, along with who specifically received the complaint and the date and time the complaint was received.

Complaint Received- Identify how the complaint was communicated (i.e. telephone, written/typed correspondence, etc.).

Complainant/Source Information- Include the specific identifiers for the source of the allegation(s). This would include the source's name, address, telephone number and email address.

Subject Member(s)- Provide the name of the member(s) who is the subject(s) of the complaint.

Assigned Investigator(s)- Provide the name of the member(s) investigating the complaint.

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Allegation(s)- Include the charge(s) that gave rise to the investigation. This section should match the allegation(s) listed in the notice provided to the subject member(s) prior to any questioning.

Summary of Complaint- Provide a brief, concise overview of the allegation(s) of the complaint.

Investigative Timeline- In chronological order, include the milestones of the investigation. This would include when the complaint was made, when the investigation was assigned to investigators, date(s) of interview(s), reasons why the investigation may have been extended and the dates when subjects were provided with a notice to be interviewed.

Witness Contact Information- Include the name, title, address, phone number and email address for each non-subject who was interviewed.

Witness Interviews and Meetings- Provide the name and title for each non-subject who was interviewed, along with the date of their interview.

Interview Summary- Include a summary of each witness and subject interview.

Investigative Narrative- List each allegation and applicable policies, along with a brief summary of the corresponding evidence that was obtained during the investigation.

Evidence/Documents Reviewed/Attachments- Provide a list of all the physical items relied upon during the investigation. This should generally include recordings of interviews, signed witness/ subject notifications, incident reports, etc. All of the physical items should be submitted at the same time as the investigative report.

911.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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911.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

911.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

911.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

911.7.1 DISCLOSURE OF FINANCIAL INFORMATION

A member may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the member is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

911.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief Probation Officer or the authorized designee may temporarily assign an accused member to administrative leave. Any member placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

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(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The member may be required to remain available for contact at all times during such shift, and will report as ordered.

911.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Stanislaus County Probation Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

911.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Human Resources Manager. Copies of the investigative report will be prepared and distributed to each Division Director for the purpose of convening an Administrative Board of Review. The purpose of the Administrative Board of Review is to review the completed investigation, relevant documents, and evidence to determine findings and make recommendations to the Assistant Chief Probation Officer. The Assistant Chief Probation Officer will select a Division Director to chair the board. The Assistant Chief Probation Officer shall select a Division Director who does not directly oversee the same division as the subject. The remainder of the board will typically consist of department division directors and / or managers as assigned by the Assistant Chief Probation Officer.

The Assistant Chief Probation Officer will prepare a dispositional report reflecting the findings and recommendations of the board, a copy of all charges and materials relied upon in rendering findings and recommendations. Upon review, if the Assistant Chief Probation Officer determines that formal discipline should be recommended, he/she shall proceed with the procedures detailed in the Assistant Chief Probation Officer Responsibilities section of this policy below.The Assistant Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

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911.10.1 ASSISTANT CHIEF AND CHIEF PROBATION OFFICER RESPONSIBILITIES

The Assistant Chief Probation Officer shall review the recommendation and all accompanying materials. The Assistant Chief Probation Officer may modify any recommendation and/or may return the file to the Human Resources Manager for further investigation or action.

Once the Assistant Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Assistant Chief Probation Officer shall determine the amount of discipline, if any, that should be recommended. The Assistant Chief Probation Officer shall submit the written recommendation for formal discipline to the Chief Probation Officer. In the event formal disciplinary action is proposed, the Chief Probation Officer shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief Probation Officer shall also provide the member with:

(a) Access to all of the materials considered by the Assistant Chief Probation Officer in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief Probation Officer within seven days of receiving the notice.

    (a) Upon a showing of good cause by the member, the Chief Probation Officer may grant a reasonable extension of time for the member to respond.

    (b) If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. The Chief Probation Officer shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

911.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief Probation Officer or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

911.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

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911.11 PRE-DISCIPLINE MEMBER RESPONSE

The pre-discipline process is intended to provide the accused member with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The member shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The member may suggest that further investigation could be conducted or the member may offer any additional information or mitigating factors for the Chief Probation Officer to consider.

(d) In the event that the Chief Probation Officer elects to cause further investigation to be conducted, the member shall be provided with the results prior to the imposition of any discipline.

(e) The member may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.

911.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

911.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The member has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against amember covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

911.14 PROBATIONARY MEMBERS AND OTHER MEMBERS

At-will and probationary members and those members other than non-probationary members may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any

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probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary membersand those other than non-probationary members subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief Probation Officer or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief Probation Officer shall be final.

911.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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Seat Belts

912.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

912.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

912.2 POLICY

It is the policy of the Stanislaus County Probation Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

912.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

912.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

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912.5 TRANSPORTING SUSPECTS, PROBATIONERS OR ARRESTEES

Suspects, probationers and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Probationers in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

912.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief Probation Officer.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

912.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

912.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

913.1 PURPOSE AND SCOPE

The purpose of this policy is to provide probation officers with guidelines for the proper use of body armor.

913.2 POLICY

It is the policy of the Stanislaus County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

913.3 ISSUANCE OF BODY ARMOR

The Department Equipment supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Stanislaus County Probation Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Department Equipment supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

913.3.1 USE OF BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Armed officers are not required to wear body armor in the office.

(d) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(e) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(f) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(g) Officers who are not armed and who will be conducting routine field activities may choose to wear department owned body armor.

(h) All officers who are not armed and who will be conducting searches in the field, participating in multi-agency operations or sweeps, or anticipate making an arrest,

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shall wear a probation tactical vest and body armor.The officer shall also carry probation officer identification and shall display their probation officer badge in plain view.

(i) Officers electing to wear a probation tactical vest shall also wear body armor.

913.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by the officer for fit, cleanliness, and signs of damage, abuse and wear.

913.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the body armor cannot be located, the Department Equipment Supervisor shall contact the manufacturer to request care instructions.

Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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Personnel Records

914.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

914.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

Information regarding a current or former member's job performance, work history, employment status, discipline record, investigations/allegations of misconduct, personal identification and address, medical history, payroll record and application history is considered confidential and will only be released within the guidelines of this policy. Unless specifically identified within this policy, all member-related information shall be assumed to be confidential. All information regarding individuals who have applied for employment with the Probation Department is also considered confidential personnel information. Any questions or doubts regarding the confidentiality of member or applicant information should be referred to department management for review.

914.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status.

(d) Copy of performance evaluations.

(e) Discipline records, including copies of sustained personnel complaints.

  (a) Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).

  (b) Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

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1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

914.4 SUPERVISOR EMPLOYEE FILES

Supervisor Employee files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Supervisor Employee file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the member prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

See Procedures Manual on Personnel Records Files for further information.

Stanislaus County Probation Dept Procedures Manual: 900.1 PERSONNEL RECORDS - PROCEDURES

914.5 TRAINING FILE/TAB

An individual training tab within the member's personnel file shall be maintained by the Human Resources Manager for each member. Training files/tab will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Human Resources Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Human Resources Manager or supervisor shall ensure that copies of such training records are placed in the member's training file/tab.

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914.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs in conjunction with the office of the Chief Probation Officer. Access to these files may only be approved by the Chief Probation Officer or the Internal Affairs supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect a member's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

914.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

Access to member medical information is limited to department confidential or management personnel required to utilize medical information in the administration of department personnel operations. Medical information will be released to supervisory personnel only when necessary

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for a supervisor to perform their duties, responsibilities and to adequately supervise assigned personnel (including temporary or permanent medical work restrictions).

914.8 PRE-EMPLOYMENT BACKGROUND INVESTIGATION FILES

A Pre-Employment background investigation file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's pre-employment background investigation. In the event any legitimate organization is conducting a background investigation on a current or former member and has provided an acceptable signed "Release and Waiver" form or court order, the background investigator may be allowed to examine documents in the member's background investigation file.

914.9 SECURITY

Personnel records maintained by the department on current, former or prospective members should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Chief Executive Officer, County Counsel or other attorneys or representatives of the County in connection with official business.

Anyone authorized to remove a personnel file is responsible for its security and prompt return. Personnel files should not be left in plain view and should be locked in a secure area when not in use.

No personnel file shall be kept overnight in any location other than the designated personnel storage cabinet unless approved by department management.

914.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

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All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

914.9.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

914.9.3 LIMITATIONS ON RELEASE OF MEMBER INFORMATION

(a) For the purpose of employment verification or official government business, the member's full name, classification and title of employment, salary range and dates of employment and length may be provided without a release of information through the County Chief Executive Office.

(b) Members are prohibited from releasing confidential personnel information without the prior approval of department management. Information requests regarding any current, former or prospective member should be forwarded to the Human Resources Office.

(c) Information which exceeds that listed in Section (a) may be released through the department Human Resources Office upon receipt of a "Release and Waiver" form, which has been signed by the subject of the inquiry, or upon receipt of a lawful court order.

    1. Releases of information pursuant to a court order will be limited to the items specified in the order.

    2. The following information will not be released:

        (a) Opinions, conclusions of alleged incidents which are not documented in the subject's personnel file.

        (b) Information of a highly personal nature which may be contained in the personnel or background file, but which, in the opinion of the person releasing information, is not directly related to the subject's employment history or performance.

        (c) The home address and telephone number of any currently active sworn peace officer, unless the inquiry is being made by a governmental agency for legitimate governmental purposes.

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(d) Members are prohibited from identifying themselves by title or otherwise as a department employee when responding to a personal reference request for information. Such inquiries must be answered during off-duty hours without the use of any County resources.

1. No use of the responding member's title or affiliation with the department may be used.
2. Information or opinions gained as a result of any supervisor-subordinate relationship between the responding member and the subject of the inquiry shall not be released as part of the personal reference response.

(e) In the event any legitimate organization is conducting a background investigation on a current or former member and has provided an acceptable signed "Release and Waiver" form or court order, the background investigator may be allowed to examine documents in the subject's background investigation file, personnel file and supervisor employee file.

(f) Prior to releasing any information pursuant to a "Release and Waiver" form or court order, the form or order will be date stamped, marked with the name of the agency and person to whom it was released, and placed in the subject's personnel file.

914.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief Probation Officer through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments,

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management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

The right to have access to and/or to review personnel files shall be limited to the following persons:

(a) The member who is the subject of the file, provided that such review must be in the presence of a Human Resources staff member and pursuant to appropriate MOU provisions, and in accordance with the Peace Officers Bill of Rights.

(b) Department management and confidential members for purposes necessary to perform their duties.

(c) The member's immediate supervisor or other supervisory member for the purposes of completing an employee performance evaluation or other purposes approved by department management.

(d) Other persons who, pursuant to the provisions of this policy, may have access to information under the supervision of department management or a confidential member.

Files containing pre-employment background investigations will not be made accessible to any person without the prior approval of the department Human Resources Manager or Chief Probation Officer.

914.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief Probation Officer.

(c) If, in the opinion of the Chief Probation Officer, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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914.12 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief Probation Officer or the Internal Affairs supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

914.12.1 REDACTION

The Custodian of Records, in consultation with the Chief Probation Officer or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

914.12.2 DELAY OF RELEASE

Unless otherwise directed by the Chief Probation Officer, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

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(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the officer's use of force

914.12.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

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Fitness for Duty

915.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

915.2 MEMBER RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all members are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

915.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing a member, or receiving a report of a member who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the member to perform his/her duties.

(c) In the event the member appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Supervisor or member's available Division Director and the Assistant Chief Probation Officer, a determination should be made whether or not the member should be temporarily relieved from his/her duties.

(e) The Chief Probation Officer shall be promptly notified in the event that any member is relieved from duty.

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915.4 NON-WORK RELATED CONDITIONS

Any member suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

915.5 WORK RELATED CONDITIONS

Any member suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Supervisor and concurrence of a Division Director, Assistant Chief Probation Officer, and the Chief Probation Officer, any member whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the member and until such time as the following may be completed:

(a) A preliminary determination that the member's conduct appears to be in compliance with policy and, if appropriate.

(b) The member has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

An officer reassigned or placed on administrative leave following a shooting incident in which a person was injured or killed may undergo a psychological assessment on county time and at county expense prior to returning to an armed assignment or prior to field duty if reassigned. The purpose of the assessment shall be to provide information to the Chief Probation Officer regarding the officer's ability to undertake the responsibilities and duties associated with on-duty armed assignments. The assessment shall be a privileged communication from the psychologist to the Chief Probation Officer. After review of the assessment, the report shall be placed in a confidential medical file.

915.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that a member is unfit for duty, the Chief Probation Officer may serve that member with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the member's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the member is either fit for duty or, if not, listing any functional limitations which limit the member's ability to perform job duties. If the member places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any member, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

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(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the member's confidential personnel file.

(e) Any member ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once a member has been deemed fit for duty by the examining physician or therapist, the member will be notified to resume his/her duties.

915.7 APPEALS

A member who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

916.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all County employees that has been established by the Chief Executive Officer.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Time, Tab 10- Rest Periods/Breaks/Lunch, 3.32.090.

916.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide meal periods and breaks to members of this department in accordance with the applicable collective bargaining agreement or memorandum of understanding and the county personnel manual.

916.3 MEAL PERIODS

Institution staff assigned to the custodial facilities shall remain on duty subject to call during meal breaks. All other members are not on call during meal breaks unless directed otherwise by a supervisor.

An unpaid lunch period of at least one-half hour must be taken during each workday of six hours or more. A lunch break need not be taken for a workday of only six hours, upon mutual agreement of the member and supervisor. The usual one-hour lunch break may be shortened to one-half hour if approved by the member's supervisor.

916.4 15 MINUTE BREAKS

Each member is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of a member's shift unless approved by a supervisor.

Officers normally assigned to the custodial facilities shall remain on the custodial facility grounds for their breaks.

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Lactation Break Policy

917.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child (Labor Code 1034).

917.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for their nursing infant child (29 USC § 207;Labor Code § 1030).

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 10 – Time, Lactating/Breastfeeding Breaks.

917.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Labor Code 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor prior to taking such a break if the break would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

917.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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917.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends their shift.

917.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records

918.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

918.2 POLICY

The Stanislaus County Probation Department maintains timely and accurate payroll records.

918.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

918.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

918.5 RECORDS

The Human Resources Manager or designee, shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

919.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried members who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the member must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

919.1.1 DEPARTMENT POLICY

Because of the nature of probation operations, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt members are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor and either the Chief Probation Officer or designee prior to working the overtime. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Time, Tab 10-Overtime Policy.

919.2 REQUEST FOR OVERTIME COMPENSATION

Members shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

919.2.1 MEMBERS RESPONSIBILITY

Members shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor. Members submitting overtime cards for on-call pay when off duty shall submit cards to their supervisor the first day after returning for work.

919.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the member's time card, the overtime payment request form is forwarded to the member's Division Director for final approval.

919.2.3 DIVISION DIRECTOR'S RESPONSIBILITY

Division Directors, after approving payment, will then forward the form to the Chief Probation Officer for review.

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919.3 ACCOUNTING FOR OVERTIME WORKED

Members are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid. The member will enter the actual time worked.

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Outside Employment

920.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental members engaging in outside employment, all members shall obtain written approval from the Chief Probation Officer prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Employee Conduct/Behavior Expectations, Tab 16 – Conflict of Interest Policy, Code of Ethics and Outside County Employment (Moonlighting).

920.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those members who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

920.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief Probation Officer. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the member must complete a memorandum which shall be submitted to the member's immediate supervisor. The memorandum will then be forwarded through channels to the Chief Probation Officer for consideration.

If approved, the member will be provided with a copy of the approved memorandum. Unless otherwise indicated in writing on the approved memorandum, a memorandum will be valid through the end of the calendar year in which the memorandum is approved. Any member seeking to renew a memorandum shall submit a new memorandum in a timely manner.

Any member seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the request at the time of the denial (Penal Code § 70(e)(3)).

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920.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT MEMORANDUM

Any outside employment memorandum may be revoked or suspended under the following circumstances:

(a) Should a member's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief Probation Officer may, at his or her discretion, revoke any previously approved outside employment memorandum(s). That revocation will stand until the member's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment memorandum.

(b) Suspension or revocation of a previously approved outside employment memorandum may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment memorandum, a member's conduct or outside employment conflicts with the provisions of department policy, the memorandum may be suspended or revoked.

(d) When a member is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment memorandum may be subject to similar restrictions as those applicable to the member's full time duties until the member has returned to a full duty status.

920.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment request submitted by a member seeking to engage in any activity which:

(a) Involves the member's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the member, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the member's duties as a member of this department.

(c) Involves the performance of an act in other than the member's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.

(d) Involves time demands that would render performance of the member's duties for this department less efficient.

(e) The member's County duties could be affected or influenced by the outside activity.

(f) The members County duties could create or enhance the income or other interest of the outside organization or entity.

(g) The outside activity is of such a nature that it does not reflect positively on the public image and best interests of the Department and/or County.

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(h) The outside activity constitutes behavior unbecoming a County member.

(i) In the case of sworn members, the outside activity creates a potential conflict with the peace officer status of their County employment.

920.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief Probation Officer in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all members requested for such outside security services.

(c) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief Probation Officer.

920.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official probation department action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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920.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Chief Probation Officer undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

920.4 DEPARTMENT RESOURCES

Members are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the member's position with this department.

920.4.1 REVIEW OF FINANCIAL RECORDS

Members approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that a member provide his/her personal financial records for review/ audit in order to determine whether a conflict of interest exists. Failure of the member to provide the requested personal financial records could result in denial of the off-duty work request. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the member provide his/her personal financial records for review/audit. If the member elects not to provide the requested records, his/her off-duty work request may be revoked pursuant to the Revocation/Suspension of Outside Employment Memorandum section of this policy.

920.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his or her outside employment during the period of a valid memorandum, the member shall promptly submit written notification of such termination to the Chief Probation Officer through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief Probation Officer any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

920.6 COMMUNITY ORGANIZATIONS/VOLUNTEER WORK

The Stanislaus County Probation Department encourages its members to engage in and support volunteerism in the community. Members are encouraged to serve community-based organizations and non-profits on boards, committees, work groups. Members shall not provide any law enforcement sensitive information, (written, electronic, and/or verbal) or law enforcement consultation services. Any member wanting to serve and at the same time, represent themselves as a member of the Stanislaus County Probation Department, shall complete the Outside

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Outside Employment

Employment memorandum and process for review and approval to ensure there is no conflict of interest.

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Occupational Disease and Work-Related Injury Reporting

921.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

921.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

921.2 POLICY

The Stanislaus County Probation Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

921.3 RESPONSIBILITIES

921.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

921.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors are to inform the Safety Analyst and their Division Director whenever any occupational disease or work-related injury occurs immediately. Supervisors are required to investigate all occupational diseases or work-related injuries reported to them by their subordinates.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

921.3.3 DIVISION DIRECTOR RESPONSIBILITIES

The Division Director who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief Probation Officer, the County's risk management entity, and the Human Resources Division Manager to ensure any required Division of Occupational

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Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

921.3.4 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

921.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Director through the chain of command and a copy sent to the Human Resources Division Manager.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

921.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

921.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief Probation Officer with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief Probation Officer. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

922.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Stanislaus County Probation Department.

922.2 POLICY

Stanislaus County Probation Department members shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

922.3 GROOMING

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Chief Probation Officer has granted exception.

922.3.1 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles of all members shall be neat in appearance. Sworn-officers with excessively long hair should keep their hair tied or pinned back so that it cannot be readily grabbed.

922.3.2 MUSTACHES

A neatly trimmed mustache may be worn.

922.3.3 FACIAL HAIR

Facial hair shall be neatly trimmed.

922.3.4 FINGERNAILS

Fingernails shall remain clean, trimmed and not exceed a length that would interfere with the operation of safety equipment.

922.3.5 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

No jewelry or personal ornaments shall be worn by officers on any part of issued equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar when conducting field activity or when working in the institutions.

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922.3.6 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief Probation Officer.

922.4 TATTOOS

At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

922.5 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding or scarification, or burning to create a design or pattern.

922.6 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and not medically required is prohibited while on-duty or while representing the Stanislaus County Probation Department in any official capacity.

922.7 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and are not medically required are prohibited while on-duty or while representing the Stanislaus County Probation Department in any official capacity.

922.8 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised any time a request for religious accommodation is denied.

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Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

922.9 OFFICE ATTIRE - CASUAL FRIDAY

Denim jeans (including blue denim jeans) and tennis shoes are approved as appropriate office attire on Fridays for field services, administration, and clerical staff. Officers conducting field activities need to keep safety factors in mind and court officers must wear appropriate attire for these duties. No logo apparel is appropriate in the office at any time, except for Probation Department logos.

922.10 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief Probation Officer should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

923.1 PURPOSE AND SCOPE

The uniform policy of the Stanislaus County Probation Department is establised to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Members should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Stanislaus County Probation Department will provide uniforms for all members required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

Based upon institutional safety and security members assigned to work within the juvenile institutions are required to follow the policies and procedures outlined within the Stanislaus County Probation Department Juvenile Institutions policies and procedures, Section 2.5; Staff Attire.

923.2 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each member an official department identification card bearing the member's name, identifying information and photo likeness. All members shall be in possession of their department-issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, members shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Director.

923.3 MOURNING BADGE

Uniformed members may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:
An officer of this department - From the time of death until midnight on the 14th day after the death.
An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
Funeral attendee - While attending the funeral of an out of region fallen officer.
National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
As directed by the Chief Probation Officer.

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923.4 CLOTHING STANDARDS

All members shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(a) The following items shall be worn on duty by officers conducting field work where there is direct contact and visibility with the public:

1. Clothing that appears neat and clean without any visible holes or rips.
2. Closed-toed shoes or boots. Platform and high heels are not acceptable.
3. Officers not wearing clothing identifying them as peace officers shall wear their department-issued badge on the belt, adjacent to their firearm or around the neck.
4. Assignment Insignias- Assignment insignias (FTO, etc.) may be worn as designated by the Chief Probation Officer.
5. Flag pin- A flag pin may be worn, centered above the nameplate, as designate by the Chief Probation Officer.
6. Officers shall wear a nameplate or an authorized sewn on cloth nameplate affixed to their tactical vest on the right side, above the "Probation" patch and clearly visible.
7. When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the tactical vest.

(b) Members should be aware of the need to present a neat, well-groomed, and professional image while appearing in the courts, the office, and the public.

1. Button style shirts with a collar, slacks or suits, dresses, blouses and Battle Dress Uniform (BDU) pants are examples of professional attire.

923.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief Probation Officer, Stanislaus County Probation Department members may not wear any part of the uniform or department-issued equipment, be photographed wearing any part of the uniform/equipment, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another member, or identify himself/herself as a member of the Stanislaus County Probation Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

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923.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

Any optional equipment must be approved by the Chief Probation Officer and shall be documented by the Supervising Probation Officer.

(a) Any optional equipment approved by the Chief Probation Officer shall be purchased totally at the expense of the officer. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing officer. For example, repairs due to normal wear and tear.

(c) Replacement of items shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the officer bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the officer's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

923.6.1 RETIREE BADGES

The Chief Probation Officer may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Stanislaus County Probation Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

923.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Stanislaus County Probation Department members may not wear any uniform item, to include patches, accessory or attachment unless specifically authorized or by the Chief Probation Officer or designee.

Stanislaus County Probation Department members may not use or carry any safety item, tool or other piece of equipment unless specifically authorized or by the Chief Probation Officer or designee.

923.8 OFFICE ATTIRE-CASUAL FRIDAY

Denim jeans (including blue denim jeans) and tennis shoes are approved as appropriate office attire on Fridays for field services, administration, and clerical staff. Officers conducting field activities need to keep safety factors in mind and court officers must wear appropriate attire for these duties. No logo apparel is appropriate in the office at any time, except for Probation Department logos. (See the Personal Appearance Standards Policy)

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Nepotism and Conflicting Relationships

924.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Employee Conduct/Behavior Expectations Ordinances, Tab16- Employment of Relatives (Nepotism).

924.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department member's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department member's action, inaction or decisions are or may be influenced by the member's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or member vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - A member's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate member.

924.2 RESTRICTED DUTIES AND ASSIGNMENTS

.The Department will not prohibit all personal or business relationships between members. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

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(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the member is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with a person with a family-like relationship, victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, members shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, who has been convicted of a felony or a misdemeanor involving moral turpitude, parolee, fugitive or registered sex offender, person under the jurisdiction of the department, or who engages in serious violations of state or federal laws.

(f) All relationships between members and criminal justice clientele shall be maintained on a professional level.

1. No member may investigate, supervise or otherwise be involved in the processing of cases involving members of their immediate or extended family, persons with whom they maintain a family-like relationship, or persons with whom they have a social or business relationship.

2. No member shall access records of any type or in any other manner make inquiries regarding any adult criminal or juvenile case except as is required to carry out their official duties.

3. No member shall become involved with or interfere with the handling of any case under the department's jurisdiction unless such involvement is required by the member's official duties, or is approved by the probation officer assigned to the case.

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4. Members whose official responsibilities for a particular case have ended are expressly prohibited from maintaining a relationship with the case while it is under the jurisdiction of the department. Exceptions may be approved by a Division Director via the chain of command.

924.2.1 MEMBER RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the member knows or reasonably should know could create a conflict of interest or other violation of this policy, the member shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, the member shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the member shall promptly notify a supervisor and/or the Division Director to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

924.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer of such actual or potential violations through the chain of command.

Furthermore, upon being advised of such a conflict or situation, the supervisor, in consultation with the Division Director and the Assistant Chief Probation Officer, will determine if the case can be reassigned or if another probation department should be requested to handle the case.

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Department Badges

925.1 PURPOSE AND SCOPE

The Stanislaus County Probation Department badge and uniform patch as well as the likeness of these items and the name of the Stanislaus County Probation Department are property of the Department and their use shall be restricted as set forth in this policy.

925.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

925.2.1 CENTENNIAL BADGE

Sworn officers, with the written approval of the Chief Probation Officer may purchase, at his/her own expense, a centennial badge capable of being carried in a wallet or worn by officers. The use of the centennial badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the centennial badge he/she purchased to another officer within the Stanislaus County Probation Department with the written approval of the Chief Probation Officer.

(b) Should the centennial badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An officer may keep his/her centennial badge upon retirement or departure.

(d) The purchase, carrying or display of a centennial badge is not authorized for non-sworn personnel.

925.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn members shall be clearly marked to reflect the position of the assigned member (e.g. part-time, volunteer).

(a) Non-sworn members shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn members shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

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925.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement an officer may receive his/her assigned duty badge for display purposes (e.g., on a plaque). It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

925.3 UNAUTHORIZED USE

Except as required for on-duty use by current members, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current member of the Department or a retired officer.

Department badges are issued to all sworn officers and non-sworn uniformed members for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief Probation Officer.

Members shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

925.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief Probation Officer and shall be subject to the following:

(a) The member associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Stanislaus County Probation Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief Probation Officer.

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Temporary Modified-Duty Assignments

926.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of members under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

926.2 POLICY

Subject to operational considerations, the Stanislaus County Probation Department may identify temporary modified-duty assignments for members who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the member to work, while providing the Department with a productive member during the temporary period.

All members may refer to the Stanislaus County Interactive Process.

926.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to members with work-related injuries or illnesses that are temporary in nature. Members having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Stanislaus County Probation Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not a member right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the member's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict member working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

926.4 PROCEDURE

Members may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Members seeking a temporary modified-duty assignment should submit a written request to their Division Directors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the member can safely perform the duties of the temporary modified-duty assignment.

The Division Director will make a recommendation through the chain of command to the Chief Probation Officer regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the member. The Chief Probation Officer or the authorized designee shall confer with the Human Resources Department or the County Counsel as appropriate.

926.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to members assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the member's medical appointments, as mutually agreed upon with the Division Director.

926.5.1 MEMBER RESPONSIBILITIES

The responsibilities of members assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Director that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

926.5.2 SUPERVISOR RESPONSIBILITIES

The member's immediate supervisor may monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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(a) Periodically apprising the Division Director of the status and performance of members assigned to temporary modified duty.

(b) Notifying the Division Director and ensuring that the required documentation facilitating a return to full duty is received from the member.

(c) Ensuring that members returning to full duty have completed any required training and certification.

926.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, members shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning a member to full-duty status, in accordance with the Fitness for Duty Policy.

926.7 PREGNANCY

If a member is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the member will be treated the same as any other temporarily disabled member (42 USC § 2000e(k)). A pregnant member shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

926.7.1 NOTIFICATION

Pregnant members should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the member to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

926.8 PROBATIONARY MEMBERS

Probationary members who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

926.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Members assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Members who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Member Speech, Expression and Social Networking

927.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with member use of social networking sites and to provide guidelines for the regulation and balancing of member speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

927.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

927.2 POLICY

Public members occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Stanislaus County Probation Department will carefully balance the individual member's rights against the Department's needs and interests when exercising a reasonable degree of control over its members' speech and expression.

927.3 SAFETY

Members should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Stanislaus County Probation Department members, such as posting personal information in a public forum, can result in compromising an member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address or contact information of a fellow member.
- Otherwise disclosing where another member can be located off-duty.

927.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Stanislaus County Probation Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Stanislaus County Probation Department and tends to compromise or damage the mission, function, reputation or professionalism of the Stanislaus County Probation Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Stanislaus County Probation Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches,

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marked vehicles, equipment or other material that specifically identifies the Stanislaus County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

927.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, members may not represent the Stanislaus County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Stanislaus County Probation Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that a member, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Stanislaus County Probation Department.

Members retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, members may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Members are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another member to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

927.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

927.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief Probation Officer or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

927.7 TRAINING

Subject to available resources, the Department should provide training regarding member speech and the use of social networking to all members of the Department.

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Illness and Injury Prevention

928.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Stanislaus County Probation Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

928.2 POLICY

The Stanislaus County Probation Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

928.3 ILLNESS AND INJURY PREVENTION PLAN

The Human Resources Manager is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

928.4 HUMAN RESOURCES RESPONSIBILITIES

The responsibilities of the Human Resources Manager include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Respiratory protection (8 CCR § 5144)
   (b) Bloodborne pathogens (8 CCR § 5193)
   (c) Aerosol transmissible diseases (8 CCR § 5199)
   (d) Heat illness (8 CCR § 3395)
   (e) Personal Protective Equipment (PPE) (8 CCR 3380) (See the Personal Protective Equipment Policy)
   (f) Emergency Action Plan (8 CCR § 3220)
   (g) Fire Prevention Plan (8 CCR § 3221)
   (h) Hazards associated with wildfire smoke (8 CCR § 5141.1) Members may refer to the Stanislaus County Safety Manual, Wildfire Smoke Protection Program. http://intranet.co.stanislaus.ca.us/resources/safety-manual/safety-manual-files/tab-26-wildfire-smoke.pdf

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

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(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

928.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Supervisors are required to complete the Supervisor's Accident Investigation Report in the event that a member or volunteer suffers an accident, injury or illness on-duty. The report should be submitted to the Division Director for review and signature. Once all forms have been reviewed and signed, they should be forwarded to the Department Safety Analyst who will in turn forward the form(s) to the Stanislaus County Risk Management Division.

(e) Notifying the Human Resources Manager when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

928.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or

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remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Human Resources Manager via the chain of command.

The Human Resources Manager will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

928.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Human Resources Manager shall ensure that the appropriate documentation is completed for each inspection.

928.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field.

In accordance with Stanislaus County Safety Manual, Wildfire Smoke Protection Program, when the current AQI for PM2.5 is equal to or greater than 151, but does not exceed 500, the department shall provide N95 particulate respirators to all affected employees for voluntary use in accordance with Title 8 CCR, §5144 and encourage employees to use respirators.For voluntary use of filtering face pieces, such as N95 particulate respirators, fit testing and medical evaluations will not be required. http://intranet.co.stanislaus.ca.us/resources/safety-manual/safety-manual-files/tab-26-wildfire-smoke.pdf

928.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

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(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of the Supervisor Incident Investigation report.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the On Duty Injury Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

928.9 TRAINING

The Human Resources Manager shall provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

928.9.1 TRAINING TOPICS

The Human Resources Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

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(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

928.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Deaths

929.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Stanislaus County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

929.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

929.2 POLICY

It is the policy of the Stanislaus County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

929.3 EMERGENCY NOTIFICATION INFORMATION

Every member may complete an "Emergency Notification & Personal Request Packet", which will be used by the Department in the event that family notifications are necessary. Every member has the responsibility to keep this notification packet current.

Members who choose not to participate must keep their emergency contact information updated on the Employee Personal Information Change Form.

All reasonable efforts will be made to notify the member's designated notification representative.

929.4 INITIAL ACTIONS BY SUPERVISORS

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(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Chief Probation Officer or the authorized designee.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

929.5 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member's employee site file to obtain emergency contact information and/or the Emergency Notification & Personal Request Packet in an effort to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief Probation Officer, Supervisor or the authorized designee should select at least two members (see the Notification Team section of this policy) to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed. Inform family members slowly and clearly of the information available and be sure to use the member's name during the notification.

(b) Make the notification while inside the family residence and never on the doorstep. In the event of a life-threatening injury, if there is an opportunity to get to the hospital prior to the demise of the member, make every effort to allow the family this opportunity

(c) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

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(d) Plan for concerns such as known health concerns of survivors or language barriers. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence to coincide with the notification.

(e) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(f) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(g) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(h) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification. Notify any additional family members as requested by the family.

(i) Assist the survivors with meeting childcare or other immediate needs.

(j) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(k) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(l) Provide their contact information to the survivors before departing.

(m) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(n) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other Stanislaus County Probation Department members may be apprised that survivor notifications are complete.

929.5.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of

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the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

929.6 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief Probation Officer are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support team, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

929.7 LIAISONS AND COORDINATORS

The Chief Probation Officer or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Notification Team Liaison.

(c) Hospital Liaison.

(d) Survivor Support Liaison.

(e) Critical Incident Stress Management (CISM) coordinator.

(f) Funeral Liaison.

(g) Mutual aid coordinator.

(h) Benefits Liaison.

(i) Finance coordinator.

(j) Peer Support Liaison.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

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Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

929.7.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Director or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief Probation Officer. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral, if applicable, and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements, if applicable.

(f) Making necessary contacts for authorization to display flags at half-mast, if applicable.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

929.7.2 NOTIFICATION TEAM LIAISON

The Chief Probation Officer, Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain and/or members of the Peer Support Team. The Chief Probation Officer or authorized designee representing the department should be a member of the Notification Team.

Recognizing that this is the most critical area in helping mitigate, rather than escalate, the trauma for the family, the Division Director will provide as much information as is available to the Chief Probation Officer so that the Notification Team may be assembled (See the Notifying Survivors & Department Members sections of this policy).

929.7.3 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

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(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Stanislaus County Probation Department members (except for members who may be guarding the suspect).

(c) Coordinate security or armed officer(s) outside the hospital room during hospitalization of injured member, if applicable.

(d) Ensure that survivors receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Ensure hospital bills are directed to the Stanislaus County Risk Management Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork. This may require the Hospital Liaison to re-contact the hospital during normal business hours to ensure proper billing takes place.

(i) Ensure that Human Resources notify Risk Management of the incident.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Establishing a press staging area. Immediately notify the on-duty Public Information Officer (PIO) to respond. All news releases must be approved by the Chief Probation Officer or the authorized designee.
- Documenting his/her actions at the conclusion of his/her duties.

929.7.4 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

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The Survivor Support Liaison should be selected by the deceased member's Division Director. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (Chief Probation Officer) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

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(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

929.7.5 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

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(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

929.7.6 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish and as detailed in the member's Emergency Notification and Personal Request Packet. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements.

(b) Completing funeral notification to other law enforcement agencies, if applicable.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following, if applicable:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief Probation Officer and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

929.7.7 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Stanislaus County Probation Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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929.7.8 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the On Duty Injury Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Education benefits (Education Code § 68120)
2. Health benefits (Labor Code § 4856)
3. Worker's compensation death benefit (Labor Code § 4702)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by probation associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

929.7.9 FINANCE COORDINATOR

The finance coordinator should work with the Chief Probation Officer and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

929.7.10 PEER SUPPORT TEAM (PST)

The Stanislaus Probation Department Peer Support Program provides trained peers who are available as a resource to listen, support, or assist members and provide the following: support during professional or personal events; support during stressful or difficult periods in their life; or in the event of a critical incident.

(a) The role of the PST includes providing an informal network of resources and intervention voluntarily staffed by appropriately trained colleagues.

(b) The PST will work with the Chief Probation Officer and may be assigned to collaborate with any of the above listed liaison representatives and/or coordinators with their assignments, as appropriate.

929.8 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's Chief Probation Officer or the authorized designee should be the department's contact point for the media. As such, the Chief Probation Officer or the authorized designee should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the Chief Probation Officer or the authorized designee.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

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1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the Chief Probation Officer should request that the media withhold the information from release until proper notification can be made to survivors. The Chief Probation Officer should ensure that media are notified when survivor notifications have been made.

929.9 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

929.10 INVESTIGATION OF THE INCIDENT

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

929.11 LINE-OF-DUTY DEATH OF A PROBATION CANINE ANIMAL

The Chief Probation Officer may authorize appropriate memorial and funeral services for probation canine animals killed in the line of duty.

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929.12 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

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Department Liability and Risk Management

930.1 PURPOSE AND SCOPE

Members shall promptly notify department administration via the chain of command and complete an incident report when there is reasonable cause to believe a claim or lawsuit may be filed against the Department or the County.

Instances when this policy should be used include, but are not limited to, the following:

(a) The member becomes aware of someone's intent to file a claim or lawsuit against the Probation Department or any other county department. The member should not attempt to discern between serious statements of intent and an idle threat.

(b) The member receives a complaint regarding the actions of a County employee or department member which is basis for a potential claim or lawsuit. (Refer to Department policy; Personnel Complaints for precise instructions on handling complaints about members.)

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Employee Organization

931.1 PURPOSE AND SCOPE

The purpose of this policy is to provide procedures for meeting and conferring in good faith with recognized member organizations regarding matters that directly affect and primarily involve the wages, hours and other terms and conditions of employment of members in appropriate recognized bargaining units and that are not preempted by federal or state statute or county ordinance. This policy is intended to strengthen merit and other methods of administering employer-member relations through the establishment of uniform and orderly methods of communication between members, member organizations and the county. (Stanislaus County Personnel Ordinance; Chapter 3.68, Employer/Employee Relations; Code 3.68.020 -Purpose).

931.2 POLICY

Members shall have the right to form, join and participate in the activities of member organizations of their own choosing for the purpose of representation on all matters of employer-member relations including, but not limited to, wages, hours, and other terms and conditions of employment. Members shall also have the right to refuse to join or participate in the activities of member organizations and shall have the right to represent themselves individually in their employment relations with the county. No member shall be interfered with, intimidated, restrained, coerced or discriminated against because of the exercise of these rights. (Stanislaus County Personnel Ordinance; Chapter 3.68, Employer/Employee Relations; Code 3.68.050 -Employee Rights)

931.3 ORGANIZED ACTIVITY

All organizational activity will take place on the member's personal time except:

(a) Labor organization activities which are authorized or protected by applicable laws, regulations and agreements.

(b) Activities approved of and authorized by the Chief Probation Officer.

Organizational activities may take place using department facilities with the prior approval of the Chief Probation Officer.

(a) Such activities may not interfere with the normal course of business in the department.

(b) The individual rights of non-members will not be infringed upon by such activities.

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Educational Partnership Program

932.1 PURPOSE AND SCOPE

This policy provides guidelines for members seeking to improve their professional or educational level.

932.2 POLICY

It is the policy of the Chief Probation Officer to encourage members at all levels to seek to improve their knowledge and professional ability to serve the department and County.

932.3 SEEKING ADVANCED EDUCATION

To the extent practical, the department will attempt to accommodate members seeking advanced education to be available during hours when courses are offered by granting vacation requests, unpaid leaves of absence, or modifying work hours.

(a) In the granting of such requests, the primary concern will be the efficient running of the department.

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Use of Adoption Information

933.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the confidentiality of adoption information. This policy will be interpreted and applied to protect the privacy of individuals involved in adoption proceedings. This right to privacy will take precedence over other considerations.

933.2 POLICY

The adoption of an individual changes the adoptee's personal history. An adopted person's family relationships are those created by the adoption. All former "biological" relationships to parents, siblings, etc., cease to legally exist following the adoption (there may be some exceptions concerning specific inheritance rights under unusual circumstances).

Adoption proceedings are confidential, and adoption files are not to be researched for information to be used in other court proceedings. Therefore, with only specific exceptions listed in the Procedural Implementation section of this policy, adoption information shall not be retained in any probation department criminal or juvenile file, nor shall it be used in Court reports or other written documents prepared by the probation department for criminal or juvenile proceedings.

933.3 PROCEDURAL IMPLEMENTATION

When researching an individual's background, no attempt will be made to gain access to adoption file information, and information which is accidentally discovered will be disregarded.

(a) Do not make inquiries or record checks with the Community Services Agency Adoption Unit or the Superior Court Investigators who conduct child custody investigations.

(b) If checking a Juvenile Court or CSA dependency file, do not extract any information relating to adoption proceedings.

(c) If reviewing a probation department file, either juvenile or adult, and adoption reports or other documented information is discovered, it should be purged unless it was voluntarily provided by the adopted individual or the adopted individual's parents, if that individual is still a juvenile.

Defendants, youths, parents, and other involved parties will not be asked questions concerning adoption. If the defendant or youth, or the youth's parent, voluntarily states that the subject of the report has been adopted, that information may be included if the following conditions are met:

(a) The individual volunteering the statement must be informed of the right to absolute confidentiality, must agree to waive that right, with the waiver documented in the court report.

(b) The information included in the report is limited to the subject of the report, and no other individuals who previously were relatives of the adopted individual are identified by name.

(c) The information appears only in the section of the court report reserved for the statements of the individual who voluntarily disclosed the information.

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Use of Adoption Information

It is sometimes impossible to separate adoption history from the current proceedings, as in the case of emotionally disturbed adopted youth who become dependents of the court. In such cases, specific adoption information may be included in a court report if a Judge or Commissioner of the Superior Court makes a specific order which directs the release of the information to use for a specific purpose. Even in such cases, the following conditions must be met:

(a) The former parents, siblings, and other individuals who were previously relatives of the adopted youth will not be identified, unless they are volunteering information and/ or are waiving confidentiality, or the court orders such information be included.

(b) The information has an important bearing on the present criminal or juvenile proceedings.

The parents, siblings or other relatives of an adopted youth will be identified as the youth's relatives. Specifically, such titles as "Adoptive Mother," etc. will not be used.

The former relatives of an adopted youth will not be identified in any manner. Specifically, such titles as "Biological Father," will not be used.

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Workers' Compensation

934.1 PURPOSE AND SCOPE

To specify the requirements and benefits associated with Workers' Compensation.

934.2 POLICY

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11 - Leave Time Benefits; Workers' Compensation.

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Paycheck Distribution

935.1 PURPOSE AND SCOPE

To maintain County control over disbursement of pay warrants and to ensure the proper and confidential receipt of pay.

935.2 POLICY

All salaries shall be paid from the appropriate fund on the warrant of the Auditor-Controller and shall be in full payment for all services rendered, unless otherwise specifically provided.

Whenever compensation is fixed for any position at a rate per year, said compensation shall be paid to the member holding such position in biweekly installments as nearly equal as may be possible.

(a) Members may have their paychecks mailed directly from the Auditor-Controller's Office to a bank or other address by requesting this is writing.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 4 - Salary Compensation, Salary and Compensation Provisions.

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Child Welfare Services and Fostering Parenting

936.1 PURPOSE AND SCOPE

To avoid potential conflicts of interest and to protect individual member rights.

936.2 POLICY

All Probation Department members are prohibited from becoming a foster parent for any child adjudicated under Welfare and Institutions Code Section 601 or 602.

936.3 PROBATION OFFICER INTEGRITY RELATING TO CHILD WELFARE

A probation officer acting as an officer of the court shall not make an out-of-home placement of a dependent or ward of the court pursuant to WIC §16517 with any of the following:

(a) A relative of the probation officer responsible for the placement of the child.

(b) The spouse of a relative described in paragraph (a).

A probation officer acting as an officer of the court shall not receive compensation for the out-of-home placement of a dependent or ward of the court other than the compensation received as a member of the county or the state.

No probation officer acting as an officer of the court for purposes of this chapter shall, directly or indirectly, lobby for, act as a consultant to, enter into a business transaction with, acquire ownership of, or obtain a pecuniary interest in, any business, whether organized for profit or as a nonprofit entity, which has received any funds or income from court-ordered child welfare services pursuant to WIC §16516.

936.4 CHILD WELFARE DEFINED

As used in this policy, “child welfare services” means public social services that are directed toward the accomplishment of any or all of the following purposes: protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible; restoring to their families children who have been removed, by the provision of services to the child and the families; identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

“Child welfare services” also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation.

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Jury Duty

937.1 PURPOSE AND SCOPE

This policy provides guidelines for members called to serve as jurors.

937.2 POLICY

Members called for jury duty must inform their supervisor immediately and provide a copy of the summons.

Whenever a member is called to service (as opposed to standing by), upon returning to work, the member shall immediately submit a photocopy of the jury summons and provide proof of attendance. The proof of attendance shall state the judicial district in which he/she served and the number of days he/she served.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11 – Leave Time Benefits; Jury Duty.

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Military Leave

938.1 PURPOSE AND SCOPE

This policy provides guidelines for allowing members to meet military obligations.

938.2 POLICY

Military leave shall be governed by provisions of the Military and Veterans Code. (Prior code § 2-207(d)).

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11- Leave Time Benefits; Military Leave.

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Travel

939.1 PURPOSE AND SCOPE

This policy provides guidelines for members traveling on official business.

939.2 POLICY

Members operating county vehicles should be constantly aware that they are highly visible representatives of Stanislaus County and the Probation Department.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 17- Travel Policy and Title 3 Personnel; Chapter 3.56, Expense Reimbursement.

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Threats Against Members

940.1 PURPOSE AND SCOPE

To maximize the safety of department members by providing guidelines for the investigation of, and response to, threats made against members. This policy shall be liberally implemented to ensure the quickest possible processing of, and reaction to, threats. Under no circumstances will the unavailability of individuals within the department hierarchy delay the timely passing of information to those persons responsible for action.

940.1.1 DEFINITION

Threat - A threat is defined as any communication, either orally or in writing, which is made by any individual, which either explicitly or implicitly states an intention to cause harm to the person or property of any department member or immediate family of any department member.

940.2 NOTIFICATION OF THREATS

Immediately upon the receipt of any threat against a department member, the person receiving the threat shall, without any delay, notify the supervisor of the member threatened. Upon receipt of such notification, the supervisor shall immediately take the following steps:

(a) If the notification was made by someone other than the threatened member, the subject of the threat will be immediately notified.

(b) The supervisor will take immediate action, if necessary, to remove the threatened member from being placed in a position of jeopardy.

(c) The supervisor will, without delay, notify the Chief Probation Officer, through the chain of command, that a threat has been received.

940.2.1 INVESTIGATION OF THREATS

Immediately following the foregoing notifications, the threatened member's supervisor will take the following action:

(a) In consultation with the threatened member, the supervisor will ascertain the member's views of the threat regarding its seriousness and will note the member's recommended departmental response.

(b) The supervisor will inquire into the background of the person making the threat and will note any history of violence, assaultive behavior, emotional instability, and any other pertinent factors. If necessary, the supervisor will contact other persons with pertinent information in order to gain a thorough overview of the situation.

(c) Immediately upon completion of the information-gathering process, and in no event more than one working day following the notification of the threat, the supervisor will make a verbal report to the Chief Probation Officer, through the chain of command. Within one working day of the verbal report, the supervisor will submit a written report to the Chief Probation Officer detailing the threat, the supervisor's responses to it, the information gathered, and a recommendation as to what departmental course of action should be taken.

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940.3 DEPARTMENT ACTION AND RESPONSE TO THREATS

If it is concluded that the threat was groundless or that for whatever other reason the member threatened is in absolutely no jeopardy, the matter will be documented, the member will resume normal activities and the matter will be closed.

(a) If the threat appears to be serious and if, in the opinion of the department, the threat constitutes a violation of Section 71 of the Penal Code or some other statute, the matter will be referred to the appropriate law enforcement agency for a criminal investigation.

(b) If the threat appears serious and, while a law enforcement investigation is pending, or if a law enforcement investigation has been completed and the suspect has not been arrested, the department will, in concert with the threatened member, make a determination on a course of action that will insure the safety of the member.

940.3.1 FOLLOW-UP ACTIVITY

In any case where a threat against a department member has been evaluated as being serious, and where any course of action on the part of the department administration is taken other than closing the matter, there will be an administration review conducted not less than every 30 days to determine the status of the situation.

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Working Hours

941.1 PURPOSE AND SCOPE

This policy provides guidelines for establishing the working hours for all non-management members of the department as well as requesting and approving alternative and flexible work schedules.

941.1.1 DEFINITIONS

"Official County Work Week" and "Standard Work Week" - that 40-hour period beginning at 11:00 p.m. Friday and ending at 10:59 p.m. the following Friday.

"Usual Operating Hours" and "Usual Working Hours" - those days and hours when the Probation Department is customarily open to the public or conducting its business.

"Alternative Work Schedule" - any schedule worked on an ongoing basis, outside usual working hours. Common examples of alternative work schedules include 9/80 and 4/10 schedules.

"Flexible Work Schedules" - temporary, non-recurring schedules where members adjust their daily start or stop times for a specific, approved purpose. The member then adjusts his/her schedule to ensure that 40 hours of work are completed within the standard work week.

941.2 POLICY

Department work schedules shall reflect the needs of the department's customers and the need for efficiencies in member productivity. Alternative work schedules, as well as flexible work schedules, may be used to improve customer service and member productivity. Nothing in this policy shall limit the authority of the Chief Probation Officer to change and/or modify member work schedules as necessary.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 10 – Time/ Work Week/Breaks/Lunch/Overtime.

941.2.1 STAFFING

Supervisors shall maintain an appropriate level of staffing during usual operating hours and ensure that the use of flexible and/or alternative work schedules do not reduce the level of service provided to departmental customers.

941.3 INSTITUTION DIVISION

941.3.1 JUVENILE HALL AND JUVENILE COMMITMENT FACILITY HOURS

The Juvenile Hall and the Juvenile Commitment Facility shall be operated on a 24-hour per day basis without interruption. Juvenile Hall and Juvenile Commitment Facility members may expect to be routinely assigned to a variety of different shift schedules without regard to weekends or holidays.

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Facility members' work hours shall not exceed 16 consecutive hours on any given 24-hour work period, and staff members shall not work more than seven (7) consecutive days, unless required by the specific work assignment and with the approval of the Facility Superintendent. Supervising Probation Corrections Officers should consider reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

941.3.2 ALTERNATIVES TO CUSTODY PROGRAM OPERATING HOURS
Alternative Programs members may expect to be routinely assigned to a variety of different shift schedules without regard to weekends or holidays.

941.4 FIELD SERVICES AND ADMINISTRATION DIVISIONS

The normal business hours for the Field Services and Administration divisions is from 8:00 a.m. to 5:00 p.m., except Saturdays, Sundays, and holidays declared by the Board of Supervisors.

Members working more than 6 hours per day shall take a meal break on their own time during the course of the workday. The meal break may not be taken at the beginning or end of the workday, and is customarily one hour in length. Members may shorten the meal break to one half hour.

No member shall work more than 40 hours in any official County work week without the prior approval of his/her supervisor and final approval from the Division Director. (Refer to Overtime Compensation Requests Policy)

Unless required by the specific work assignment and with the approval of the Division Director or their designee, members shall not:

(a) Exceed 12 work hours in one 24-hour day; unless working a shift at the institutions, in which case members shall not work more than 16 hours in one 24-hour day

(b) Work more than 32 hours of overtime in any singular pay period

(c) Work more than six (6) consecutive days in any official County work week

941.5 ALTERNATIVE WORK SCHEDULES

Permanent, full-time members with a current satisfactory or above performance rating may request management approval to work an alternative work schedule using department form PROB ADMIN #1027. Members will be required to sign an agreement to the terms and conditions of the approved alternative work schedule.

Alternative work schedules are based on the current work assignment.

Alternative work schedules may be discontinued at any time. Management will attempt to provide advanced notice of changes to alternative work schedules whenever possible.

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941.6 FLEXIBLE WORK SCHEDULES

Occasionally, daily work hours may be adjusted outside of the usual working hours in accordance with business demand and with prior supervisory approval. Schedule adjustments should be non-recurring and must not reduce the level of service provided to departmental customers.

Members must coordinate the use of flexible time off with their supervisor in advance.

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Bereavement Leave

942.1 PURPOSE AND SCOPE

This policy provides guidelines for members use and reporting of bereavement leave.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11; Leave Time Benefits, Bereavement Leave.

942.2 POLICY

In the event of a death in a member's immediate family, bereavement leave may be granted to the member without charge to sick leave.

(a) Immediate family normally includes spouse, parents, children, siblings, parents-in-law, grandparents, grandchildren, great-grandparents and great-grandchildren.

(b) For reasons held to be sufficient by the Chief Probation Officer this definition may be expanded to include other persons with whom the member has enjoyed a parent or family-like relationship.

(c) If the deceased is not within the usual definition of immediate family, the member must submit a written statement explaining the parental or family-like relationship.

(d) Bereavement leave is intended to be used to allow members to attend the funeral of the deceased. Additional time beyond the day of the funeral may be authorized if the member is required to travel long distances to attend the funeral and/or in cases where the member is responsible for making funeral arrangements. The actual number of hours granted will vary, based on the individual circumstances of each case, but in no event may exceed 40 hours.

(e) Members must submit a request for bereavement leave in writing to the Chief Probation Officer via the chain of command, to obtain approval of the requested number of hours.

(f) Upon return to work, the member must complete a Bereavement Leave request form/ PeopleSoft indicating the total number of authorized hours of bereavement leave used.

Vacation requests or requests for unpaid leaves of absence for members who desire additional time off in conjunction with the amount of approved bereavement leave will receive every possible consideration.

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Unpaid Leaves of Absence

943.1 PURPOSE AND SCOPE

To establish policies for members taking unpaid leaves of absence.

943.2 POLICY

Members with permanent or probationary status may be granted an unpaid leave of absence for a period not to exceed one year for illness or disability, pregnancy, educational pursuits which would benefit the department, or other personal reasons approved by the Chief Probation Officer.

(a) Requests for leaves of absence must be made in writing to the Chief Probation Officer and must contain the date the leave is to start, the date the member expects to return and the specific reason for requesting the leave.

(b) The Chief Probation Officer and Chief Executive Officer may approve the request only if, in their opinion, the reason for the leave is acceptable.

(c) A request for an unpaid leave of thirty days or less shall not require the Chief Executive Officer approval.

(d) Unpaid leave time will not be approved for the purpose of routinely taking time off in excess or in lieu of accrued vacation hours.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11 – Leave Time Benefits; Leaves of Absence.

During an unpaid leave of absence, the member retains the right to return to County service, but does not receive service credits towards retirement and does not receive paid benefits, except as indicated in Section: Family & Medical Leave Act and California Family Rights Act of this policy.

943.3 FAMILY AND MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA RIGHTS ACT

The following summary is excerpted from the Stanislaus County Family Medical Leave of Absence (FMLA) Policy. Members contemplating using unpaid family medical leave should consult the current County policy in its entirety.

An eligible member is one who has worked for the County for a minimum of 12 months (does not have to be consecutive) and who has worked a minimum of 1250 hours during the 12 months prior to the requested leave effective date.

The Family and Medical Leave Act (FMLA) of 1993 allows an eligible members up to a total of 12 work weeks of unpaid protected leave of absence during a 12-month period for one or more of the following:

(a) The birth of a member's child and to care for the newborn child.

(b) Placement of a child with the member for adoption or foster care.

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(c) The member is needed to care for a family member (spouse, child or parent) with a serious health condition.

(d) Member's own serious health condition that makes the member unable to perform the functions of his or her job.

(e) Any qualifying exigency arising out of the fact that the spouse, child or parent is in the National Guard or a Reserve component of the Armed Forces, or of an Armed Forces retiree, who is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

In addition eligible members may take job protected leave up to a total of 26 work weeks in a "single 12-month period" to care for a covered service member with a serious injury or illness if the member is the spouse, child, parent or next of kin of the service member.

In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the member may work a part-time schedule.

a. Members must submit a written request on the appropriate family medical leave form to the Chief Probation Officer.
b. If the leave is foreseeable, the member must ordinarily provide 30 days advance notification of the leave.
c. If the leave is for a serious health condition, the Chief Probation Officer may require medical certification, a fitness for duty report prior to the member's return to work, and/or a second or third medical opinion.

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Approved Time Off/Dock Time

944.1 PURPOSE AND SCOPE

This policy provides guidelines for establishing the use of approved time off/ dock time by members.

944.2 PURPOSE

When circumstances necessitate and with the approval of the Chief Probation Officer, a member can take time off without compensation when he/she has run out of vacation and/or sick time. A leave of absence without pay must be approved in advance, except in the case of illness or disability when advance notice is impossible.

If a member has either vacation, sick, or comp time left on the books, the member cannot use Approved Time off (ATO).

Dock time occurs when a member takes time off from work without compensation for an unspecified reason. Dock (DOC) time can be:

(a) Used when the member has run out of vacation and/or sick time;

(b) Used when the member takes time off without the approval of the Chief Probation Officer.

DOC may be used even if the member has time on the books. For example, the member may have a leave restriction that does not allow the use of sick or vacation time in which case DOC time is used.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 10 – Time; Approved Time Off/ Dock Time.

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Attendance Requirements

945.1 PURPOSE AND SCOPE

This policy provides standard and expectations for member attendance.

945.2 POLICY

All members are required to report for work punctually and work all scheduled hours including any required overtime.

All members are required to report prepared to work each day they are scheduled to work, unless they have received approval to take time off in accordance with other departmental policies.

Regular attendance is essential to efficient departmental operations and is a necessary condition of employment. Excessive tardiness and/or poor attendance impact the overall job performance and productivity of members, and as such is an issue that may be addressed in performance evaluations and ratings.

All members are expected to remain on the job during their assigned hours of employment except:

(a) During authorized meal periods.

(b) During authorized breaks, not to exceed two 15-minute breaks per eight-hour work day. Breaks may not be taken at the beginning or end of the work day and may not be accrued.

(c) All Institutions staff assigned to an eight-hour shift, inclusive of the meal period, shall remain on the premises and be on-duty during their meal period.

Any member who is absent without authorization and without contacting his or her supervisor for three consecutive working shifts, or longer, will be presumed to have voluntarily resigned from County service, effective on the date at which the unauthorized absence began.

All members are to follow the guidelines as outline in the Stanislaus County Personnel Manual, Tab 10 – Time; Work Week / Breaks.

945.3 CALL-IN PROCEDURES

All members should notify the Shift/Unit Supervisor or appropriate supervisor, by telephone, as soon as they are aware that they will not be able to report to work and no less than two (2) hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246). If the member cannot reach his/her direct supervisor, a message must be left for that supervisor with a contact number where he/she may be reached. In the event that a member is unable to make direct contact with their supervisor a subsequent call shall be made during regular business hours in order to make direct contact with a department supervisor.

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Attendance Requirements

(a) All institutions staff assigned to shift schedules are expected to call the on-duty supervisor at least two (2) hours prior to their regularly scheduled start time so that replacement staff can be contacted.

(b) If a member must be absent a second or subsequent day, the supervisor must be called to verify continued sick leave status, unless the member has provided a doctor's verification of the illness with an indicated date the member will return to work.

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Health Insurance Portability and Accountability Act (HIPPA)

946.1 PURPOSE AND SCOPE

To establish guidelines and expectations of department members in dealing with Protected Health Information (PHI).

946.2 POLICY

This policy applies to all members, providers, volunteers, trainees, and personal service contractors employed by and working for the Probation Department.

Protected Health Information is defined as information that relates to the past, present or future physical or mental health condition of an individual, including the provision of healthcare and the payment for the provision of healthcare and which identifies the individual directly or indirectly.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 16 – Employee Conduct / Behavior Expectations; Health Insurance Portability and Accountability – HIPPA.

946.3 CONFIDENTIALITY AND SECURITY

Department members are responsible for protecting the security and confidentiality of all health information that is obtained, handled, learned, heard or viewed in the course of work or association with the department in accordance with existing County and departmental policies and procedures.

(a) "Protecting" shall mean employing all reasonable safeguards in using health information in the course of one's job relative to physical handling of information, verbally divulging any health information, transmitting health information in any format (fax, phone, printers, etc.), destruction of health information, utilizing security precautions in storing, retrieving, filing, and using health information during the course of one's job.

(b) Use or disclosure of health information shall be done in accordance with approved departmental policies and procedures which shall be based on an individual's need to know and using the minimal amount of health information.

(c) Unauthorized use or disclosure or health information shall result in an investigation and appropriate corrective action in accordance with department policies and procedures.

(d) All department members, volunteers, and contractors shall be required to review and sign a confidentiality statement to be maintained in the department personnel file.

946.4 ACCESS TO HEALTH INFORMATION/MINIMUM NECESSARY

Individual access to health information shall be based on requirements of each job and will be established to ensure that the minimum necessary PHI is available for each individual to accomplish their job requirements.

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946.4.1 ELECTRONIC TRANSMISSION OF PHI

All PHI documents transmitted electronically shall include the following documentation:

(a) "This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service."

946.4.2 DESTRUCTION OF PHI RECORDS

All PHI records contained within Probation Department files shall be destroyed in accordance with existing departmental policies and procedures, as well as applicable local, state and government code regulations. (See Protected Information Policy)

946.5 COMPLAINTS

Complaints regarding any alleged violation or compliance issues relative to privacy and confidentiality policies and procedures should be directed to the Division Director who will determine the appropriate course of action to take. A permanent record will be maintained of all such complaints with their disposition. The department will not take any punitive action against any individual filing a complaint.

Any known unauthorized use or disclosure of PHI by a member of the department's workforce shall be reported to the Division Director of the involved member who will take and document appropriate action to identify any harmful effects of the use or disclosure and to take any appropriate mitigation actions.

946.6 TRAINING

The Probation Department will provide initial and refresher training, as necessary, to all members on privacy and confidentiality policies and procedures. Such training, including attendance, will be maintained by the department for a period of at least six years. Refresher training will be provided annually.

(a) After initial training has been received by each staff member, each staff member will be required to sign and acknowledge receipt and understanding of the department's policies and procedures related to privacy and confidentiality of health information.

(b) HIPAA training shall be incorporated into the department training checklist for all new members.

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Vacations

947.1 PURPOSE AND SCOPE

To establish equitable guidelines for the use of earned vacation.

947.2 POLICY

All regular full-time members are entitled to earn and accrue vacation time in amounts established by the Board of Supervisors. Members should consult the applicable Memoranda of Understanding for current rates and accrual limitations.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual, Tab 11 – Leave Time Benefits; Vacation.

947.3 USING EARNED VACATION TIME

All vacation requests must be submitted in advance, in writing to the member's supervisor. Requests will be granted whenever possible, however, requests may be denied due to the scheduling requirements or workload of the department.

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Attachments

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Hate Crime Checklist.pdf

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Statutes and Legal Requirements.pdf

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Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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