

Stanislaus County Probation Department

Probation Policy Manual (NEW)

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

Providing public safety through accountability and opportunity.

VISION STATEMENT

Creating a culture of trust and having a positive impact to build a safer Stanislaus County.

VALUES STATEMENT

Each point of our badge represents the following value:

- Professionalism
- Diversity
- Collaboration
- Compassion
- Integrity
- Transparency
- Respect

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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.
- Investigating, preparing written reports and making recommendations 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 - Probation Role and Authority

Probation Authority

100.1 PURPOSE AND SCOPE

This policy is to identify the authority of Stanislaus County Probation Department officers.

100.2 POLICY

It is the policy of this department for all officers to exercise their authority fairly and objectively.

This department recognizes the power of officers to use discretion in the exercise of the authority granted to them. Officers are encouraged to use sound discretion in the exercise of their duties.

This department does not tolerate abuse of authority.

100.3 OFFICER AUTHORITY

Officers are authorized to supervise offenders as provided in this manual, applicable court orders, and state law (Penal Code § 1202.8; Penal Code § 1203.71).

100.4 ARREST AND OTHER POWERS

Officers authorized by the Chief Probation Officer may exercise peace officer powers at any place in the state while engaged in the performance of official duties. The authority extends only to (Penal Code § 830.5; Penal Code § 1203.71; Penal Code § 3455):

- (a) Conditions of any person being supervised by this department who is on parole, probation, mandatory supervision, or post-release community supervision.
- (b) The escape of an incarcerated person or ward from a state or local institution.
- (c) The transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
- (d) Violations of any penal provisions of law discovered while performing the usual or authorized duties of employment.
- (e) Rendering mutual aid to any other law enforcement agency.

100.5 ON-DUTY AND OFF-DUTY DEFINITIONS

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

- (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.

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- (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.

100.6 CONSTITUTIONAL REQUIREMENTS

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

Chief Probation Officer

101.1 PURPOSE AND SCOPE

Chief Probation Officers employed within the State of California are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Probation Officer of the Stanislaus County Probation Department, who is required to exercise the powers and duties of the office as prescribed by state law (Government Code § 27771).

101.2 POLICY

It is the policy of the Stanislaus County Probation Department that the Chief Probation Officer meets the minimum standards for exercising the authority granted by law.

101.3 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department, as a condition of employment, shall be appointed by the Presiding Judge of the Superior Court (Government Code § 27770).

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.

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 shall take and subscribe to the oaths or affirmations applicable to their positions as determined by the Chief Probation Officer (Cal. Const. Art. 20, § 3).

"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 in accordance with the established records retention schedule.

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Stanislaus County Probation Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, 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 conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where 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 is not always predictable and that circumstances may arise that 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 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.

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 of conflict, or upon receipt of 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 the Chief Probation Officer, or their 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 Department Procedures Manual: ADMINISTRATIVE POLICY MANUAL for further information.

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

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a higher standard or duty of care for civil or criminal liability against the County, its officials, or department members. Violations of any provision of any policy contained within this manual shall only form the basis for 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.

SCPD - The Stanislaus County Probation Department.

Department - The Stanislaus County Probation Department.

DMV – The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile/Youth – Any person under the jurisdiction of the Juvenile Court.

Lead staff – A person in a position of authority 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.

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

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

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- Volunteers

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

Officer - Those employees of the Stanislaus County Probation Department who engage in the supervision of offenders.

On-duty- A member's status during the period when actually engaged in the performance of assigned duties.

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

POST - The Commission on Peace Officer Standards and Training.

Rank - The title of the classification held by any officer.

Shall 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 that may include directing the work of other members, 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 supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment.

The term "supervisor" may also include any person given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call 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.

Each member shall acknowledge that the member has been provided access to and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

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103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief Probation Officer 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 the member 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, Managers, and Unit Supervisors will ensure that members under the Division Manager's 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 Manager, who will consider the recommendations and forward them to the command staff as appropriate.

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.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Stanislaus County Probation Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Chief Probation Officer is responsible for administering and managing the Stanislaus County Probation Department.

[See the Stanislaus County Organizational Chart](#)

200.4 SUCCESSION OF COMMAND

The Chief Probation Officer exercises command over all members of the Stanislaus County Probation Department. During planned absences, the Chief Probation Officer's authorized designee will serve as the acting Chief Probation Officer. Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is the Assistant Chief Probation Officer or authorized designee.

See the Stanislaus County Probation Department Procedure Manual: ADMINISTRATIVE POLICY MANUAL - SCOPE OF DUTIES OF DEPARTMENT PERSONNEL for further information.

Departmental Directives

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

201.2 POLICY

Departmental Directives will be used to modify policies of the Stanislaus County Probation Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable memorandums of understanding and other alternatives should be considered before a Departmental Directive is issued.

201.3 PROTOCOL

Departmental Directives will be incorporated into the Policy Manuals, as required, upon approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Chief Probation Officer or the authorized designee shall ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 MANAGERS

Division Managers shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief Probation Officer.

201.4.2 CHIEF PROBATION OFFICER

Only the Chief Probation Officer or the authorized designee may approve and issue Departmental Directives.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Departmental Directives. Each member shall acknowledge that the member has been provided access to and has had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

Emergency Plan

202.1 PURPOSE AND SCOPE

This policy clarifies the role of the Stanislaus County Probation Department and provides for strategic responsibilities of its members pertaining to large-scale emergencies and the State of California Emergency Plan.

202.2 POLICY

The Stanislaus County Probation Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies in their Continuity of Operations Plan (COOP).

The County Emergency Plan complies with the State of California's Emergency Services Act (Government Code § 8550 et seq.). This plan provides guidance for County emergency operations within and outside its borders as may be required.

202.2.1 STANISLAUS COUNTY PROBATION DEPARTMENT CODE/ORDINANCES

An emergency management organization has been established by the County by ordinance. This ordinance has been approved by the County Council (Government Code § 8610).

202.3 ACTIVATING THE EMERGENCY PLAN

The Emergency Plan can be activated in a number of ways. For the Stanislaus County Probation Department, the Chief Probation Officer or the highest-ranking on-duty officer may activate the Emergency Plan in response to a major emergency.

Upon activation of the plan, the Chief Probation Officer or the authorized designee should contact the State Office of Emergency Services to assist with mutual aid response from local, state, and federal law enforcement agencies.

202.3.1 RECALL OF PERSONNEL

In the event that the Emergency Plan is activated, all employees of the Stanislaus County Probation Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the highest-ranking on-duty supervisor.

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

202.3.2 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.

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- (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.

202.4 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Plan are available on Pronet. All supervisors should familiarize themselves with the Emergency Plan and the roles members will play when the plan is implemented. The Chief Probation Officer should ensure that department members are familiar with the roles they will play when the plan is implemented.

202.5 EMERGENCY PLAN REVIEW

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

202.6 TRAINING

The Department should provide training on the Emergency Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop exercise, or command discussion.

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented (including basic, in-service, and outside training). This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the California POST, Board of State and Community Corrections (BSCC), or Standards and Training for Corrections (STC) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

The Training Manager will execute the training plan on behalf of the Chief Probation Officer.

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of probation service.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with STC rules and regulations concerning probation training.

203.4 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.

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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.

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.

203.5 TRAINING MANAGER

The Chief Probation Officer shall designate the Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

203.5.1 TRAINING RESTRICTION

The Chief Probation Officer or the authorized designee is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

203.6 GOVERNMENT-MANDATED TRAINING

The following lists, while not all-inclusive, identify training that is required under state laws and regulations. Additional required training may be identified in individual policies.

- (a) State-mandated minimum training for officers requires completion of the following:
 - 1. Annual STC in-service training shall be selected by the Training Manager based on agency or individual needs (15 CCR 184):
 - (a) Maintenance of first-aid and CPR certification
 - (b) Academic in-service training in accordance with the member's classification
 - 2. No less than the minimum number of hours as established by the STC Probation Officer Core Course Manual:
 - (a) Agency specific training
 - (b) California justice system
 - (c) Current trends and practices
 - (d) Risk factors
 - (e) Juvenile detention decisions
 - (f) Information gathering
 - (g) Court reports and presentations
 - (h) Orientation, case planning, and supervision

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- (i) Supervision issues
 - (j) Priority setting
 - (k) Personal safety
 - (l) Use of force
 - (m) Restraints and searching
 - (n) Transportation
 - (o) Physical conditioning
 - (p) CPR
 - (q) First aid
 - (r) Peace Officer Standards and Training (POST) required training (Penal Code § 832)
- (b) Any other mandated training (e.g., National Incident Management System) as determined by the Stanislaus County Probation Department.

203.7 TRAINING ATTENDANCE

All staff members assigned to attend training should attend as scheduled, unless excused by their immediate supervisors.

- (a) Excused absences from mandatory training should be limited to:
 - 1. Court appearances.
 - 2. Authorized vacation.
 - 3. Sick leave.
 - 4. Physical limitations preventing the staff member's participation.
 - 5. Emergency situations.
- (b) When a staff member is unable to attend mandatory training, that staff member shall:
 - (a) Notify the staff member's supervisor as soon as possible, but no later than two hours before the start of training.
 - (b) Arrange through the supervisor or Training Manager to attend the required training on an alternate date.
- (c) All training programs, whether in-house or outside the facility, are considered on-duty work assignments and the following should apply:
 - (a) Uniform or business casual attire is required unless otherwise indicated.
 - (b) Staff members should participate during training.
 - (c) Staff members shall display a professional demeanor.

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- (d) Staff members shall adhere to the Drug- and Alcohol-Free Workplace Policy.
- (e) Attending scheduled training classes and meeting the STC training requirements are necessary prerequisites for continued employment with the Department.
- (f) Members are required to be punctual in their arrival. The reading of books, magazines, and newspapers during lectures, engaging in conversation, horseplay, or making inappropriate comments to the instructor is prohibited. Staff members shall also refrain from using their personal cell phone, texting or access social media unless performing departmental business or they are on an approved break.
- (d) Members who fail to meet these requirements, may be subject to discipline up to and including termination or employment,
- (e) Supervisory staff, in attendance at training classes, is expected to intervene when control problems occur in classes and the instructor is unable to resolve them. Examples include member conduct problems; such as, tardiness, lack of attentiveness, departing class prior to a designated break or prior to the conclusion of class, or any other behavior which is disruptive and deemed unprofessional.

203.8 EXPECTATIONS OF SUPERVISOR

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.

203.9 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

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department training coordinator, any incidents of disruptive and/or inattentive behavior by trainees.

- (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.
- (i) Staff wishing to resign from their position as a department trainer shall submit a written notice of resignation memorandum to the Chief Probation Officer via his/her chain of command expressing their intent to no longer instruct. Staff are expected to continue in their role as a department trainer until the notice of resignation has been approved by the Chief Probation Officer.

203.10 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Stanislaus County Probation Department Policy Manual and other important topics.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Manager. Members 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 assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time. Members 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-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

203.11 TRAINING RECORDS

The Training Manager is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

An individual training file shall be maintained by the Training Manager or the authorized designee for each staff member. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas, and other documentation) for all staff members.

The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.334).

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It shall be the responsibility of the involved staff members to provide their immediate supervisor or the Training Manager or the authorized designee with evidence of completed training or education in a timely manner.

The Training Manager or supervisor shall ensure that copies of such training records are placed in the staff member's training file.

Training records shall contain:

- (a) Name of the staff member.
- (b) Date of hire.
- (c) Applicable education and training background (education and training received prior to hire).
- (d) Type of training received.
- (e) Date the training was received and successfully completed.
- (f) Title of the training and name of the provider.

The Training Manager or the authorized designee shall also be responsible for documenting waivers of the training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing.

203.12 COURSE CERTIFICATION/QUALITY ASSURANCE

Training courses should be subject to a quality assurance process that, at a minimum, provides:

- (a) A complete description of the course, including the number of training hours achieved.
- (b) A curriculum, including job-related topics and content and performance objectives.

203.12.1 COURSE RECORDS

It is the responsibility of the Training Manager or the authorized designee to ensure that the following is maintained on file for all training provided by the Department:

- (a) The course outline or lesson plan
- (b) A roster signed and dated by those in attendance
- (c) The name of the person coordinating the training
- (d) The credentials of the instructors/trainers

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the 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.

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 POLICY

Stanislaus County Probation Department members shall use email in a professional manner in accordance with this policy and current law (e.g., California Open Records Act).

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any department technology system.

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.

204.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the Department.

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

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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 member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name, or password. Members who believe a password has become known to another person shall change the password immediately.

204.5 EMAIL RECORD MANAGEMENT

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

The Chief Probation Officer, or the authorized designee, shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

205.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members and separations; individual and group awards and commendations; or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

205.2 POLICY

The Stanislaus County Probation Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature, and disclaimer guidelines as applicable.

205.3 MEMORANDUMS

Memorandums may be issued periodically by the Chief Probation Officer or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations; individual and group awards and commendations; or other changes in status.

205.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the Chief Probation Officer. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department electronic or non-electronic memorandum forms.

Electronic correspondence may contain the sender's department-approved signature and electronic communications disclaimer language.

205.5 SURVEYS

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

205.6 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief Probation Officer or the authorized designee.

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members.

206.2 POLICY

The Stanislaus County Probation Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Division Managers for each work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement or memorandum of understanding, and activity levels to meet the needs of members and the goals of the Department.

206.3.1 TEMPORARY SUPERVISORS

To accommodate training and other unforeseen circumstances, another qualified member may be used as a temporary supervisor in place of a regularly assigned supervisor.

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 Stanislaus County Probation Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

207.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

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)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a peace officer for an aggregate 10 years or more or, if employed as a peace officer for fewer 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 in which the officer acknowledges disqualification to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.
- (f) Any other honorable retired peace officer who, during the course and scope of their appointment as a peace officer was authorized to, and did, carry a firearm.

207.3.1 LEOSA CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify the officer as having been employed as an officer.

If the Stanislaus County Probation Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former peace officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when:

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- (a) In possession of photographic identification that identifies the individual as having been employed as a peace officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that the person has, within the past year, been tested or otherwise found by the 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.
 - 2. 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 peace officers within that state, indicating that the 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 entity on private property if such prohibition is permitted by California law.

207.4 CALIFORNIA IDENTIFICATION CARD

The Chief Probation Officer may issue an identification card with an endorsement to carry a concealed firearm to a person who (Penal Code § 26300):

- (a) Honorably retired following service as a full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of employment (Penal Code § 25455).
 - 1. Honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, it shall not include any officer who retires in lieu of termination or who is retiring because of a psychological disability (Penal Code § 26305).
- (b) Honorably retired as a peace officer from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):
 - 1. The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
 - 2. This department is in possession of the retiree's complete personnel records or can verify the retiree's honorably retired status.
 - 3. The retiree is in compliance with all of the requirements of this department for the issuance of a Concealed Carry Weapon (CCW) Approved endorsement.
- (c) Was a qualified retired reserve officer who met the department requirements for a CCW Approved endorsement (Penal Code § 26300).

207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The card shall be 2 inches by 3 inches and minimally contain (Penal Code § 25460):

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- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

207.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Stanislaus County Probation Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

- (a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- (b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- (c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

207.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Chief Probation Officer or authorized designee of an arrest or conviction in any jurisdiction, or that the individual is the subject of a court order, in accordance with the Reporting of Arrests, Convictions, and Court Orders Policy.

207.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (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 the individual is not prohibited by law from receiving or possessing a firearm.

207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

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- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Not engage in conduct that compromises public safety.

207.6 DENIAL, SUSPENSION, OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or revoked, the former officer may request a review by the Chief Probation Officer. The decision of the Chief Probation Officer is final.

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

A CCW endorsement 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 when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- (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. 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 the retiree's employee organization, and one selected jointly (Penal Code § 26320).
 - 1. The decision of such hearing board shall be binding on the Department and the retiree.
 - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege" (Penal Code § 26325(b)).

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- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Division Manager or the authorized designee as soon as practicable. The Division Manager should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:
 - 1. The retiree's concealed firearm CCW endorsement is immediately and temporarily suspended.
 - 2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - 3. The retiree will forfeit the 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 Division Manager 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 Division Manager may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.
 - 5. Notification of the temporary suspension should also be promptly mailed to the retiree via first-class mail, postage prepaid, return receipt requested.
 - (a) The Division Manager should document the investigation, the actions taken, and, if applicable, any notification made to the former member. The memo should be forwarded to the Chief Probation Officer.

207.7 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 will maintain a record of the qualifications and weapons used.

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 REFERENCES

See the Stanislaus County Probation Department Procedures Manual: INTERNAL AND EXTERNAL COMMUNICATIONS for further information.

Chapter 3 - General Operations

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, members authorized to use force are expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Devices policies.

Nothing in this policy is intended to limit members' lawful ability to defend themselves.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

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).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

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

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by officers authorized to use force 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.

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Officers authorized to use force 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 duties.

The Stanislaus County Probation 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 in the performance of their duties requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

300.2.2 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.3 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b); Penal Code § 832.13).

As used in this section, “immediately” means as soon as it is safe and feasible to do so.

300.3 USE OF FORCE

Officers authorized by the Chief Probation Officer to use force in arresting an offender or preventing an offender from escaping custody 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. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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 approved or authorized 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 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 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- Attempts to de-escalate a situation.
- If reasonably available, the use of crisis intervention techniques by properly trained personnel.

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300.3.2 USE OF FORCE TO EFFECT AN ARREST

Officers authorized by the Chief Probation Officer and California Penal Code § 830.5 may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance (Penal Code § 835).

An authorized officer who makes or attempts to make an arrest need not retreat or desist from the 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 the 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).

300.3.3 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 (Government Code § 7286(b)). 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 (Penal Code § 835a).
- (c) Officer/subject factors (e.g., 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 leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected 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).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the individual has been effectively restrained and the individual's 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 prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.

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- (p) The apparent need for immediate control of the individual 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 individual or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.4 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 individual can comply with the direction or orders of the officer.
- (c) Whether the individual 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.

300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Officers of this Department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

300.3.7 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or preexisting medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers

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should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

300.3.8 USE OF FORCE TO SEIZE EVIDENCE

In general, authorized officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence.

In the instance when force is used to seize evidence, 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. Officers are encouraged to use techniques and methods taught by the Stanislaus County Probation Department for this specific purpose.

300.3.9 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE

Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify 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 (Penal Code 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force by authorized members is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) Officers may use deadly force to protect themselves or others from what they reasonably believe 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.

Officers shall not use deadly force against a person based on the danger that person poses to self, 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

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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 and may involve additional considerations and risks. When feasible, officers should take reasonable steps to 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

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.

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 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor in circumstances, including but not limited to the following (Penal Code § 832.13):

- (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.

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- (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 the conducted energy device (CED) or 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.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this section, "immediately" means as soon as it is safe and feasible to do so.

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.

300.5.3 REPORT RESTRICTIONS

Officers shall not use the term excited delirium to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as excited delirium (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

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

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or 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 primary handling 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

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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).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, 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.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (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) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived *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 a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) 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.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and determine if an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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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.

300.7.1 DIVISION MANAGER RESPONSIBILITY

The Division Manager shall review each use of force by any personnel to ensure compliance with this policy.

If there is a question of policy noncompliance, or if for any reason further investigation may be appropriate, the manager will initiate an administrative investigation.

300.7.2 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.

300.8 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.9 TRAINING

Officers and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Manager should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.10 POLICY REVIEW

The Chief Probation Officer or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

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300.11 POLICY AVAILABILITY

The Chief Probation Officer or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.12 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records, and Records Maintenance and Release policies (Government Code § 7286(b)).

Officer-Involved Shootings and Deaths

301.1 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 another 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.

301.2 POLICY

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

301.2.1 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.
 - 1. 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.
 - 2. 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.
 - 3. Twenty-four hours a day while assigned on-call duties.
 - 4. 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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301.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- (a) A criminal investigation of the suspect's actions.
- (b) A criminal investigation of the involved officer's actions.
- (c) An administrative investigation into policy compliance by involved officers.
- (d) A civil investigation to determine potential liability.

301.4 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.

301.4.1 CRIMINAL INVESTIGATIONS

The Chief Probation Officer should request that the law enforcement agency in whose jurisdiction the conduct occurred perform a criminal investigation into both the involved officer and the suspect.

301.4.2 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the Stanislaus County Probation Department should conduct an administrative and civil investigation of each involved officer.

301.5 INVESTIGATION PROCESS

These procedures are guidelines used in the investigation of an officer-involved shooting or death.

301.5.1 OFFICER RESPONSIBILITIES

The officer should, as appropriate:

- (a) Notify a supervisor.
- (b) Notify the appropriate local law enforcement agency.
- (c) Request appropriate emergency medical services.
- (d) Request additional resources from the Department or other law enforcement agencies.

301.5.2 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.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.

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- (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.

301.5.3 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the Stanislaus County Probation Department supervisor should ensure completion of the duties outlined above, plus:

- (a) In the event a law enforcement investigator has not arrived, attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event 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) Each involved Stanislaus County Probation Department officer should be given an administrative order not to discuss the incident with other involved officers or Stanislaus County Probation Department members pending further direction from a supervisor.
- (c) As soon as practicable, in coordination with the supervising officer of the law enforcement investigator in charge of the criminal investigation, request that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with appropriate security.
 - 2. 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.
 - 3. 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.
- (d) 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.

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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.
- (e) Provide all available information to Administration and dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional SCPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (g) 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.

301.5.4 NOTIFICATIONS

The Supervisor is responsible for notification to a Division Director.

The Division Director is responsible for contacting the following persons as soon as practicable:

- Chief Probation Officer
- Assistant Chief Probation Officer
- District Attorney
- County Counsel
- Outside agency investigators
- Psychological/peer support personnel
- Clergy, if requested
- Presiding judge
- Involved officer's agency representative, if requested

301.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 1. Involved Stanislaus County Probation Department 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.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups will be privileged only as to the discussion of non-criminal information.

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- (d) A licensed psychotherapist should be provided by the Department to each involved Stanislaus County Probation Department officer. A licensed psychotherapist may also be provided to any other affected Stanislaus County Probation Department 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, the 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.
- (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 law enforcement investigators or lab personnel can properly retrieve it.

Each involved Stanislaus County Probation Department officer should be given reasonable paid administrative leave after an officer-involved shooting or death. It shall be the responsibility of the Chief Probation Officer to make schedule adjustments to accommodate such leave.

301.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Chief Probation Officer or designee should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

301.6 (WITNESS) OFFICER RESPONSIBILITIES

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.

301.7 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.

301.8 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.

301.9 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the determination as to whether criminal charges are filed as a result of any officer-involved shooting involving injury or death.

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) Stanislaus County Probation Department supervisors and Internal Affairs personnel should not participate directly in any voluntary interview of Stanislaus County

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Probation Department officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

- (b) Any voluntary statement provided by an involved officer will be made available for any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.
- (c) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. 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.
- (d) 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.

301.9.1 REPORTS BY INVOLVED STANISLAUS COUNTY PROBATION DEPARTMENT OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved Stanislaus County Probation Department officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved Stanislaus County Probation Department officer may write the report, it is generally preferred that such reports be limited to the report completed by the criminal investigators.

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

301.9.2 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 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

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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.

301.10 ADMINISTRATIVE INVESTIGATIONS

In addition to all other investigations associated with the incident, this department will conduct an internal administrative investigation of involved Stanislaus County Probation Department officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief Probation Officer or the authorized designee and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any involved officer 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 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 duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to 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, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed (Government Code § 3303(i)).

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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, the officer should be given *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 assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.
6. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

301.11 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-department 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 video recordings with the approval of assigned investigators or a supervisor.

Any video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel, as appropriate.

301.12 DEBRIEFING

The Stanislaus County Probation Department should conduct both a critical incident stress debriefing and a tactical debriefing.

301.12.1 CRITICAL INCIDENT STRESS DEBRIEFING

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 should only include those members of the Department directly involved in the incident. 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 personnel and personnel assigned to conduct administrative investigations of this incident.

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301.12.2 TACTICAL DEBRIEFING

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

301.13 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the investigating law enforcement agencies. Releases will be available to the Chief Probation Officer and assigned investigators in the event of inquiries from the media.

No Stanislaus County Probation Department officer shall comment to the media unless authorized by the Chief Probation Officer and the assigned law enforcement agency.

301.14 REPORTING

If the death, or shooting, of an individual occurs in any incident involving an officer of the Stanislaus County Probation Department and qualifies to be reported to the state, the Chief Probation Officer will ensure that the Manager is provided with enough information to meet the reporting requirements including any changes or new information that becomes available after the initial reporting (Government Code § 12525.2; Government Code § 12525).

Firearms

302.1 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 members who are authorized by law and the Chief Probation Officer to carry firearms.

302.2 POLICY

The Stanislaus County Probation Department may authorize and equip certain members with firearms for specified duties. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

See the Stanislaus County Probation Department Procedures Manual: FIREARMS AUTHORIZATION QUALIFICATIONS & ASSIGNMENTS for further information.

302.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Authorized members 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 a member who has not qualified with that firearm at an authorized 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 members in the performance of their official duties without the express written authorization of the Chief Probation Officer. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

302.3.1 HANDGUNS

The authorized department-issued handgun is the Glock Model 17 .9mm.

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

302.3.2 SHOTGUNS AND RIFLES

Generally, shotguns and rifles may be authorized for carrying in the performance of the following types of duties:

- Training
- Assigned to a specialized task force
- During mutual aid

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302.3.3 PERSONALLY OWNED DUTY FIREARMS

Members authorized by the Chief Probation Officer to carry a firearm in the performance of their duties who desire to carry a personally owned duty firearm must receive written approval from the Chief Probation Officer. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

302.3.4 AUTHORIZED SECONDARY HANDGUN

Members authorized by the Chief Probation Officer to carry a firearm in the performance of their duties who desire to carry a secondary handgun must receive written approval from the Chief Probation Officer and are subject to the following restrictions:

- (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 member 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, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members 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.

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302.3.5 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).

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.

302.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members 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.

302.4 EQUIPMENT

Officers carrying a firearm shall display on their person their department issued badge adjacent to the firearm. They shall also carry their department identification card, a pair of department-issued handcuffs, and an additional fully loaded magazine.

Armed Officers engaging in any field activities, shall carry their department identification card, a pair of department-issued or approved handcuffs, the Conducted Electrical Weapon (CEW) TASER®, body-worn camera, department-issued impact weapon/baton, oleoresin capsicum (OC)

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spray, body armor, radio, and cellular phone. In addition, armed officers are to carry three fully loaded magazines with an additional round chambered in the firearm.

Officers engaged in Community Assessment Response and Engagement (CARE), or other department approved community events are not required to be armed. If they choose to be armed, they must have all the equipment required for other field activities readily available.

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

302.4.1 REPAIRS OR MODIFICATIONS

Each member 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 member's personally owned firearm shall be done at the member's expense and must be approved by the Rangemaster.

302.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

302.4.3 TACTICAL LIGHTS

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

302.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

302.5 SAFE HANDLING, INSPECTION, AND STORAGE

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

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- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load, or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Members 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 a custodial facility when securing or processing an arrestee, but shall instead place all firearms in a secured location.
- (e) Members shall not use any automatic firearm, heavy caliber rifle, gas, or other type of chemical weapon or firearm except with approval of a supervisor.
- (f) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member 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 member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

302.5.1 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 the training by the Rangemaster or Firearms Instructor. The member 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 while standing outside of the department vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

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.

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302.5.2 STORAGE AT HOME

Members 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

302.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members 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, 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).

302.5.4 ALCOHOL AND DRUGS

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

302.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training with their duty firearms. All members will qualify at least quarterly with their duty firearms. Members will also qualify with off-duty and secondary firearms at least quarterly. Training and qualifications must be on an approved range course and the qualification shoots shall be administered by the department Rangemaster or Firearms Instructor. (Penal Code § 830.5).

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

An officer who is armed on duty may practice with the department issued firearm at a commercial gun range with the department issued firearm while on his/her own time (off duty) and at the officer's expense with prior written approval (form ADM1006) of the Assistant Chief Probation Officer or designee. Only ammunition approved by the Rangemaster shall be used; the use of personal reloaded ammunition is prohibited.

302.6.1 AUTHORIZED PERSONNEL AT THE RANGE

Except when qualifying for a retiree concealed weapon endorsement, only department employees are permitted to participate in the department's range courses.

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302.6.2 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that member shall submit a memorandum to the 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 assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

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

302.7 FIREARMS DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to the member's 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 member 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 member shall file a written report with the Division Manager 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, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

302.7.1 DESTRUCTION OF ANIMALS

Members 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.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal. Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

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302.7.2 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

302.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster or authorized designee. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

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

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

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the 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 member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Training Manager.

302.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Stanislaus County Probation Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief Probation Officer or the official seal of the Department and must present this identification to airline officials when requested.

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The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

- (c) The Stanislaus County Probation Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Stanislaus County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief Probation Officer authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail the itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

302.10 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,

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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.

Handcuffing and Restraints

303.1 PURPOSE AND SCOPE

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

This policy does not address the handcuffing and restraint of juveniles appearing in court or those already detained in, or committed to, a local secure juvenile facility, camp, ranch, or forestry camp.

303.2 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.

303.3 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:

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

303.3.1 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 on the detainee.

303.3.2 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).

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

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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).

303.3.4 NOTIFICATIONS

Whenever an officer transports a person in restraints other than handcuffs, the officer shall inform the detention facility staff upon arrival at the 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 detention facility.

303.4 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 unless required by law, other policy, or facility regulations. 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.

303.5 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 a person 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 provide assistance during the movement of a restrained person due to the potential for impairing

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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 when 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 use.

303.6 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.

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

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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: USE OF PHYSICAL RESTRAINTS..

303.7 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, but while permitting adequate movement, comfort, and mobility.

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

303.8 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 the person's own actions (e.g., hitting head against the interior of the agency 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 the windows of the vehicle).

303.8.1 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 laid face-down 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 prone in a face-down position.
- (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 circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

303.9 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).

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If a person is arrested, the use of handcuffs or other restraints should be documented in the related report. The officer should include, as appropriate:

- (a) The types of restraint used.
- (b) The factors that led to the decision to use restraints.
- (c) How handcuffs were applied (e.g., double locked and checked for fit).
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.
- (h) The time medical staff assessed the individual upon delivery to the facility if applicable.
- (i) Attempts to use less restrictive means of control, and injuries sustained while restrained.

303.10 TRAINING

Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices

304.1 PURPOSE AND SCOPE

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

This policy does not address the application of a control device on a juvenile who has already been detained.

304.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Chief Probation Officer may authorize officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

304.3 DEFINITION

Control devices include Oleoresin Capsicum (OC Pepper Spray), Expandable Baton, and Conducted Energy Weapon.

304.4 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 or approved by the Chief Probation Officer or the authorized designee.

Only those members who have been authorized by the Chief Probation Officer and who have successfully completed department-approved training on this policy and the use of any control device are authorized to carry and use the device.

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

304.5 RESPONSIBILITIES

304.5.1 EQUIPMENT SUPERVISOR RESPONSIBILITIES

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

304.5.2 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.

Any damaged, inoperative, outdated, or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Equipment Supervisor for disposition.

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Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

304.6 IMPACT WEAPON/BATON GUIDELINES

A Department approved Impact Weapon is defined as an expandable-type baton. The need to immediately control a subject 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 subject poses an imminent threat of serious bodily injury or death to self or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or tactical vest. Non-uniformed and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

- (a) Officers must complete a refresher course on Impact Weapon use at least once every three years.
- (b) Officers requesting to make modifications to an impact weapon shall request approval from the impact weapon instructor(s) prior to making any modifications.

304.7 OLEORESIN CAPSICUM 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 are about to engage in violent behavior. OC spray should not be used against individuals who do not reasonably appear to present a risk to the safety of department members or the public.

See the Stanislaus County Probation Department Procedures Manual: CONTROL DEVICES for further information.

304.7.1 CHEMICAL AGENTS - 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.

304.7.2 TREATMENT FOR EXPOSURE

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

304.8 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle, or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

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304.9 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that those members who are authorized to carry a control device have been properly trained 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 member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

304.10 REPORTING USE OF CONTROL DEVICES

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

Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

305.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

305.3 ISSUANCE AND CARRYING CEDS

Only members who have been authorized by the Chief Probation Officer or their designee to carry a firearm and successfully completed department-approved training may be issued and may carry the CED.

The TASER® Instructor should keep a log of issued CEDs and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturers' expiration date.

Members carrying the CED shall perform a spark test on the unit prior to carrying the device.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

- (a) All CEDs shall be clearly distinguishable to differentiate them from a duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.
- (d) Officers shall not cross draw the CED.
- (e) The CED should be utilized with the off-hand and shall not be transitioned to the dominant hand unless exigent circumstances exist.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

305.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to TASER® Instructor for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser, in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

305.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

305.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated by words or action an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend or control an individual.

The CED shall not be used to psychologically torment, elicit statements, or punish any individual.

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would

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present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe mode to complete the circuit or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

305.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

305.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor and dispatch any time the CED has been discharged in compliance with the Use of Force Policy. The expended cartridge, along with any

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probes and wire, shall be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

305.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

305.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION

Officers shall document all CED discharges in the related report in compliance with the Use of Force Policy and in the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

Officers shall document all CED deployments in an incident report and an arrest/crime report if an arrest was made. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Pointing the device at a person, laser activation and/or arcing the device will be documented in an incident report.

305.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.

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- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Training Manager or authorized designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager or authorized designee should also conduct audits of CED data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

305.6.2 REPORTS

The officer should include the following in their report:

- (a) Identification of all personnel firing CEDs.
- (b) Identification of all witnesses.
- (c) Medical care provided to the subject.
- (d) Observations of the subject's physical and physiological actions.
- (e) Any known or suspected drug use, intoxication, or other medical problems.

305.7 MEDICAL TREATMENT

Officers who have received training on CED probe removal may remove CED probes utilizing the yellow cartridge casing after deployment, provided the CED probes are not lodged in sensitive areas (groin, female breast, head, face, neck). CED probes lodged in sensitive areas should only be removed by qualified medical personnel. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, area of the heart, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/

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or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED.

305.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor and saved with the related incident report and an arrest/crime report if an arrest was made. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

305.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Manager. All training and proficiency for CEDs will be documented in the officer's training files.

The Chief Probation Officer, Assistant Chief Probation Officer, Managers, and supervisors should receive CED training as appropriate for the investigations they conduct and review.

The Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.

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- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

305.10 STORAGE AND DOCKING

Once a CED has been assigned to an officer, it shall be stored in a secure location when the officer is off duty.

Each officer shall dock their CED battery at least once every 30 days or when the battery level reaches below 30%.

Search and Seizure

306.1 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 in relation to search and seizure 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.

306.2 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. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards, and prosecutorial considerations regarding specific search and seizure situations.

306.3 SEARCHES GENERALLY

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 to the rule 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:

- (a) Authorization under the terms or conditions of a person's release or supervision.
- (b) Valid consent.
- (c) Incident to a lawful arrest.
- (d) Vehicle searches under certain circumstances.
- (e) In the following exigent circumstances the officer may, with or without a "knock and notice" warning, force entry:
 - 1. When the officer has reason to believe a crime is in progress.
 - 2. When the officer is rendering mutual aid to another law enforcement officer.
 - 3. When the officer is in pursuit of a fleeing felon.
 - 4. When the officer has reason to believe evidence is being destroyed.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate activities that also do not require a warrant. Such activities may include seizure and

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Search and Seizure

examination of abandoned property, and observations of activities and property on open public areas.

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 the member's 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.

306.4 SEARCH PROTOCOL

Although conditions will vary, and officer safety and other exigencies must be considered in every search situation, these guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) 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.
- (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 search of any person upon arrest by the officer or upon transfer of said person for the purpose of custodial transfer. For safety, arrested persons should 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

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- (k) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (l) 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, another officer or a supervisor should witness the search.
- (m) The only items which may be seized pursuant to any search are:
 - 1. Weapons which are either illegal or which must be seized in order to ensure immediate officer safety.
 - 2. Items which are evidence of a violation of law, of violation a court ordered condition of probation or mandatory supervision, or a condition of release on PRCS.
 - 3. Items for safe keeping and/or destruction.
- (n) For preplanned search operations, refer to the Deconfliction Procedure.

306.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient, including, at a minimum, documentation of:

- (a) Reason for the search.
- (b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys).
- (c) What, if any, injuries or damage occurred. Injuries and/or damage to property should be photographed.
- (d) All steps taken to secure property.
- (e) The results of the search, including a description of any property or contraband seized.
- (f) 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.

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.

Canines

307.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment services in the community, including but not limited to locating individuals and contraband.

307.2 POLICY

It is the policy of the Stanislaus County Probation Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

307.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Field Services to function primarily in assist or cover assignments. However, they may be assigned by the supervisor to other functions, such as routine field operations, based on the current operational needs.

Canine teams generally should 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 supervisor.

307.4 CANINE COORDINATOR (SUPERVISOR)

The canine coordinator shall be appointed by and directly responsible to the Division Manager or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

307.5 REQUESTS FOR CANINE TEAMS

Field Services members are encouraged to request the use of a canine. Requests for a canine team from department units outside of Field Services shall be reviewed by the supervisor.

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307.5.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment the handler 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.

307.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

307.6 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment.

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.

307.7 NARCOTICS AND CONTRABAND DETECTION

A canine trained in narcotics and contraband 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 narcotics and contraband during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics and contraband detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person.

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307.8 HANDLER SELECTION

The minimum qualifications for the assignment of a canine handler include:

- (a) A Deputy Probation Officer II or above in good standing.
- (b) Successful completion of Firearms Academy/Field Training Officer training.
- (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.

307.9 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, attention, 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 the handler's 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 coordinator to conduct spontaneous on-site inspections of affected areas of their homes and their canine vehicles, to verify that conditions and equipment conform to this policy.
- (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 coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the Stanislaus County Probation Department at the home of the handler. When a canine is kenneled at the

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handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

- (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.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Supervisor.
- (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 canine coordinator or Supervisor.
- (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 coordinator so that appropriate arrangements can be made.

307.9.1 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 habitable for the canine.

307.10 HANDLER COMPENSATION

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

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 or memorandum of understanding and the Stanislaus County Probation Department (29 USC § 207).

307.11 CANINE INJURY AND MEDICAL CARE

If 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 canine coordinator or Supervisor as soon as practicable and appropriately documented.

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.

307.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current minimum POST guidelines. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current

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POST guidelines, nationally recognized standards, or other recognized and approved certification standards established for their particular skills.

The canine coordinator 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.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or supervisor.

307.12.1 CONTINUED TRAINING

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

- (a) Canine teams should receive 16 hours of training monthly as defined by POST guidelines in addition to training identified 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 coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor may train to a standard not reviewed and approved by the department.

307.12.2 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 duties.

307.12.3 TRAINING RECORDS

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

307.12.4 TRAINING AIDS

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

307.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug-detecting dogs. Further, controlled substances can be an effective training aid during training sessions for facility staff members and the public. Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training

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in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(g); Health and Safety Code § 11367.5).

Only approved training aids provided by the canine program supervisor may be used to train the dog. The canine handler shall maintain accurate records of controlled substances provided for training purposes and shall promptly report any loss or destruction of controlled substance training aids to the canine program supervisor.

When not in use as training aids, the controlled substances shall be secured in storage that is only accessible by the canine handler and the program supervisor.

307.12.6 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 quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (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 vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

307.13 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.
- (b) The length of time that the canine can be expected to remain serviceable.
- (c) The canine's health.

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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.

Mandatory Reporting

308.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for notification to the appropriate social services entities and local law enforcement in the case of encountered, reported, or suspected abuse.

This policy also addresses documentation specific to the discovery of abuse.

308.2 POLICY

It is the policy of the Stanislaus County Probation Department to ensure documentation and notification to the proper entity, as may be required by law, in the case of encountered, reported, or suspected abuse.

308.3 CHILD ABUSE

308.3.1 NOTIFICATION

Members of this department who are mandated reporters of child abuse pursuant to Penal Code § 11165.7 shall notify law enforcement or the County Welfare Office when the member has knowledge of or observes a child who the member knows or reasonably suspects has been the victim of child abuse or neglect (Penal Code § 11165.9; Penal Code § 11166).

When the Stanislaus County Probation Department receives a report of abuse or neglect, notification shall be made to the law enforcement agency having jurisdiction and the County Welfare Office.

The District Attorney's office shall also be notified in all instances of known or suspected child abuse or neglect reported to the Stanislaus County Probation Department, except the following (Penal Code § 11166; Penal Code § 11165.2; Penal Code § 11165.13).

- (a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child.

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 or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, 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); willful harm or injury to a child or endangering 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

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include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer.

308.3.2 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) When the Stanislaus County Probation Department is making notification:
 - 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
 - 2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
 - 3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
 - 4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children (NCMEC). The Stanislaus County Probation Department shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide safe recovery of the missing or abducted child, including sharing information pertaining to the child's recovery and circumstances related to the recovery.
 - 5. Initial notification to law enforcement agencies shall include the following, when reasonably possible:
 - (a) Photo of the missing or abducted child.
 - (b) Description of the child's physical features (e.g., height, weight, sex, ethnicity, race, hair/eye color).
 - (c) Endangerment information (e.g., pregnancy status, prescription medications, suicide risk, sex trafficking vulnerability, other health/risk factors).
 - (d) Information about whether the child is or may be an Indian child (as defined in Welfare and Institutions Code § 224.1), including the name of the child's tribe.

308.3.3 EMERGENCY REMOVAL

An officer may take temporary custody of a minor without a warrant when the officer reasonably believes that the minor (Welfare and Institutions Code § 300; Welfare and Institutions Code § 305):

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the minor's health or safety.

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- (d) Is left unattended, posing an immediate threat to the minor's health or safety.
 - 1. Officers shall attempt to contact the parent or guardian to take custody of the unattended child.
 - 2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Office shall be contacted to assume custody of the minor.
- (e) Is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.
- (f) Is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.
- (g) Has left any placement ordered by the juvenile court.
- (h) Requires medical or other care after having been found suffering from injury or sickness in a public place.

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

308.4 ELDER AND ADULT DEPENDENT ABUSE

308.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the county adult protective services agency, the District Attorney's Office and local law enforcement of known, suspected, or alleged instances of abuse when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

For purposes of notification, a dependent adult is an individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the individual's 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). An elder adult is an individual residing in this state who is age 65 or older (Welfare and Institutions Code § 15610.27).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse, or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

Because additional notifications may also be required, depending on where the alleged abuse occurred, the supervisor is responsible for ensuring that proper notifications are made to the District Attorney's Office and any other regulatory agency that may be applicable (e.g., care facility, hospital) (Welfare and Institutions Code § 15630).

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308.4.2 NOTIFICATION PROCEDURE

Notification should occur as follows (Welfare and Institutions Code § 15630):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
- (b) A written report shall be forwarded within two working days.

308.4.3 EMERGENCY REMOVAL

Generally, members of this department should remove an elder or dependent 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 elder or dependent 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 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.

308.5 DOCUMENTATION

In all encountered, reported, or suspected cases of abuse, officers should, after making the notifications above, document the notification and the circumstances surrounding discovery of the abuse.

308.6 CONFIDENTIALITY OF REPORTS

Information related to incidents of abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code § 11167.5; Welfare and Institutions Code § 15633).

308.7 TRAINING

All members shall attend a department approved mandated reporter training.

308.8 REFERENCES

- [Suspected Child Abuse Report](#)
- [Report of Suspected Dependent Adult/Elder Abuse Report](#)

Discriminatory Harassment

309.1 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 (Government Code § 12940(k); 2 CCR 11023).

309.2 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. 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 and privileges 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 to follow the guidelines as outlined in the Stanislaus County Personnel Manual: WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION and the Stanislaus County Personnel Manual: EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS.

309.3 DEFINITIONS

Definitions related to this policy include:

309.3.1 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 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, 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

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pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

309.3.2 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.

309.3.3 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.

309.3.4 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 Civil Rights 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.

309.4 RESPONSIBILITIES

This policy applies to all department members, 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 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.

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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 a resolution as stated below.

309.4.1 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 Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

309.4.2 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.

309.4.3 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 or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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309.5 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.

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.

309.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

309.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief Probation Officer, the Human Resources Manager, or the Chief Executive Officer.

309.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to

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federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

309.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate 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 established records retention schedule.

309.6.1 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.

309.7 WORKING CONDITIONS

The Chief Probation Officer 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).

309.8 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 members 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.

309.8.1 STATE-REQUIRED TRAINING

The Human Resource 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.

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If the required training is to be provided by the Civil Rights Department online training courses, the Human Resource Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov/> (Government Code § 12950; 2 CCR 11023).

309.8.2 TRAINING RECORDS

The Human Resource Manager 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).

309.8.3 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).

Victim and Witness Assistance

310.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members address victim- and witness-related issues appropriately.

310.2 POLICY

The Stanislaus County Probation Department recognizes the difficulties faced by victims and witnesses of crime. The members of the Stanislaus County Probation Department will treat victims with compassion and provide them the services required by law.

310.3 RESPONSIBILITIES

Member responsibilities include the following:

- (a) Members preparing a pre-sentence/social study investigation are expected to include available information regarding the impact of the offense on the victim and the victim's family and any sentencing/disposition recommendations from the victim as required by California Constitution Article I § 28.
- (b) Officers who supervise an offender requesting a transfer to another county shall provide written notice of the date, time, and place set for hearing on the motion to the victim, if a victim exists (Cal. Rules of Court, Rule 4.530).
- (c) Members should follow county protocol as applicable regarding notice to witnesses who were threatened by the offender following the offender's arrest and each victim or next of kin of the victim of a violent offense of their right to request and receive a release notification (Penal Code § 679.03).
- (d) Officers should provide victims, or the parents or guardians of the victim if the victim is a minor, or the next of kin of the victim if the victim has died written material containing their rights pursuant to Penal Code § 1191.1 and Penal Code § 1191.2.
- (e) Members will notify a victim of domestic violence or abuse, or a victim of stalking of the offender's current community of residence or proposed community of residence when the offender is being placed on or being released on probation when the victim has requested notification and provided the department with a current address for notification (Penal Code § 679.06).

310.4 VICTIM SAFETY

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 the person to the proper written department material or available victim resources.

Officers should report all known allegations of victim intimidation to the appropriate local law enforcement agency and prosecutor as soon as practicable.

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310.5 VICTIM INFORMATION

The Adult Division Director or the Domestic Violence Unit Supervisor shall ensure that victim assistance letters are available and current. Written victim information materials should include:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) An advisement that a person who was arrested may be released on bond, probation, or other forms of release and that the victim should not rely upon the offender's probation or custody status as a guarantee of safety.
- (c) A clear explanation of relevant court orders and how they can be obtained.
- (d) Information regarding available compensation for qualifying victims of crime.
- (e) 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 adult offender's custody status and to register for automatic notification when a person is released from jail.
- (f) Notice regarding U visa and T visa application processes.
- (g) Resources available for victims of identity theft.
- (h) A place for the officer's name and any applicable case or incident number.
- (i) 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.
- (j) Victims' rights provided in Penal Code § 1191.1 and Penal Code § 1191.2, including:
 - 1. Their right to attend all sentencing or disposition proceedings.
 - 2. Adequate notice of all sentencing or disposition proceedings.
 - 3. Information concerning the victim's right to civil recovery against the offender.
 - 4. The requirement that the court order restitution for the victim.
 - 5. The victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment.
 - 6. The victim's responsibility to furnish the probation department, district attorney, and court with information relevant to any losses.
 - 7. The victim's opportunity to be compensated from the Restitution Fund if eligible. This information shall be in the form of written material prepared by the Judicial Council in consultation with the California Victim Compensation Board, shall include the relevant sections of the Penal Code, and shall be provided to each victim for whom the probation officer has a current mailing address.

310.6 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:

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- (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.

310.7 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 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.

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310.8 WITNESSES

Officers should never guarantee a witness' safety from future harm or that the witness's identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should report all known allegations of witness intimidation to the appropriate local law enforcement agency and prosecutor as soon as practicable.

310.9 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.

Information Technology Use

311.1 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.

311.1.1 DEFINITIONS

Definitions related to this policy include:

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.

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.

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.

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.

311.2 POLICY

It is the policy of the Stanislaus County Probation Department that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

All staff members are required to adhere to the Stanislaus County Personnel Manual: TELECOMMUNICATIONS policy.

311.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy regarding 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

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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 a personal social media account 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).

311.4 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 supervisor.

Members shall not use another person's access passwords, login information, and other individual security data, protocols, and procedures unless directed to do so by the IT Manager or Administration.

311.4.1 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 on any department computer.

When related to criminal investigations, 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.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or County-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from IT staff members and a full scan for malicious attachments.

311.4.2 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

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department-related purpose to access such data. Any exceptions to this policy must be approved by the Chief Probation Officer or authorized designee.

311.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. 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 supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

311.4.4 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.

311.5 PROTECTION OF 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, login 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.

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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.

311.5.1 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:
 - 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**
 - 1. 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.

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2. 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.

311.6 INSPECTION AND REVIEW

The Chief Probation Officer or 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 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.

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 supervisor or during the course of regular duties that require such information.

311.7 SECURITY OF DATA

The Chief Probation Officer will select a staff member of the Department to oversee the security of data.

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 U.S. Department of Justice's Criminal Justice Information Services 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.

Department Use of Social Media

312.1 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.
- Use of social media in personnel processes.
- Use of social media as part of a compliance monitoring.

312.1.1 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.

312.2 POLICY

The Stanislaus County Probation Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, 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 people.

312.3 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.

312.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.

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- (b) Tips and information related to crime prevention.
- (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) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

312.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount, the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Supervisor.

312.5 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 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, offender, 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 the member 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.

312.5.1 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.

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312.6 MONITORING CONTENT

The Chief Probation Officer or designee will appoint a supervisor 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.

312.7 RETENTION OF RECORDS

The Division Manager should 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.

312.8 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, and dissemination and retention of information posted on department sites.

Report Preparation

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Department who complete reports as a part of their duties.

313.2 POLICY

It is the policy of the Stanislaus County Probation Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

313.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority necessary under exceptional circumstances.

313.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. Members are responsible for completing and submitting 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.

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. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

313.4.1 ELECTRONIC SIGNATURES

The Stanislaus County Probation Department has established an electronic signature procedure for use by all members of the Stanislaus County Probation Department. The IT Manager or Division Manager shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for the electronic signature, and ensuring that the use of electronic signatures otherwise complies with the law (Government Code § 16.5):

- (a) Members may only use their electronic signatures for official reports or other official communications.
- (b) Each member shall be responsible for the security and use of the electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

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313.4.2 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

When information included in a report was received from a third party that is not an identified law enforcement, probation, parole, or corrections agency, the member authoring the report should state which specific information was obtained from a third party and whether it was independently confirmed by a member from the Department.

313.5 ADULT REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if the member deems it necessary or as directed by a supervisor.

313.5.1 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:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Mandatory Reporting
- (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.

313.5.2 REPORTS TO THE COURT

As appropriate and necessary, officers should prepare and file with the court the following reports:

- (a) A presentence report for adult offenders upon referral of a felony conviction from the court (Penal Code § 1203).
 - 1. The report should include a recommendation of whether the offender should be granted probation and recommended conditions of probation, if granted (Penal Code § 1203).
 - 2. The report should be consistent with the requirements of Penal Code 1203(a) and Court Rule 4.411.5 (Penal Code §1203).
- (b) A conduct and worktime credit estimate to be filed with the court at the time of sentencing (Penal Code § 1191.3).

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1. The estimate shall also be provided to the victim.

313.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction.
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person.
- (g) Any firearm discharge.
- (h) Any traffic accidents, involving department vehicles or members involved in County business, above the minimum reporting level.
- (i) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.
- (j) When a person in an officer's custody or care requires medical attention or treatment
- (k) 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.

313.5.4 MISCELLANEOUS INJURIES

Any injury reported to this department shall require an incident report when:

- (a) The injury is the result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.
- (e) The injury is to a person in a member's custody or care.

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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.

313.6 JUVENILE REPORTING

Officers may be required to complete reports relating to juvenile offenders in any of the following scenarios. Officers should complete reports consistent with the appropriate department forms and reporting methods, unless otherwise approved by a supervisor. The reports referenced herein are not intended to be all-inclusive.

313.6.1 SOCIAL STUDY REPORT

Officers shall prepare and file with the court a social study, prepared pursuant to the requirements of Welfare and Institutions Code § 706.5, as follows (Welfare and Institutions Code § 727.4):

- (a) At least 10 days before a permanency hearing held pursuant to Welfare and Institutions Code § 727.3.
- (b) At least 10 days before a placement review hearing held pursuant to Welfare and Institutions Code § 727.2.
- (c) After any hearing during which the court has ordered a minor into the supervision of the officer for placement (Welfare and Institutions Code § 727).

313.7 ANY COUNTY PERSONNEL OR PROPERTY

Incidents involving County personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a County employee or on County property.
- (b) There is damage to County property or equipment.

313.8 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy.

The original report should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

313.8.1 CHANGES AND 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 not yet submitted to the Clerical Division may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

314.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media.

314.2 POLICY

It is the policy of the Stanislaus County Probation Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect inter- or intra-agency investigations will not be released.

314.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer. In situations not warranting immediate notice to the Chief Probation Officer and in situations where the Chief Probation Officer has given prior approval, Division Managers and designated Public Information Officers may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

314.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by probation personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above should only be considered for the furtherance of legitimate probation purposes. Prior to approving any exception, the Chief Probation Officer will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

314.5 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the Assistant Chief Probation Officer.

314.6 MEDIA REQUESTS

Any media request for information or access to department members shall be referred to the Public Information Officer, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

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- (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 a supervisor or the Public Information Officer.
- (b) In situations involving multiple agencies or government departments, 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 comment to the media regarding any probation incident not involving this department without prior approval of the Chief Probation Officer. Under these circumstances the member should direct the media to the agency handling the incident.

314.7 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects or offenders with warrants. This information may also be released through the department website or other electronic data sources.

314.8 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Public Information Officer to ensure that confidential or restricted information is not inappropriately released to the media. When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

314.8.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information, including the identity of officers involved in shootings or other critical incidents, shall be referred to the Public Information Officer.

Requests should be reviewed and fulfilled by the Manager or, if unavailable, the Chief Probation Officer or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., California Public Records Act).

Part-Time Officers

315.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Stanislaus County Probation Department part-time officers to supplement and assist regular full-time probation officers and probation corrections officers in their duties. These officers provide professional and special functions and part-time services that can augment regular staffing levels.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Part-time officer - An officer who is engaged in probation duties for less time than full-time officers (Government Code § 20065).

315.2 POLICY

The Stanislaus County Probation Department shall ensure that part-time officers are properly appointed, trained, and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

315.3 RECRUITMENT AND SELECTION

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.

315.3.1 APPOINTMENT

Applicants who are selected for appointment as part-time deputy probation officers shall, on the recommendation of the Chief Probation Officer, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

315.4 IDENTIFICATION

Part-time officers will be issued Stanislaus County Probation Department badges, and identification cards as appropriate to their classification. The badges shall be the same as those worn by regular full-time officers. The identification cards will be the standard Stanislaus County Probation Department identification cards, with the exception that "Part-time" will be indicated on the cards.

315.5 AUTHORITY

Part-time officers shall perform duties within the scope of their approved training. Part-time officers:

- (a) Perform probation functions and have the authority to officially act on behalf of this department.
- (b) Shall not exercise probation duties when off-duty.

315.6 COMPENSATION

Compensation for part-time officers is provided as follows:

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- (a) Part-time officers shall work the schedule assigned by the Chief Probation Officer or the authorized designee.
- (b) Part-time officers are issued safety equipment as applicable to their positions. All property issued to part-time officers shall be returned to this department upon termination or resignation.

315.7 COMPLIANCE

Part-time officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to a regular full-time officer, it shall also apply to a part-time officer, unless by its nature it is inapplicable.

Part-time officers are required by this department to meet department-approved training requirements.

All part-time officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time officer coordinator.

315.8 FIREARMS

Part-time officers shall successfully complete department-authorized training in the use of firearms if assigned to an armed position. Their appointments must be approved by the County prior to being issued firearms by this department or otherwise acting as part-time officers on behalf of the Stanislaus County Probation Department.

Part-time officers will be issued duty firearms as specified in the Firearms Policy. Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Part-time officers are required to maintain proficiency with firearms used in the course of their assignments. Part-time officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

315.8.1 CONCEALED FIREARMS

A sworn part-time officer who is also a peace officer shall retain the same authority to carry a concealed weapon off-duty as that of a full-time officer upon successful completion of department firearms training (see the Firearms Policy) (Penal Code § 25400; Penal Code § 25450).

An instance may arise where a part-time officer is assigned to a plainclothes detail for an assigned tour of duty. Under these circumstances, the part-time officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon must be registered by the part-time officer and be inspected and certified as fit for service by

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the department Rangemaster. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the part-time officer shall demonstrate proficiency with the weapon.

315.9 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer-in-charge. Part-time officers should not supervise a regular full-time officer.

315.9.1 EVALUATIONS

Part-time officers will be evaluated once they work 2,080 hours using performance dimensions applicable to the duties and authorities granted to that part-time officer.

315.9.2 INVESTIGATIONS AND COMPLAINTS

If a part-time officer is the subject of a personnel complaint or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

316.1 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 assistance from a law enforcement agency.

316.2 POLICY

It is the policy of the Stanislaus County Probation Department to respond to requests for mutual aid or assistance by law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

316.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from a law enforcement agency should be routed to the Supervisor's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

Mutual aid or assistance may be provided by this department when a law enforcement agency requests assistance. The Supervisor may authorize an appropriate number of available officers to assist. Officers rendering assistance shall comply with applicable laws and the policies of this department.

Only officers who have been approved by the Chief Probation Officer to respond to requests for mutual aid or assistance are authorized to participate in any response. Officers who respond to a request for assistance shall notify a supervisor of their activity as soon as practicable.

316.3.1 EMERGENCY ASSISTANCE

Officers should not respond to any emergency calls except as authorized in this policy. If an officer believes that an emergency response is required in any other situation, the officer should immediately request a response by local law enforcement.

Officers should only respond to a request for assistance as an emergency response when dispatched and when authorized by this agency to operate an emergency vehicle under emergency circumstances. Officers responding should notify a supervisor as soon as reasonably practicable. Officers responding to an emergency request for assistance from a law enforcement agency shall proceed immediately as appropriate. Officers shall operate the emergency vehicle lighting and siren in accordance with the Vehicle Use, Safety, Maintenance policy and as required by law (Vehicle Code § 21055; Vehicle Code § 21056).

Officers not responding to a request for assistance as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren. Officers responding to a request for assistance as an emergency response in a vehicle that is not equipped with lights and siren should observe all traffic laws.

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316.3.2 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.

316.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from an outside agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

316.5 SHARED EQUIPMENT AND SUPPLIES

A plan should be prepared by the Administrative Services Division Manager or the authorized designee regarding equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies.

The plan should include:

- (a) An itemization of the equipment.
- (b) The conditions relative to sharing.
- (c) The training requirements for:
 - 1. The use of the equipment and supplies.
 - 2. The members trained in the use of the equipment and supplies.
- (d) Any other requirements for use of the equipment and supplies.

Copies of the plan should be provided to the Division Manager to ensure use of the equipment and supplies complies with the sharing agreements.

The Training Manager should see that appropriate members have received the required training on the plan.

Major Incident Notification

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Stanislaus County Probation Department in determining when, how, and to whom notification of major incidents should be made.

317.2 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. Additional information regarding media inquiries is addressed in the Media Relations policy.

317.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief Probation Officer, the affected Manager, and the appropriate County administrators. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Officer-involved shooting, whether on- or off-duty
- Homicides, suspicious deaths, or other deaths related to probation activity
- Crimes or other behavior by offenders of unusual violence, or circumstances that may include hostages, barricaded persons, home invasions, armed robbery, or sexual assaults involving offenders
- In-custody deaths or in-custody serious injuries related to offenders
- Traffic accidents with fatalities or severe injuries involving department members or offenders
- Significant injury to or death of a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Stanislaus County official
- Equipment failures, utility failures, and incidents that may affect staffing or pose a threat to basic probation services
- Any other incident that has attracted or is likely to attract significant media attention
- Death of a prominent Stanislaus County official
- Aircraft crash with major damage and/or injury or death

317.4 DIVISION MANAGER RESPONSIBILITIES

The Division Manager is responsible for making the appropriate notifications. The Division Manager shall make reasonable attempts to obtain as much information on the incident as possible before notification and shall attempt to make the notifications as soon as practicable.

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317.4.1 CHIEF PROBATION OFFICER NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief Probation Officer shall be notified along with the affected Division Manager and the supervisor of the affected division.

317.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the Chief Probation Officer or the authorized designee shall be notified and will then assign the appropriate investigator (e.g., internal affairs investigations).

317.4.3 MEDIA RELATIONS

The Chief Probation Officer or the authorized designee should assign the Public Information Officer or an officer to respond to requests for information if it appears the media may have a significant interest in the incident.

Limited English Proficiency Services

318.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

318.1.1 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 proficiency (LEP) individual - 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, understanding) but still exhibit LEP for other purposes (e.g., reading, 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).

318.2 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 on national origin or any other protected interest or right.

318.3 LEP COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Chief Probation Officer or the authorized designee.

The responsibilities of the 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 Division Manager. The list should include information regarding:
 - 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 data from 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 this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing the department's efforts in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing 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.

318.4 FOUR-FACTOR ANALYSIS

Because 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 law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (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 this department or a particular geographic area.

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- (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.

318.5 TYPES OF LEP ASSISTANCE AVAILABLE

Stanislaus County Probation Department members should never refuse service to an LEP individual 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 use 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.

318.6 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.

318.7 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 representative of the community being served.

318.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members who provide 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 and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, 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.

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318.9 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 LEP coordinator that demonstrates their skills and abilities in the following areas:

- (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.

318.9.1 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:

- (a) Qualified bilingual members of this department or personnel from other County departments.
- (b) Individuals employed exclusively to perform interpretation services.
- (c) Contracted in-person interpreters, such as state or federal court interpreters, among others.
- (d) 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.

318.9.2 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 above), and have been approved by the Department to communicate with LEP individuals.

When qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called on when

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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.

318.10 CONTACT AND REPORTING

Although all probation contacts, services, and individual rights are important, this department will use 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 that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services used and whether the individual elected to use services provided by the Department or some other identified source.

318.11 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.

318.12 FIELD SUPERVISION

Field supervision will generally include such contacts as home, school, or work 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 use the methods outlined in this policy to provide such assistance.

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.

318.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for revocation of probation or supervised release, or arrest, or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP

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individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. 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.

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.

318.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations 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 interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter. To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

318.15 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 a complaint 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.

318.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional probation duties. This department will continue to work

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with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

Communications with Persons with Disabilities

319.1 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.

Additional guidance for addressing the needs and rights of youth detained in the Juvenile Institutions can be found in the Youth with Developmental Disabilities Policy.

319.1.1 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 using 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).

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, transliterators, sign language interpreters, and intermediary interpreters.

319.2 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.

319.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to an ADA coordinator (28 CFR 35.107). The coordinator shall be appointed by and directly responsible to the Chief Probation Officer or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

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- (a) Working with the County ADA coordinator regarding the Stanislaus County Probation Department's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports or 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:
 - 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 individuals 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.

319.4 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. That an individual appears to be nodding in agreement does not always mean the individual completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate 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).
- (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.

319.5 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.

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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 involved communication.
- (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 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, is 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.

319.6 TYPES OF ASSISTANCE AVAILABLE

Stanislaus County Probation Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it 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 disabled individuals through a variety of services.

Disabled individuals 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.

319.7 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

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may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

319.8 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 the investigation. 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 probation 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 an interpreter (28 CFR 35.160).

319.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking, attorney contacts), members must also provide those who are deaf, are 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.

319.10 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.

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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.

319.11 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/offender/person on supervised release).

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.

319.12 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 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.

319.13 FIELD SUPERVISION

Field supervision will generally include such contacts as home, work, or school visits, street contacts, community encounters, 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.

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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 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.

319.13.1 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, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speech-read 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.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

319.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing, or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual 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 by a qualified interpreter or by providing a written *Miranda* warning card to suspects who are deaf or hard of hearing.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

319.15 ARRESTS 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

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as soon as reasonably practicable, unless the individual 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, are hard of hearing, have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information should 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.

319.16 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 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.

319.17 TRAINING

To ensure that all members who may have contact with disabled individuals 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.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

Biological Samples

320.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required by California law to provide a biological sample to the Stanislaus County Probation Department as a result of a qualifying conviction or adjudication.

This policy does not apply to biological samples in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders or arson offenders. Biological samples collected for purposes of drug and/or alcohol testing (e.g., urine, blood) are addressed in the Drug and Alcohol Testing Policy.

320.2 POLICY

The Stanislaus County Probation Department will assist in the collection of required biological samples from offenders and individuals subject to post-release community supervision or mandatory supervision in accordance with the laws of this state, including out-of-state transfer cases.

320.3 INDIVIDUALS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following individuals who are on probation or under supervision for any felony or misdemeanor offense are required by California law to submit a biological sample to an officer of the Stanislaus County Probation Department if the individual has a prior felony conviction or adjudication, including a conviction or adjudication for an equivalent out-of-state offense (Penal Code § 296.1):

- (a) Adults and juveniles subject to [probation/supervised release] supervision
- (b) Individuals subject to post-release community supervision
- (c) Individuals subject to mandatory supervision pursuant to Penal Code § 1170(h)(5)

In addition, individuals who are accepted for supervision by this department from another jurisdiction and who are not confined are required to submit a biological sample if the individual has a prior felony conviction or adjudication, including a conviction or adjudication for an equivalent out-of-state offense (Penal Code § 296.1(a)(5)).

320.4 PROCEDURE

When an individual is required to provide a biological sample to a probation officer, subsequent to conviction, a probation officer of the Stanislaus County Probation Department should:

- (a) Verify the individual is required to provide a sample pursuant to California law.
 - 1. Verification includes querying the individual's criminal history record for a DNA collection flag or, during regular business hours, contacting the California Department of Justice (DOJ) designated laboratory to determine whether a biological sample has previously been collected from the individual. There is no need to obtain a sample if one has been previously obtained.
- (b) Notify the individual of the time and location to appear to submit a sample.

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1. The date to appear shall be, when practicable, within five days of notification to the individual of the requirement to submit a sample (Penal Code § 296.1).
 2. Collections from an individual accepted for supervision from another jurisdiction shall occur at a county jail facility located in the county where the person resides (Penal Code § 296.1).
 3. All other collections may occur at a county jail facility or at any other city, state, local, or private facility designated by the California DOJ for the collection of a sample (Penal Code § 296.1).
- (c) Provide or use the collection kit designated by the California DOJ for the collection of the sample.
 - (d) Provide for a witness to be present at the collection of the sample.
 - (e) Document in the individual's file that the sample was taken.
 - (f) Forward the sample to the California DOJ as soon as practicable.

320.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to the use of 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:

- (a) Communicating the possible consequences of a refusal.
- (b) Contacting the District Attorney to seek additional charges against the individual for failure to comply pursuant to Penal Code § 298.1 or bring the refusal before the appropriate court.
- (c) Notifying the court at the offender's next court appearance, if any.
- (d) Contacting the offender's attorney, if known.
- (e) Filing a violation report pursuant to the Violations Policy.

A Supervisor shall review and approve any plan to use additional actions to compel a sample. Both the supervising officer and the Supervisor should document the offender's refusal to submit a sample and the steps taken in any attempt to obtain voluntary compliance.

320.5.1 USE OF FORCE DOCUMENTATION

A supervisor shall prepare prior written authorization for the use of any force (Penal Code § 298.1). The written authorization shall include information that the individual was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

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320.5.2 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the offender's file or otherwise retained in accordance with the established records retention schedule.

320.6 BLOOD SAMPLES

A blood sample should only be obtained under this policy when (Penal Code § 295; Penal Code § 298):

- (a) The California DOJ requests a blood sample and the subject consents.
- (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).

320.7 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.

Child and Dependent Adult Safety

321.1 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.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult abuse investigation. These are covered in the Mandatory Reporting Policy.

321.2 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.

321.3 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 offender has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (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 asking 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 consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

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 nonproductive, 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 appropriate care will be provided.

321.3.1 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.

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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 the person's 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) 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) Shall notify Child Protective Services or the Adult Protective Services.
- (e) Notify the field supervisor or Division Manager 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 the associated report.

321.3.2 REPORTING

- (a) For all arrests where children are placed with a non-custodial guardian, the reporting member will document 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 placed with a non-custodial guardian, the reporting member will document the following information:
 - 1. Name
 - 2. Sex

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3. Age
4. Whether the person reasonably appears able to engage in self-care
5. Disposition or placement information if the person is unable to engage in self-care

321.3.3 SUPPORT AND COUNSELING REFERRAL

If the handling officers believe the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate, or a crisis response telephone number, they should provide appropriate referral information.

321.3.4 SELF-SURRENDER

If an officer allows an offender to self-surrender, the officer should, where practicable, allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate.

321.4 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 agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Probation facility, transported in a marked law enforcement vehicle, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

321.5 TRAINING

The Training Manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive training on effective safety measures when a parent, guardian, or caregiver is arrested (Penal Code § 13517.7).

Service Animals

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to ensure that 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 (ADA).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks to benefit 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)).

322.2 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.

322.3 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.

322.4 MEMBER RESPONSIBILITIES

Service animals 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).

322.4.1 INQUIRY

If it is apparent or if a member knows 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 the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

322.4.2 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.

322.4.3 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 that are reasonably available to an individual with a disability, with or without a service animal.

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322.4.4 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).

Volunteers and Student Internships

323.1 PURPOSE AND SCOPE

This policy establishes guidelines for using Stanislaus County Probation Department volunteers, including student interns, to supplement and assist department personnel in their duties. Trained volunteers and/or student interns are members who can augment department personnel and help complete various tasks.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Student intern - A college, university, or graduate student gaining practical experience in the intern's field while under supervision.

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 student interns.

323.2 POLICY

The Stanislaus County Probation Department shall ensure that volunteers and student interns are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

323.3 ELIGIBILITY

Requirements for participation as a volunteer or student intern for the Department may include but are not limited to:

- (a) Being at least 18 years of age.
- (b) Possession of a valid driver's license if the position requires operating a vehicle.
- (c) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer or student intern work.
- (d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (e) No conviction of a misdemeanor or crime within the past 10 years, excluding traffic offenses.
- (f) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (g) Ability to meet physical requirements reasonably appropriate to the assignment.
- (h) A personal background and character suitable for a person representing the Department, as validated by a background investigation.

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Volunteers and Student Internships

The Chief Probation Officer may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

323.4 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.

323.4.1 RECRUITMENT

Volunteers and student interns should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and 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 and student interns should be submitted in writing by interested department members to the volunteer coordinator or student intern coordinator through the requester's immediate supervisor. A complete description of the duties and a requested time frame should be included in the request. All department members should understand that the recruitment of volunteers and student interns is enhanced by creative and interesting assignments. The volunteer coordinator or student intern coordinator may withhold assignment of any volunteers or student interns until the requester is prepared to make effective use of them.

323.4.2 SELECTION

Volunteer and student intern candidates shall successfully complete the following process before appointment:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator or student intern coordinator.
- (c) Successfully complete an appropriate-level background investigation.

323.4.3 APPOINTMENT

Service as a volunteer or student intern with the Department shall begin with an official notice of acceptance or appointment by the Chief Probation Officer or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator or student intern coordinator.

No volunteer or student intern should begin any assignment until the individual has been officially accepted for that position and has completed all required screening and paperwork.

At the time of final acceptance, each volunteer and student intern should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers and student interns shall receive a copy of the orientation materials and shall be required to sign a volunteer or student intern agreement. Volunteers and student interns should

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be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the Department.

Volunteers and student interns serve at the discretion of the Chief Probation Officer.

323.5 IDENTIFICATION

As representatives of the Department, volunteers and student interns are responsible for presenting a professional image to the community. Volunteers and student interns shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will be provided. Identification symbols worn by volunteers and student interns shall be different and distinct from those worn by officers or other members of this department. The uniform or identifiable parts of the uniform shall not be worn while off-duty.

Volunteers and student interns will be issued Stanislaus County Probation Department identification cards, which must be carried at all times while working. The identification cards will be the standard Stanislaus County Probation Department identification cards, except that "Volunteer" or "Student Intern" will be indicated on the cards. Volunteers shall be required to return any issued uniform or department property at the termination of service.

323.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular department personnel, when authorized, may also serve as volunteers. However, this department shall not utilize the services of volunteers in such a way that it would violate employment laws or collective bargaining agreements or memorandums of understanding (e.g., an officer participating as a volunteer for reduced or no pay). Therefore, the program coordinator should consult with the Human Resources Department before allowing regular department personnel to serve in a volunteer capacity (29 CFR 553.30).

323.7 PROGRAM COORDINATOR FOR VOLUNTEERS AND STUDENT INTERNS

The program coordinator for volunteers and/or student interns shall be appointed by and directly responsible to the Chief Probation Officer or the authorized designee.

The function of the program coordinator is to provide a central coordinating point for effective volunteer and/or student intern management within the Department, and to direct and assist efforts to jointly provide more productive volunteer and student intern services. Under the general direction of the Chief Probation Officer or the authorized designee, volunteers and student interns shall report to the program coordinator and/or Division Manager.

The program coordinator may appoint a senior volunteer or student intern or other designee to help coordinate volunteers or student interns and their activities.

The responsibilities of the program coordinator or the authorized designee include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers and student interns.
- (b) Conducting volunteer and student intern meetings.
- (c) Establishing and maintaining a volunteer and student intern callout roster.

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- (d) Maintaining records for each volunteer and student intern.
- (e) Tracking and evaluating the contribution of volunteers and student interns.
- (f) Maintaining a record of volunteer and student intern schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other community programs that use volunteers and student interns and assisting in community-wide efforts to recognize and promote volunteering and student internships.
- (j) Maintaining volunteer and student intern orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers and student interns.

An evaluation of the overall use of volunteers and student interns will be conducted annually by the program coordinator.

323.8 DUTIES AND RESPONSIBILITIES

Volunteers and student interns assist department personnel as needed. Assignments will usually be to augment the Division, but volunteers and student interns may be assigned to other areas within the Department as needed. Volunteers and student interns should be placed only in assignments or programs consistent with their knowledge, skills, and abilities, and the needs of the Department.

All volunteers and student interns will be assigned to duties by the program coordinator or the authorized designee.

323.8.1 COMPLIANCE

Volunteers and student interns shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer and student intern upon appointment.

Volunteers and student interns shall become thoroughly familiar with these policies and procedures.

Whenever a rule, regulation, or guideline in this Policy Manual refers to regular department personnel, it shall also apply to volunteers and student interns, unless by its nature it is inapplicable.

Volunteers and student interns are required by this department to meet department-approved training requirements as applicable to their assignments.

323.8.2 VOLUNTEER AND STUDENT INTERN MEETINGS

All volunteers and student interns are required to attend scheduled meetings. Any absences must be satisfactorily explained to the program coordinator.

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323.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers and student interns to properly and safely perform their assigned duties. The training should correspond to the assignment as determined by the program coordinator.

Volunteers and student interns will be provided with an orientation program to acquaint them with the policies of the Department and probation procedures applicable to their assignments.

Volunteers and student interns should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks. They also should receive ongoing training as deemed appropriate by their supervisors or the volunteer or student intern coordinator.

Training should reinforce to volunteers and student interns that they shall not intentionally represent themselves as, or by omission give the impression that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers or student interns.

All volunteers and student interns shall comply with the standards of conduct and with all applicable orders and directives, whether oral or written, issued by the Department.

323.9.1 VOLUNTEER AND STUDENT INTERN TRAINING MATERIALS

All new volunteers and student interns will be issued training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer or student intern with the Stanislaus County Probation Department. Volunteers and student interns shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

323.10 SUPERVISION

Each volunteer or student intern must have a clearly identified supervisor who is responsible for the volunteer or student intern's direct management. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer or student intern and should be available for consultation and assistance.

Functional supervision of volunteers and student interns is the responsibility of the supervisor in charge of their assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers and student interns:

- (a) Take the time to introduce volunteers and student interns to members on all levels.
- (b) Ensure volunteers and student interns have workspace and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers and student interns assignments or tasks that will utilize these valuable resources.

A volunteer or student intern may be assigned as a supervisor of other volunteers or student interns, provided that the supervisor is under the direct supervision of a member of the Stanislaus County Probation Department.

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Volunteers and Student Internships

323.10.1 EVALUATIONS

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.

323.10.2 FITNESS FOR DUTY

No volunteers or student interns shall report for work or be at work when their judgment or physical condition has been impaired due to illness or injury, or by alcohol or drugs, whether legal or illegal.

Volunteers and student interns shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes but is not limited to:

- (a) Driver's license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.
- (e) All law enforcement contacts.

323.11 INFORMATION ACCESS

Volunteers and student interns should not have access to or be in the vicinity of criminal histories, investigative files, or information portals. Unless otherwise directed by a supervisor, the duties of the position, or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to submit fingerprints to the Criminal Information Index (CII) to obtain clearance. Volunteers or student interns working this type of assignment will receive training in data practices and 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 a volunteer or a student intern is grounds for immediate dismissal and possible criminal prosecution.

Volunteers and student interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, 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.

323.11.1 RADIO AND MOBILE DIGITAL TERMINAL USAGE

Volunteers and student interns shall successfully complete state and federal database access training and radio procedures training before using probation radios or Mobile Data Terminals and

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shall comply with all related provisions. The program coordinator should ensure that radio and database access training is provided for them whenever necessary.

323.12 EQUIPMENT

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer or student intern shall remain the property of the Department and shall be returned at the termination of service.

323.12.1 VEHICLE USE

Any volunteer or student intern who operates any vehicle while acting in the capacity of a volunteer or student intern shall receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the program coordinator.

Volunteers and student interns assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification of a valid driver's license.
- (c) Verification of current vehicle insurance.

The coordinator should ensure that all volunteers and student interns receive safety briefing updates and license and insurance verification at least once a year.

When operating department vehicles, volunteers and student interns shall obey all rules of the road, including seat belt requirements.

Volunteers or student interns should not operate a marked probation vehicle unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers and student interns are not authorized to operate department vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

323.13 DISCIPLINARY PROCEDURES/TERMINATION

If volunteers or student interns have a personnel complaint made against them or become involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy. If a student intern is the subject of or is involved in an internal investigation, the coordinator of the educational program that sponsors the intern should be notified.

Volunteers and student interns are considered at-will and may be removed from service at the discretion of the Chief Probation Officer, with or without cause. Volunteers and student interns shall have no property interest in their continued appointments. However, if volunteers or student interns are removed for alleged misconduct, they will be afforded an opportunity through a liberty interest hearing solely for name-clearing purposes, which shall be limited to a single appearance before the Chief Probation Officer or the authorized designee.

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Volunteers and student interns may resign from service with the Department at any time. It is requested that a volunteer or student intern who intends to resign provide advance notice and a reason for the decision.

323.13.1 EXIT INTERVIEWS

The program coordinator should conduct exit interviews when possible. These interviews should ascertain why the volunteer or student intern is leaving the position and should solicit their suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

Community Relations

324.1 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.

324.2 POLICY

It is the policy of the Stanislaus County Probation Department to promote positive relationships between department members 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 available relevant policy and operations information to the community in a transparent manner.

324.3 MEMBER 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, community treatment programs, service providers, and faith-based organizations in their supervision areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic field contacts to facilitate interaction with community members. Officers carrying out field contacts should notify an appropriate supervisor or authorized designee of their status (i.e., on field supervision) and location before beginning and upon completion of field supervision.

324.4 COMMUNITY RELATIONS COORDINATOR

The Chief Probation Officer or the authorized designee should designate a member of the Department to serve as the community relations coordinator. The coordinator should report directly to the Chief Probation Officer or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to coordinator responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations.
- (c) Working with community groups, department members, and other community resources to:

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1. 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.
- (d) Working with the Administrative Services Supervisor to develop field activities that allow officers the time to participate in community engagement activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending community meetings to obtain information on community relations needs.
- (g) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

324.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator 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) Probation-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.

324.6 INFORMATION SHARING

The community relations coordinator should work with the Chief Probation Officer or authorized designee to develop methods and procedures for the convenient sharing of information (e.g., significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media.
- (c) Department website postings.

Information should be regularly refreshed to inform and engage community members continuously.

324.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The community relations coordinator 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 to schools and community organizations.
- (d) Department ride-alongs.

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- (e) Student internships at the Department.

Instructional information should include direction on how community members should interact with 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.

324.8 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, should 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 is younger than 18.

Community members are subject to a criminal history check before approval for participation in certain activities, such as student internships.

324.9 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, offenders, or case numbers. The community relations coordinator should identify information that may increase transparency regarding department operations.

324.10 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.

Records Retention Schedule

325.1 PURPOSE AND SCOPE

Provide guidelines and standards for members of the Stanislaus County Probation Department, specific to probation department records.

325.2 POLICY

[See the Records Retention Schedule](#)

Continuous Electronic Monitoring System

326.1 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).

326.2 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).

326.3 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 under the jurisdiction of the Adult Court. 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) In relation to wards of the Court, the California Welfare and Institutions Code section 730(b) authorizes the Court to impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced. Court ordered electronic monitoring falls within this authority.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) It is the intent of the Legislature that continuous electronic monitoring programs maintain the highest public confidence, credibility, and public safety.

326.4 GENERAL POLICY STATEMENT

The Chief Probation Officer has the sole discretion to decide which persons supervised under the jurisdiction of the Adult Court shall be supervised using continuous electronic monitoring. The Juvenile Court has the sole discretion to decide which youth under the jurisdiction of the Juvenile Court 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

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Continuous Electronic Monitoring System

by the enhanced monitoring. Consideration will be given to the following factors in determining the need for enhanced monitoring:

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. Youth ordered by the Juvenile Court onto electronic monitoring shall have a review before the Court at least every 30 days to ensure the youth does not remain on electronic monitoring for an unreasonable length of time as outlined in 628.2(d) WIC.
- (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. For youth ordered by the Juvenile Court onto electronic monitoring, electronic monitoring devices shall not be used to converse with a minor or to eavesdrop or record any conversation as outlined in 628.2(b) WIC.
- (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.

326.5 ELECTRONIC MONITORING DEVICES

Continuous electronic monitoring may include the use of worldwide radio navigation system technology, known as the Global Position System, or GPS.

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- (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.
 - 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.

326.6 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.

326.7 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.

Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex(LGBTQI) Policy

327.1 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.

327.1.1 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 Individual" means an individual 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 intersex are sometimes assigned gender identity through surgical alterations, social

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upbringing, choosing gender identity at maturity, or any combination of circumstances specific to that individual.

- (l) "Sexual abuse" - Sexual activity or voyeurism perpetrated by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats.

327.2 GENERAL POLICY STATEMENT

It is the policy of the Stanislaus County Probation Department to treat all individuals in a respectful, courteous, and professional manner while maintaining safety and security. This department is opposed to, and prohibits without qualification, discrimination or harassment of any kind based on an individual's gender identity status and/or sexual orientation.

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.

327.3 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.

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- (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.
- (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 follow the guidelines as outlined in the Stanislaus County Personnel Manual: EMPLOYEE CONDUCT/BEHAVIOR; WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION policies; and the County's Equal Employment Opportunity Plan to ensure that this protected class can report discrimination or harassment without fear of reprisals.

327.4 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.

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327.5 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 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.

327.6 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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327.7 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 Stanislaus County 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."

327.8 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.

327.9 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.
 - 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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327.10 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 in the Personnel Manual.
- (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.

327.11 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.

Removable Media

328.1 PURPOSE AND SCOPE

Provide guidelines and standards for the use of removable media with Stanislaus County Probation Department computers.

328.1.1 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.

328.2 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.

328.3 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.

Restitution

329.1 PURPOSE AND SCOPE

To establish policies for the determination, management, enforcement and aggressive collection of victim restitution orders.

329.2 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.
 - (a) 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.
 - (b) 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.

329.3 EXPIRATION OF PROBATION WITH RESTITUTION OWING

It is the general goal of the Probation Department to satisfy restitution accounts in full whenever possible.

See the Stanislaus County Probation Department Procedures Manual: RESTITUTION DETERMINATION for further information.

Building Access/Visitor Pass

330.1 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.

330.2 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.

330.3 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 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.

Domestic Violence

331.1 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.

331.2 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.

331.3 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.

331.4 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.

331.5 INVESTIGATIONS

Any new law violations involving cases of domestic violence should be turned over to the law enforcement agency who has jurisdiction in that area. The following guidelines should be followed by officers when investigating domestic violence cases which fall under the jurisdiction of the Probation Department:

- (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.

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5. Arrest of the offender or return to court for a violation of court orders.
- (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) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (f) When practicable and legally permitted, video or audio record all significant statements and observations.
- (g) 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.
- (h) If the suspect is no longer at the scene, officers should follow up with law enforcement as indicated above and make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek a warrant if appropriate.
- (i) 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).

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- (j) 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.
- (k) 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. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or received characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status or professional position of the victim or suspect.

331.6 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.

331.7 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.

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331.8 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be alerted to any available victim advocates, shelters, and community resources.
- (b) When an involved person requests law enforcement assistance while removing essential items of personal property, officers already on scene should stand by for a reasonable amount of time.
- (c) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (d) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (e) Officers should 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.

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

331.9 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).

331.10 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.

331.11 STANDARDS FOR ARREST

The law enforcement agency of jurisdiction 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) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to Penal Code § 836(b).
- (c) 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

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- (d) 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, 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.
- (e) 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).

331.12 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. 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, ammunition, 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)).

331.13 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

331.14 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

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331.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of Chief Probation Officer or authorized designee (Penal Code § 11163.3).

Custodial Searches

332.1 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.

332.2 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's 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 rectal cavity or vagina of a female individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia.

332.3 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.

332.4 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 should be present during the search.

332.5 SEARCHES AT PROBATION DETENTION FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Stanislaus County Probation Department detention 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

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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. Whenever feasible, staff shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth (15 CCR 1352.5). 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.

332.6 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.

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. The inventory should include the case number, date, time, member's Stanislaus County Probation Department identification number and information regarding how and when the property may be released.

332.7 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCH

Should an officer suspect an individual has 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

- (a) If the individual does not voluntarily remove the item, a strip search may be conducted in the field only with Supervisor authorization and only in exceptional circumstances, such as when:
 - 1. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

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2. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Supervisor authorization does not need to be in writing.

332.8 STRIP SEARCH PROCEDURES

Strip searches at Stanislaus County Probation Department detention facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Supervising Probation Corrections Officer (SPCO) shall be obtained prior to the strip search.
- (b) All members 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. Whenever feasible, staff shall respect the youth's preference regarding the gender of the staff member who conducts any search of the youth (15 CCR 1352.5).
- (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 member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member 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 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.

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10. The facts upon which the member based their belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or breasts while that individual is showering, performing bodily functions or changing clothes, unless the individual would otherwise qualify 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 the individual's 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.

332.9 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 Supervisor and only upon a search warrant. 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 members 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 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 Supervisor's approval.

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4. A copy of the search warrant.
 5. The time, date and location of the search.
 6. The names, sex and roles of any department members present.
 7. 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.

332.10 TRAINING

The Training Manager or authorized designee 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.

Generative Artificial Intelligence Use

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

This policy does not supersede or override any County regulations that are more stringent or impose additional requirements. In the event of any conflict, the policy that provides the County with the highest level of security will take precedence.

333.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

333.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Stanislaus County Probation Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

333.3 RESPONSIBILITIES

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333.3.1 STANISLAUS COUNTY INFORMATION TECHNOLOGY CENTRAL

Integrating GenAI into all new or existing County systems will also require approval from Information Technology Central to ensure all systems are thoroughly evaluated for county-wide risk.

333.3.2 CHIEF PROBATION OFFICER

The Chief Probation Officer or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

333.3.3 AI COORDINATOR

The Chief Probation Officer or the authorized designee shall appoint the Information Technology Manager as the AI coordinator. The AI coordinator shall report to the Chief Probation Officer or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- (a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief Probation Officer or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 - 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
 - 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
 - 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 - 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 - 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 - 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 - 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- (b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards

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(e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

- (c) Coordinating with others within the Department and County, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- (d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.
- (e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.
- (f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- (g) Developing and updating training for the authorized users of each department approved GenAI system.
- (h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- (i) Conducting audits at reasonable time intervals for each of the Integrated GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. For systems without accessible logs, the employee shall not enter CJIS or any personal identifiable information. The coordinator may arrange for audits to be conducted, as needed.
- (j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- (k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- (l) Reviewing this policy and department practices and proposing updates as needed to the Chief Probation Officer.
- (m) Developing procedures in coordination with the Brady information coordinator and the Clerical Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with Brady and the California Public Records Act.

333.4 USE OF GENERATIVE AI

Department members may use GenAI systems only for official work-related purposes, provided they have received proper training, obtained necessary approvals, and comply with privacy considerations in 333.4.1.

General Guidelines:

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Content should be considered draft material, requiring

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thorough review before use. Members remain fully responsible for the final content and must verify the accuracy and reliability of AI-generated information using independent sources.

333.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

CJIS raw data shall not be input into GenAI systems unless pre-approved through the integrated AI approval process by the AI Coordinator and the Chief Probation Officer.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

333.4.2 ACCOUNTABILITY AND CONSEQUENCES FOR MISUSE

Members are held accountable for their use of department-approved GenAI systems. Misuse, including but not limited to inputting protected or sensitive information without authorization, bypassing approval processes, using GenAI for prohibited purposes (see 333.5), or failing to verify AI-generated outputs, will result in consequences based on the severity and intent of the violation.

The AI Coordinator, in consultation with the Chief Probation Officer or authorized designee, will investigate reported misuse.

333.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief Probation Officer or the authorized designee for the intended use.

333.6 TRAINING

The AI coordinator, Division Director, or Supervising Probation Officer should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output

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- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

Chapter 4 - Intake, Orientation, and Supervision

Initial Intake to Probation Services

400.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Stanislaus County Probation Department's initial intake.

400.2 POLICY

The Stanislaus County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate supervision of offenders.

400.3 ADULT INTAKE TO SUPERVISION

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist officers in their supervision of assigned offenders.

The intake program should include but is not limited to:

- (a) Performing an intake interview or interviews:
 - 1. The intake interview should be completed after the offender's release from custody or initial report to the Stanislaus County Probation Department or as ordered by the Court.
- (b) Documenting relevant information about the offender, such as:
 - 1. Personal information including name, address, and contact information
 - 2. Current employment and relevant employment history
 - 3. Family information
 - 4. Criminal history
 - 5. Any substance abuse, mental health, and treatment information
 - 6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
 - 7. Court orders
- (c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the offender as set forth in the Risk and Needs Assessments Policy.
- (d) Providing the offender with an overview of what to expect while being supervised and any of the following as applicable:
 - 1. Reporting instructions and case plan
 - 2. A copy of court-ordered conditions of supervision
 - 3. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
 - 4. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)

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5. Applicable registration requirements (e.g., gang (Penal Code § 186.31), arson (Penal Code § 457.1), sex offenders (Penal Code § 290.017; Penal Code § 290.85))
6. Documenting offender receipt of orientation and other materials

400.4 JUVENILE INTAKE TO SERVICES

400.4.1 JUVENILE INTAKE OFFICERS/AGENTS

The Chief Probation Officer should designate officers to act as juvenile intake officers. These officers should be trained in established juvenile intake procedures and should serve as first-line staff for juvenile intake to services.

400.4.2 OUT-OF-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently out of custody.

The intake program should include but is not limited to:

- (a) Performing an intake interview, including an interview with the juvenile and parent/s to determine next steps
- (b) Documenting relevant information about the juvenile including but not limited to:
 1. Verifying personal information including name, address, and contact information
 2. Current employment and relevant employment history, if applicable
 3. Family information, including siblings and parental custody situation
 4. Delinquent history information
 5. Child welfare history, including any allegations of abuse or neglect and outcomes of these allegations
 6. School information, including grades and attendance
 7. Any substance abuse, mental health, and treatment information
 8. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
 9. Completing any appropriate and/or mandated risk and needs assessment(s) as set forth in the Risk and Needs Assessments Policy
 10. Documenting the juvenile's and parent's/guardian's receipt of documents and other materials
 11. Any other information that is deemed necessary to ensure an understanding of each juvenile's individual needs
- (c) Providing the juvenile with any of the following as applicable:
 1. Copies of their signed paperwork

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2. Applicable resources, including community referrals
3. Explanations of any financial obligations, such as a victim's request for restitution

400.4.3 IN-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently in custody.

This intake program should include intake procedures for juveniles who are out of custody, along with investigation, and release or placement procedures (Welfare and Institutions Code § 628; Welfare and Institutions Code § 727; Welfare and Institutions Code § 727.05).

In addition to considering the intake program as described in Out-of-Custody Juvenile Intake, officers assessing the status of a juvenile who has been booked into custody should:

- (a) Review booking information.
- (b) Review pertinent reports from law enforcement.
- (c) Consider custodial status and whether custody is appropriate, including whether the juvenile is a dependent minor.
- (d) Consider whether filing with the prosecuting attorney is appropriate.
- (e) Inquire as to the status of a minor as an Indian child within the meaning of Welfare and Institutions Code § 224.3 and provide notice as required by Welfare and Institution Code § 224.2.

Risk and Needs Assessments

401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines for the selection and administration of risk and needs assessment tools (RNAs) and the use of resulting information.

401.2 POLICY

It is the policy of the Department to use RNAs fairly, properly, and consistently to assist in making informed decisions regarding offender levels of risk, intervention strategies, treatment, and supervision.

401.3 AGENCY RNA SELECTION

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Identifying and approving any RNA to be used by officers considering state or other jurisdictional requirements.
 - 1. Any/All State-Authorized Risk Assessment Tools used for the evaluation of Sex Offenders (SARATSO) (Penal Code § 290.04).
 - 2. All other RNAs to be used by Department officers.
- (b) Creating and maintaining practices for the administration of RNAs, including but not limited to:
 - 1. Practices to collect initial and updated information.
 - 2. Reassessments based on offender life changes or other dynamic risk factors.
- (c) Periodically reviewing assessments and results to identify any training or RNA adjustments or improvements.
- (d) Working with other agencies and entities, including courts, prosecutors, treatment providers, and other providers, to facilitate coordination and implementation of department-approved RNAs and related practices.

401.4 OFFICER RESPONSIBILITIES

Officers should not administer or score an RNA before completing department-approved training.

Only department-approved RNAs should be used.

Officers should supplement information collected during the administration of the RNA with information from an official records check, such as a criminal history records check.

Officers who reasonably believe the results of the RNA may be inaccurate or incomplete should consult with a supervisor to determine whether presentation to the court or other resolution is appropriate.

401.5 TRAINING

Officers using RNAs should receive periodic training on the use of approved RNAs. The training should include, as applicable and as resources allow:

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- (a) The purpose of the RNA, including the types of offenders for which the RNA was developed.
- (b) Information required for administration of the RNA.
- (c) How to administer the RNA.
- (d) Limitations of the RNA.
- (e) The types of decisions that may be made based on data produced by the RNA.
- (f) How the RNA calculates risk and needs and what, if any, other assessment information may be provided by the tool (e.g., strengths, responsivity factors).

401.5.1 SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS

Only officers trained as required by Penal Code § 290.05 may administer a SARATSO.

Supervision of Offenders

402.1 PURPOSE AND SCOPE

This policy establishes guidelines for the supervision of offenders by assigning offenders to an appropriate level of supervision and developing an appropriate case management plan for each offender.

This policy does not address compliance monitoring, modifications and violations of release conditions, risk and needs assessments, and intake, which are addressed in other policies.

402.2 POLICY

It is the policy of the Stanislaus County Probation Department to use case management practices to facilitate effective and safe supervision of offenders in accordance with federal and state law and department procedure.

402.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should:

- (a) Establish and maintain procedures to assign offenders to approved levels of supervision.
- (b) Establish and maintain procedures for the development and implementation of case management plans.
- (c) Establish and maintain procedures to ensure that offenders are provided with guidance identifying appropriate community-based resources required or recommended for the offender, and with assistance accessing those resources.
 - 1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.
- (d) Review and approve the level of supervision to which each offender is assigned.
 - 1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.
- (e) Conduct periodic reviews of case plans to assess the need to adjust a plan for reasons including the offender's compliance with conditions of supervision, life changes, or other risk factors.
- (f) Establish a procedure to ensure that every 10 days updates are made to any supervised release file available to this department on the California Law Enforcement Telecommunications System (CLETS) by entering any offender placed on post-conviction supervision who is within the jurisdiction and authority of the Stanislaus County Probation Department. This includes persons on probation, mandatory supervision, and post-release community supervision (Penal Code § 14216).

402.4 LEVELS OF SUPERVISION

Each offender should be assigned a level and type of supervision (Penal Code § 1202.8).

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402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION

Officers shall follow department procedures when assigning each offender to a level of supervision.

The assignment of each offender to a level and type of supervision should be based on but not limited to the following:

- (a) Court-ordered directives related to supervision (Penal Code § 1202.8)
- (b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy
- (c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations
- (d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy
- (e) Nature and severity of the offense requiring supervision
- (f) Past criminal history and past performance on probation/parole supervision
- (g) Other information relevant to a level and type of supervision determination

402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS

Adult sex offenders who are determined by a risk and needs assessment to pose a high risk to the public of committing a sex crime shall be assigned to intensive and specialized supervision as required by Penal Code § 1203f.

Juvenile sex offenders who pose a high risk of committing a sex crime should be considered for assignment to intensive and specialized supervision.

402.5 ESTABLISHMENT OF A CASE PLAN

A case plan should be established for all supervised offenders according to department procedures.

Case plans should outline supervision strategies, including supervision, monitoring, needs screening, and referrals to appropriate programming such as treatment, education, and training programs.

Officers should review the materials used to develop the case plan with the offender, as appropriate.

Additions and modifications to court-ordered conditions shall be consistent with the Modification of Conditions of Supervision Policy.

402.5.1 JUVENILE CASE PLAN

When establishing a case plan with a juvenile, a parent or guardian should be present. Documentation should identify all persons present during the review.

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402.5.2 REVISIONS TO CASE PLAN

Officers should conduct routine reviews of the case plan and adjust when it reasonably appears appropriate, including any time modifications are made to the conditions of release of the offender. Updates to the case plan should be approved by a supervisor.

402.6 POST-RELEASE COMMUNITY SUPERVISION FOR ADULTS

Persons subject to post-release community supervision pursuant to Penal Code § 3451 shall be supervised in accordance with this policy and state law. The individual under supervision shall be required to comply with the following terms of post-release community supervision (Penal Code § 3453):

- (a) Obey all laws.
- (b) Report to the probation agency within two working days of release from custody.
- (c) Follow the directives and instructions of the assigned officer.
- (d) Report to the assigned officer as directed.
- (e) Be subject, along with the individual's residence, to search at any time of day or night, with or without a warrant by an officer or a peace officer (Penal Code § 3465).

Any additional post-release supervision conditions shall be reasonably related to the offense for which the individual was incarcerated, the individual's risk of recidivism, and the individual's criminal history (Penal Code § 3454).

402.7 MANDATORY SUPERVISION FOR ADULTS

Individuals on mandatory supervision pursuant to Penal Code § 1170(h)(5)(B) shall be supervised in accordance with this policy and Penal Code § 1170.

402.8 ADULT HOME DETENTION PROGRAM

If the Department provides for a home detention program, officers supervising an individual on home detention shall confirm (Penal Code § 1203.016; Penal Code § 1203.017):

- (a) That the individual is informed in writing of the rules and regulations of the program and the requirement to comply with those rules and regulations during the term of the individual's home detention.
- (b) That the individual remains inside the home during the designated hours.
- (c) That the individual permits access to the home by the officer at any time to confirm the individual's compliance with the conditions of the home detention.

402.9 NOTICE TO PROBATIONER

Once a case plan has been established, officers should review and discuss any instructions or requirements with the offender and provide written notification to the offender (Penal Code § 1203.7; Penal Code § 1203.12; Penal Code § 3453).

Officers should also provide offenders with an overview of what the offender can expect while under the supervision of the Stanislaus County Probation Department, including:

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- (a) Reporting and other requirements.
- (b) Applicable rules.

Updates to any instructions or requirements should be reviewed with the offender.

Officers should obtain a written acknowledgement from the offender that the individual has received a copy of the supervision conditions and requirements.

402.9.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE

At least six days prior to the deadline, officers supervising offenders required to register as sex offenders under state law shall inform the offender that the individual is required to provide proof of the individual's registration as a sex offender within six working days of release, and any change to the registration within six working days of the change (Penal Code § 290.85).

402.9.2 NOTICE OF VOTING RIGHTS

Officers should notify offenders that a printed version of information regarding voting rights for persons with a criminal history is available upon request. When requested, officers shall provide the information (Elections Code § 2105.6).

402.10 OFFICER ADULT CASE RECORD

Officers shall keep a complete and accurate record of the history of each adult offender assigned to their supervision. The record shall include (Penal Code § 1203.7; Penal Code § 1203.10):

- (a) The history of the offender's case in court.
- (b) The name of the assigned officer.
- (c) The acts taken by the officer in connection with the case.
- (d) The age, sex, nativity, residence, education, habits of temperance, marital status, conduct, employment, occupation, parents' occupation, and the condition of the offender during the term of probation.
- (e) The result of probation.

402.10.1 OFFICER JUVENILE CASE RECORD

Officers should keep a complete and accurate record for each juvenile offender assigned to their supervision pursuant to established department procedures.

402.11 TRAINING

Officers should receive training on assigning of levels of supervision and developing and implementing case management plans before supervising offenders.

Compliance Monitoring

403.1 PURPOSE AND SCOPE

This policy provides guidelines for monitoring offenders.

This policy applies to all officers within the Stanislaus County Probation Department who monitor offenders.

Drug and/or alcohol testing, search and seizure issues, and task force operations are addressed in the Drug and Alcohol Testing, Search and Seizure, and Task Force policies, respectively.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Monitoring - Compliance monitoring includes observation and/or surveillance of offenders through available means, including visual, audio, or digital. Monitoring includes but is not limited to conducting field observation, home contacts, office contacts, employment contacts, route checks, telephone checks, field contacts to referral services and programs, location monitoring, social media reviews, or any other type of visual or digital tracking of offenders.

403.2 POLICY

It is the policy of this department to fairly and objectively monitor offenders in accordance with federal and state law, as well as department policies and procedures.

403.3 ADULT SEX OFFENDER REQUIREMENTS

The monitoring plan for adult offenders assessed with the State Authorized Risk Assessment Tool for Sex Offenders who have a risk level of high shall include continued electronic monitoring, unless the offender's court, judicial officer, or releasing authority order specifically provides that such monitoring is not needed, and intensive, specialized probation supervision that includes frequent reporting to the assigned officer (Penal Code § 1202.8; Penal Code § 1203f).

403.4 OFFICER RESPONSIBILITIES

Officers should document all monitoring conducted and observations made as a result.

An officer who is unable to supervise an assigned offender should notify a supervisor as soon as reasonably practicable and should request additional resources.

Officers should not conduct monitoring activities with the intent to harass, intimidate, or embarrass.

403.5 TECHNOLOGY SYSTEMS

Officers should only use technological tools that have been approved by the department and for which they have received training.

Officers should test the technology before using in the field. If the tool malfunctions in the field, a supervisor should be notified and the malfunction documented.

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When investigating a possible violation of conditions, an officer should document any reasonably discovered information that may corroborate or dispute evidence obtained using the technology, including any malfunctions.

403.6 SOCIAL MEDIA MONITORING

Using social media or any other internet source to access information for the purpose of monitoring offenders shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members for purposes consistent with the case management plan.

Members monitoring social media of offenders should use only department-approved equipment while on-duty.

403.6.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate monitoring purposes consistent with the case plan for the offender.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the offender's case file.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the offender's case file.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the offender's case file.

Any information collected in furtherance of compliance monitoring through an internet source should be documented in the offender's case file. Documentation should include the source of information, the dates and times that the information was gathered, and screenshots if available.

403.7 ACCESS RESTRICTIONS

Recordings or other evidence created or received while conducting monitoring should be processed as provided in the Property Policy.

403.8 TRAINING

The department should provide periodic training to officers on this policy and related procedures. Training, subject to available resources, should include:

- (a) Use of approved methods of monitoring.

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- (b) How and when to use approved technology for monitoring.
- (c) Constitutional issues that may arise during monitoring, including any warrant or court order requirements and privacy issues.
- (d) When coordination with local law enforcement or other agencies is appropriate.

Drug and Alcohol Testing

404.1 PURPOSE AND SCOPE

This purpose of this policy is to establish guidelines regarding drug and alcohol testing of offenders under department supervision.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Adulterated specimen - A specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Diluted specimen - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Specimen - Urine or other body fluid or substance used for analysis.

404.2 POLICY

It is the policy of the Stanislaus County Probation Department to conduct drug and alcohol testing of offenders to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

404.3 RESPONSIBILITIES

Drug testing shall be conducted in accordance with the offender's terms of supervision.

The Chief Probation Officer or the authorized designee should develop and maintain procedures for specimen collection and testing, including but not limited to:

- (a) Identification of approved testing locations.
- (b) Approved testing methods.
- (c) Compliance with the department's exposure control plan and any applicable occupational safety requirements.
- (d) Supervision of the offender being tested during the collection of a urine specimen by officers of the same biological sex as the offender being tested.
- (e) Use of approved testing equipment or devices.
- (f) Collection of all specimens in an area free of agents or adulterants to avoid cross contamination or dilution of specimens.
- (g) Security procedures to prevent tampering with a specimen.
- (h) Establishment of methods to verify that the person appearing for testing is the offender subject to testing.
- (i) Establishment of processes, including time frames, for an offender to submit a specimen once a specimen has been requested.

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- (j) Procedures for documenting the handling of specimens from the point of collection to disposal (chain of custody).

404.3.1 THIRD-PARTY TESTING

The Chief Probation Officer or the authorized designee should work with community-based service providers (e.g., drug and/or alcohol treatment facilities) to establish methods for notifying the supervising officer when an offender submits a positive, adulterated, or diluted specimen, or refuses to submit a specimen to the community provider. Those procedures should include but not be limited to:

- (a) The time frame in which the provider must notify the supervising officer (e.g., immediately for high-risk offenders).
- (b) The type of communication required (e.g., email, phone).
- (c) The immediate action taken by the provider in response to the specimen, if any.
- (d) Preservation and documentation of the specimen and test results, confirmation testing, or other actions on the part of the provider; and chain of custody for the specimen and results, including any materials used in the collection and analysis of the specimen.

The Chief Probation Officer should establish any other required minimum data elements that are to be included in drug treatment progress reports from the community-based service providers.

404.4 COLLECTION AND TESTING GENERALLY

Members who have been trained in department procedures for collecting specimens may collect specimens consistent with the offender's court order.

404.4.1 RESPONSIVE ACTION

When an offender admits to the use of an unauthorized substance, refuses to submit a specimen when required, tests positive for an unauthorized substance, or provides an adulterated or diluted specimen, the supervising officer should consider whether:

- (a) Confirmation testing is appropriate.
- (b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.
- (c) With supervisor approval, modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate and proceed pursuant to the Modification of Conditions of Supervision Policy.
- (d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.
- (e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each offender's individual needs, as long as the action complies with court mandates.

If an offender tests positive, admits use, or refuses to provide a sample and the officer reasonably suspects the offender arrived at the testing location or intends to leave the testing location by

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operation of a motor vehicle while impaired, the officer should proceed according to the Violations Policy.

404.4.2 CONFIRMATION TESTS

Supervising officers should perform testing of an offender despite an admission of use.

When a specimen tests positive or is adulterated or diluted, regardless of any admission of use, reasonable efforts should be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

- (a) Administration of additional on-site screening.
- (b) Verification of medical prescriptions.
- (c) Submission of an appropriate specimen, following the established chain of custody, to an approved toxicology laboratory for confirmation testing.

404.5 TRAINING

Officers should receive training on this policy and related procedures.

Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY

It is the policy of this department that officers will communicate with the courts and the offender to modify conditions of supervision.

405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or Stanislaus County Probation Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain supervisor approval prior to the modification.

405.4 MODIFICATIONS

When an officer determines modification of a offender's conditions of supervision may be appropriate, the officer should within a reasonable time:

- (a) Identify the proposed modification and document the reason(s) for the proposed modification.
- (b) Notify the offender of the proposed modification.

405.4.1 MODIFICATION HEARING

When requesting a modification from the Court, the officer shall:

- (a) Arrange to have a court date set.
- (b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 778).
- (c) Notify the offender of the hearing date.
 - 1. Notice should be in writing signed by the offender and the method of notice, or reason why notice was not given, should be documented.
 - 2. Officers filing a petition to juvenile court to modify or set aside a condition of probation should serve a copy of the petition on the District Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 778; Welfare and Institutions Code § 776).

405.5 CASE PLAN

Officers should review any resulting modifications with the offender.

The reporting instructions should be modified as appropriate.

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405.6 DOCUMENTATION

Documents associated with modifications of conditions of supervision, including any waivers and approvals, should be filed in the offender's case file and retained in accordance with the Records Maintenance and Release Policy.

Violations

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for responding to and reporting violations of conditions of supervision.

406.2 POLICY

It is the policy of this department to respond to potential violation behavior with due diligence.

406.3 INVESTIGATIONS

Officers should begin an investigation into reported or suspected violation behavior within a reasonable time. Investigations into possible violations involving behavior reasonably believed to implicate a specific threat to public safety or to the safety of the offender or another person should be given priority.

Suspected violations that may constitute additional criminal behavior should be documented sufficiently for presentation to outside agencies, such as local law enforcement for follow-up or the District Attorney for filing of additional charges.

All investigations should be documented, including whether the case was submitted to law enforcement, the court and/or the District Attorney and any reasons it was not.

406.4 PROCESSING VIOLATIONS

If as a result of an investigation, the officer reasonably believes violation proceedings are appropriate, the officer should make reasonable efforts to bring the matter before the court as soon as reasonably practicable.

406.4.1 DISCRETIONARY VIOLATION REPORTING

Officers should consult with a supervisor in cases where they reasonably believe that despite violation behavior compliance with conditions may be achieved without court intervention. If modification of conditions is appropriate, officers should proceed in accordance with the Modification of Conditions of Supervision Policy.

Officers who determine that intermediate sanctions are not appropriate for an individual who violated conditions of supervision on post-release community supervision (PRCS) pursuant to Penal Code § 3450 et seq. should submit a petition to the court to revoke or terminate PRCS, if appropriate, or proceed with the Modifications of Conditions of Supervision Policy (Penal Code § 3455).

406.4.2 PROBATION AND MANDATORY SUPERVISION FLASH INCARCERATION

Officers shall not authorize flash incarcerations unless the offender has conditions permitting flash incarcerations. Officers shall obtain supervisor approval prior to the imposition of flash incarceration. Officers shall notify the court, sheriff's office, District Attorney, and public defender as soon as practicable once a decision has been made to impose flash incarceration on an offender (Penal Code § 1203.35). If an offender does not agree to accept a recommended period

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of flash incarceration, the officer should report the violation to the court, if appropriate, or proceed with the Modification of Conditions of Supervision Policy, if applicable (Penal Code § 1203.35).

406.4.3 ADDITIONAL REQUIREMENTS FOR INDIVIDUALS ON POST-RELEASE COMMUNITY SUPERVISION

Officers should investigate suspected violation behavior of individuals on PRCS pursuant to Penal Code § 3450 et seq. and process violations per the Investigations and Processing Violations sections of this policy.

Officers who have a reasonable belief that an individual on PRCS has violated a condition of supervision should obtain supervisor approval prior to the implementation of flash incarceration (Penal Code § 3454).

If flash incarceration or another intermediate sanction is not appropriate, the officer should submit a petition to the court to revoke or terminate PRCS, if applicable, or proceed with the Modification of Conditions of Supervision Policy. The petition shall include a written report that contains the terms and conditions of PRCS, the circumstances of the violation, the history of the violator, and any recommendations (Penal Code § 3455). If a petition is submitted to the court, the officer should proceed with the Service of Documents, Notice to the District Attorney, Evidence Disclosure, and Notifications sections in this policy. If an arrest is appropriate, the officer should proceed with the Arrests section of this policy.

406.5 ARRESTS

Officers who reasonably believe that an arrest is appropriate based on violation behavior should take steps to initiate the arrest within the scope of their authority and without unreasonable delay (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 625).

406.6 SERVICE OF DOCUMENTS

Regardless of whether an arrest is made, the Department shall serve a copy of any petition filed with the court on the offender or the attorney for the offender, if known (Penal Code § 1203.2). The Department should also serve a copy of the violation report on the offender or the offender's attorney, if known.

406.6.1 NOTICE TO THE DISTRICT ATTORNEY

The Department shall provide a copy of the petition to revoke probation to the District Attorney (Penal Code § 1203.2). The copy should be provided as soon as practicable after filing the petition. The method of notification and the date should be documented.

406.6.2 EVIDENCE DISCLOSURE

Evidence that the officer intends to be used at a violation hearing should be disclosed prior to the hearing to the District Attorney and the defense. Information that is confidential or protected may have disclosure limitations and should be approved by a supervisor and/or the court prior to disclosure.

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406.6.3 SUPPLEMENTAL PETITIONS IN JUVENILE COURT

Officers filing a supplemental petition to juvenile court shall serve notice of the date, time, and place of a Welfare and Institutions Code § 777 hearing to the minor's parents, foster parents, guardians, or the relatives providing care to the minor in the manner required by Welfare and Institutions Code § 658 or Welfare and Institutions Code § 660, as applicable (Welfare and Institutions Code § 777).

406.7 NOTIFICATIONS

Officers who initiate violation proceedings against offenders should consider whether notification should be made to a third party or the victim of the offense for which the offender is on supervision.

Subpoenas and Court Appearances

407.1 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.

407.2 POLICY

Stanislaus County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 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.

407.4 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 officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual 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 it is not possible to deliver a copy of the subpoena to the named officer within sufficient time for the named officer 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).

407.4.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's 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 their 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 their 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 their 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 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.

407.4.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

407.4.3 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.

407.5 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.

407.6 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 location during the day, the member shall notify the designated department member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.7 COURTROOM PROTOCOL

When appearing in court, members shall:

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- (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.

407.7.1 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. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.7.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property and Evidence promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.8 OVERTIME APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

Interstate Transfer of Supervision

408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Stanislaus County Probation Department's compliance with ICAOS.

408.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for offenders from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY

It is the policy of the Stanislaus County Probation Department to use ICOTS when planning for and organizing the movement and supervision of offenders across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A OFFENDER

When an offender requests a transfer of supervision to another state, the officer should:

- Discuss the offender's request with the offender, including the offender's reasoning and the offender's supervision plan for compliance in the potential receiving state.
- Review the offender's supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the offender's supervision status, including the offender's current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The Stanislaus County Probation Department should follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and should cooperate with the state Compact Administrator.

The Stanislaus County Probation Department should utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

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408.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred offenders received by the Stanislaus County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services and Orientation Policy.

408.6 TRAINING

The Stanislaus County Probation Department should provide training to officers involved in ICAOS cases.

Interstate Transfer of Supervision of Juveniles

409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of Compact cases and ensure the Stanislaus County Probation Department's compliance with the Interstate Compact for Juveniles (ICJ).

409.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

Uniform Nationwide Interstate Tracking for Youth (UNITY) - A web-based system for tracking interstate juvenile movement.

409.2 POLICY

It is the policy of the Stanislaus County Probation Department to use UNITY when planning for and organizing the movement and supervision of offenders across state lines. All interstate transfer of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY AN OFFENDER

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the offender and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the offender's supervision status, including the offender's current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules.

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The Stanislaus County Probation Department should follow the ICJ rules, and will cooperate with the state Compact Administrator.

The Stanislaus County Probation Department should utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

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409.5 RECEIPT OF TRANSFERRED OFFENDERS

Transferred offenders received by the Stanislaus County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services Policy.

409.6 TRAINING

The Stanislaus County Probation Department should provide training to officers involved in ICJ cases.

Cash Handling, Security, and Management

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence.

410.2 POLICY

It is the policy of the Stanislaus County Probation Department to properly handle and document cash transactions and to maintain accurate records of these transactions in order to protect the integrity of department operations and ensure the public trust.

410.3 CASH

The Chief Probation Officer shall designate a person as the fund manager responsible for maintaining and managing the cash fund.

The cash fund requires maintenance of an accurate ledger by the fund manager.

The cash, checks, money orders, and fund documents should be stored in a secure location (e.g., lockbox, locked file cabinet), with a limited number of assigned keys. Keys should be kept in a secure location and should not be shared with members who are not the fund manager.

410.4 CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one administrative staff member, selected by the Chief Probation Officer, review the cash balance and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of the fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief Probation Officer.

Transference of fund management to another member shall require a separate cash audit and involve an administrative staff member.

410.5 ROUTINE CASH HANDLING

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

Prison Rape Elimination Act

411.1 PURPOSE AND SCOPE

This policy provides guidance for compliance 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 and sexual harassment in Stanislaus County Probation Department facilities (28 CFR 115.5).

411.1.1 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).

Confined individual - A resident of a community confinement facility, or a detainee in a lockup, owned or operated by the Stanislaus County Probation Department (28 CFR 115.5).

Sexual abuse - Sexual activity or voyeurism by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats. Sexual abuse includes any of the following acts if the youth does not consent, is coerced into such acts by overt or implied threats of violence, or is unable to consent or refuse: _

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) Penetration, however slight, of the anal or genital opening of another person by a hand, finger, object, or other instrument
- (d) 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 (28 CFR 115.6)
- (e) Voyeurism (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the youth:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) 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

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- (d) 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
- (e) 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
- (f) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- (g) Any display by staff members, contractors, or volunteers of their uncovered genitalia, buttocks, or breast in the presence of a youth

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 youth that are directed toward another; repeated verbal comments or gestures of a sexual nature to a youth 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).

Transgender youth - A youth whose gender identity (i.e., internal sense of feeling male or female) is different from the youth's assigned sex at birth.

Compliance Officer-Each facility shall designate a Compliance Officer to coordinate the facility's efforts to comply with PREA standards.

Contract employee/vendor-A person who provides service on a recurring basis pursuant to a contractual agreement with the department.

Exigent circumstances- Temporary or unforeseen circumstances that require immediate action.

Gender non-conforming- A person whose appearance or manner does not conform to traditional societal gender expectations.

Mandated Child Abuse Reporter- Pursuant to Penal Code Section 11166, any person who, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes child abuse or neglect.

Secure Juvenile Facility- A facility in which movement and activities of youth may be restricted or subject to control through the use of physical barriers or staff supervision. A facility that allows youth access to the community to achieve treatment or correctional activities, such as educational or employment programs typically will not be considered to be a secure juvenile facility.

Security staff member- Staff primarily responsible for the supervision and control of youth in housing units, recreational or program areas of the facility.

Substantiated allegations- An allegation that was investigated and determined to have occurred.

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Unfounded allegations- An allegation that was investigated and determined not to have occurred.

Unsubstantiated allegations- An allegation that was investigated and determined that insufficient evidence existed as to whether or not the event occurred.

Visiting Officials- A person who is granted access to see or spend time with a youth in an official/professional capacity, such as an attorney, clergy, social worker, CASA worker, law enforcement official or therapist.

Voyeurism- An invasion of privacy of a youth for reasons unrelated to official duties, such as peering at a youth who is using the toilet in his or her cell.

Volunteer- An individual who donates time and effort to enhance the activities and the programs of the department.

411.2 POLICY

This department has zero tolerance regarding sexual abuse and sexual harassment in this facility. This department will take appropriate affirmative measures to protect all youth from sexual abuse and sexual harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

411.3 PRESERVATION OF ABILITY TO PROTECT YOUTH

The Department shall not enter into or renew any collective bargaining agreement, memorandum of understanding, or other agreement that limits the department's ability to remove alleged staff member sexual abusers from contact with any youth pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.366).

411.4 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION

Any employee, including medical and mental health staff members, department representative, volunteer, or contractor who becomes aware of an incident of sexual abuse, sexual harassment, or retaliation against youth or staff members shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.361). Staff members may also privately report sexual abuse and sexual harassment of youth (e.g., report to the Facility Superintendent) (28 CFR 115.351).

Youth may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff members shall accommodate all youth requests to report allegations of sexual abuse or sexual harassment. Staff members shall accept reports made verbally, in writing, anonymously, or from third parties, and shall promptly document all verbal reports. The facility shall provide youth with reasonable access to tools necessary to make a written report (28 CFR 115.351).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall

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only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.361).

411.4.1 REPORTING TO OTHER FACILITIES

If there is an allegation that a youth was sexually abused while confined at another facility, the Facility Superintendent or the authorized designee shall notify the head of that facility or appropriate office of the agency where the alleged abuse occurred as soon as possible, but not later than 72 hours after receiving the allegation. The Facility Superintendent shall ensure that the notification has been documented. The Facility Superintendent shall also notify the appropriate investigative agency (28 CFR 115.363).

411.4.2 ADDITIONAL REPORTING REQUIREMENTS FOR YOUTH VICTIMS

Upon receiving any allegation of sexual abuse of a youth (28 CFR 115.361):

- (a) All staff members shall comply with mandatory child abuse reporting laws (Penal Code § 11166).
- (b) The Facility Superintendent or authorized designee shall report the allegation to the victim's parents or legal guardians unless the Department is in possession of official documentation that the parents or legal guardians should not be notified.
- (c) If the victim is under the guardianship of the child welfare system, the Facility Superintendent shall report the allegation to the victim's caseworker (instead of parents or legal guardians).
- (d) If a juvenile court retains jurisdiction over the victim, the Facility Superintendent shall also report the allegation to the victim's attorney or other legal representative within 14 days of receiving the allegation.

411.5 PERSONNEL ISSUES

411.5.1 DISQUALIFICATION DECISION

Every person who may have confined individual contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify 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.

The Stanislaus County Probation Department shall not hire, promote, assign, or transfer any member or contractor to a position that may allow contact with confined individuals if the member has (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, or overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this subsection.

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The department shall ask all candidates who may have contact with confined individuals to disclose any applicable misconduct during written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

411.5.2 PREA DISCLOSURE

Members have a continuing affirmative duty to notify the Chief Probation Officer in writing if they have (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

411.6 RETALIATION

All youth and staff members who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing unit, and support services for youth or staff members who fear retaliation, shall be utilized (28 CFR 115.367).

The Facility Superintendent or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of youth or staff members who report sexual abuse or sexual harassment, as well as youth who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider youth disciplinary reports, housing or program changes, negative staff member performance reviews, or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Youth monitoring shall also include periodic status checks. The Facility Superintendent should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.367).

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411.7 FIRST RESPONDERS

If an allegation of youth sexual abuse is made, the first staff member to respond shall (28 CFR 115.364):

- (a) Separate the parties.
- (b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff member first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.382).
- (c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (d) If time allows for collection of physical evidence, request that the alleged victim and ensure that the alleged abuser do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).

If the first responder is not a staff member, the responder shall make the request that the alleged victim refrain from any actions that could destroy physical evidence and then immediately notify an officer.

Should an investigation involve youth who have disabilities or who have limited English proficiency, the Department shall not rely on youth interpreters, youth readers, or other types of youth assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise youth safety, the performance of first responder duties, or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.316).

411.8 SEXUAL ABUSE VICTIMS

Youth who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.382). Depending on the severity of the injuries, transportation may occur by an officer or by ambulance, in either case with appropriate security to protect the officer, the youth, and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Department shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Department, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 34 USC § 12511, to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.321).

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411.9 EXAMINATION, TESTING, AND TREATMENT

Examination, testing, and treatment shall include the following:

- (a) Forensic medical examinations shall be performed as evidentiary or medically appropriate, at no cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Department shall document its efforts to provide SAFEs or SANEs (28 CFR 115.321). See the Sexual Assaults Policy and Collection of Forensic Evidence Policy for additional state guidance regarding examinations and treatment.
- (b) If requested by the victim, a victim advocate, a qualified department staff member, or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information, and referrals (28 CFR 115.321).
- (c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.382).
- (d) Counseling as part of the treatment of sexually transmitted diseases, if appropriate, shall be provided.
- (e) Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections, and follow-up treatment for sexually transmitted diseases (28 CFR 115.382; 28 CFR 115.383). This shall be done in a timely manner.
- (f) Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.383). This shall be done in a timely manner.
- (g) Victims shall be provided with follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody (28 CFR 115.383).
- (h) Treatment services shall be provided to the victim at no cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.382; 28 CFR 115.383).
- (i) The Medical Director or mental health staff member shall obtain informed consent from youth before reporting information to juvenile Institutions staff members about prior sexual victimization that occurred somewhere other than an institutional setting, unless the youth is younger than 18 (28 CFR 115.381).
- (j) Sharing medical and mental health information related to sexual victimization that occurred in an institutional setting shall be limited to medical and mental health staff members and juvenile Institutions staff members to the extent necessary to inform treatment plans and security or management decisions (28 CFR 115.381).

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1. Youth shall be informed at the initiation of services of the duty to report and the limits of confidentiality (28 CFR 115.361).

411.10 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS

An administrative investigation, criminal investigation, or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.322). Administrative investigations shall include an effort to determine whether the staff member's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed department-approved training on sexual abuse and sexual harassment investigations shall be assigned to investigate these cases (28 CFR 115.371). The appropriate law enforcement entity shall be notified so that they may initiate a criminal investigation.

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to a youth's sexual orientation, sex, or gender identity. Investigators should not assume that any sexual activity among youth is consensual.

The departure of the alleged abuser or victim from the employment or control of the juvenile Institutions or Department shall not provide a basis for terminating an investigation (28 CFR 115.371).

If the investigation is referred to another agency for investigation, the Department shall request that the investigating agency follow the requirements as provided in 28 CFR 115.321 (a) through (e). The referral shall be documented. The Department shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.371). If criminal acts are identified because of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.371).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.321).

Youth alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.371).

411.10.1 INVESTIGATIVE FINDINGS

All completed written investigations shall be forwarded to the Chief Probation Officer or, if the allegations may reasonably involve the Chief Probation Officer, to the higher authority. The higher authority or the authorized designee shall review the investigation and determine whether any

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allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of evidence (28 CFR 115.371; 28 CFR 115.372).

The staff member shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff members with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff members who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.376).

411.10.2 REPORTING TO YOUTH

The Facility Superintendent or the authorized designee shall inform a youth victim in writing whether an allegation has been found to be substantiated, unsubstantiated, or unfounded. If the Department did not conduct the investigation, the Department shall request relevant information from the investigative agency in order to inform the youth.

If a staff member is the accused (unless the Department has determined that the allegation is unfounded), the youth shall also be informed whenever:

- (a) The staff member is no longer assigned to the youth's housing unit or employed at the facility.
- (b) The Department learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another youth is the accused, the alleged victim shall be notified whenever the Department learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

All notifications or attempted notifications shall be documented. When notification is made while the youth is in custody, the youth shall be asked to sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.373).

411.11 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF MEMBERS AND YOUTH

Sexual abuse and sexual harassment between staff members, volunteers, or contract personnel and youth is strictly prohibited (28 CFR 115.311; 28 CFR 115.376). The fact that a youth may have initiated a relationship or sexual contact is not a defense to violating this policy.

Any incident involving allegations of staff member-on-youth sexual abuse or sexual harassment shall be referred to the Internal Affairs Investigators and the appropriate law enforcement entity for investigation.

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411.11.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with youth. The contractor or volunteer shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.377).

411.12 SEXUAL ABUSE INCIDENT REVIEW

An incident review shall be conducted at the conclusion of every sexual abuse investigation unless the allegation has been determined to be unfounded (28 CFR 115.386). 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, investigators, and qualified health care and/or mental health professionals, as appropriate. The review team shall:

- (a) Consider whether the investigation indicates a need to change policy, procedure, 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 other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.
- (d) Assess the adequacy of staffing levels in the area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff members.
- (f) Prepare a written report of the team's findings including but not limited to determinations made pursuant to paragraphs (a) - (e) of this section, and any recommendations for improvement. The report should be submitted to the Chief Probation Officer.

The Facility Superintendent or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

411.13 DATA REVIEWS

This department shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection, and response policies, procedures, practices, and training by:

- (a) Identifying problem areas.
- (b) Identifying corrective actions taken.
- (c) Recommending corrective actions.
- (d) Comparing current annual data and corrective actions with those from prior years.
- (e) Assessing the department's progress in addressing sexual abuse.

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The reports shall be approved by the Facility Superintendent and made available through the department's website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.388).

All aggregated sexual abuse data from Stanislaus County Probation Department facilities and private facilities with which it contracts shall be made available to the public at least annually through the department's website. Before making aggregated sexual abuse data publicly available, the Department shall remove all personal identifiers (28 CFR 115.389).

411.14 RECORDS

All case records and reports associated with a claim of sexual abuse or sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling shall be retained in accordance with confidentiality laws.

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 unless the abuse was committed by a youth and applicable law requires a shorter period of retention (28 CFR 115.371).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state, or local law requires otherwise (28 CFR 115.389).

See the Stanislaus County Probation Department JD Procedures Manual: PRISON RAPE ELIMINATION ACT for further information.

Bias-Based Supervision

412.1 PURPOSE AND SCOPE

This policy provides guidance to Stanislaus County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in 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, and partnerships).

412.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based supervision - 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 supervision services or enforcement of court orders.

412.2 POLICY

The Stanislaus County Probation Department is committed to providing supervision 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 and conditions set by the court equally, fairly, objectively, and without discrimination toward any individual or group.

412.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

412.4 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.

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Bias-Based Supervision

412.5 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

412.5.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

412.6 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

412.7 STATE REPORTING

The Chief Probation Officer or authorized designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

412.8 TRAINING

Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Manager.

Chapter 5 - Field and Special Operations

Crime Scene Integrity and Investigation

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department members and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an offender's terms of probation.

500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by local law enforcement, a supervisor, or other designated person. It is also the policy of this department to cooperate with local law enforcement in the investigation of newly discovered crimes as set forth in this policy.

500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene that exceeds their experience and/or training, including one that may involve offenders under the supervision of the Department, should contact the appropriate local law enforcement agency as soon as practicable.

If the crime involves an offender under supervision by the Department, the officer should coordinate investigative responsibilities and share relevant information with the responding local law enforcement agency.

An officer who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other department should take reasonable steps to notify the individual's supervising officer or the associated department to coordinate any necessary investigative responsibilities.

500.3.1 RESPONSE

Officers who encounter or who are first to arrive at a crime scene that exceeds their experience and/or training should:

- (a) Contact local law enforcement.
- (b) Contact other local agencies (e.g., emergency medical services, fire) and request additional assistance and resources, if appropriate.
- (c) Notify a supervisor.
- (d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (e) Evacuate the location safely as required or appropriate.
- (f) Identify potential witnesses.

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500.4 ARRESTS

An Officer at the location of a crime or crime scene should not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent imminent harm to others and only if legally permitted under the circumstances. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy.

500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE

Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred within their presence should consider requesting response by the appropriate local law enforcement agency if it arises to a new law violation.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including an arrest when there is probable cause to do so. In such case, any decision not to arrest shall be made by the officer's supervisor.

Officers shall also take steps to reasonably ensure any other mandatory action related to domestic violence is accomplished. This may include mandates related but not limited to the following:

- (a) Required victim notifications or assistance.
- (b) The service of court orders.
- (c) Seizure of firearms or other deadly weapons in accordance with Penal Code § 18250 if the incident involved threats of bodily harm or physical assault and the firearm or weapon is discovered in plain view or pursuant to consent or other lawful search.

500.5 EVIDENCE

Officers should not conduct searches beyond the scope of their authority. Evidence discovered at a crime scene and that pertains to an officer's investigation of a probation violation should be documented and preserved as soon as practicable in accordance with the Search and Seizure Policy.

500.6 REPORTS

Reports should include adequate investigative information and reference to all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a report, the officer should prepare and submit a supplemental report documenting such information as soon as practicable.

Officers should proceed with the Violations Policy when the investigation involves a violation of probation conditions.

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500.6.1 DISCLOSURE OF REPORTS

Upon completion, reports, including any supplemental reports, should be transmitted to the prosecutor's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). If information is believed to be privileged or confidential (e.g., informant or protected information), release should be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

Ride-Alongs

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Stanislaus County Probation Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

501.2 POLICY

Ride-along opportunities may be provided to members of the public, County employees, and members of this department to observe and experience, firsthand, various functions of the Stanislaus County Probation Department. The term "ride-along" includes riding as a passenger with an officer performing field supervision or observing the work day of members engaging in other functions within the Department facility, such as office contacts with offenders or supervised persons.

501.3 ELIGIBILITY

A ride-along is available to Stanislaus residents and business owners, consultants, students currently attending class in Stanislaus and individuals employed within the County and individuals employed within Stanislaus. However, any applicant may be disqualified from participating without cause.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being younger than 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the County.
- Denial by any supervisor.

501.4 AVAILABILITY

A ride-along or job observation is available most days of the work week, from 8:00 a.m. to 5:00 p.m. Exceptions to this schedule may be made as approved by the supervisor.

501.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the supervisor. The non-county employee applicant will complete and sign a ride-along or job observation waiver form. Information requested will include a valid state-issued identification card or driver's license number, birth date, address, and telephone number.

The supervisor will schedule a date, based on availability. If approved, a copy of the waiver form will be forwarded to the Division Director as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

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Ride-Alongs

501.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Stanislaus County Probation Department applicants
- Any others with approval of the supervisor
- Student workers or interns

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

501.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or County employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as members of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

501.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check prior to approval of the ride-along.

501.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the supervisor. The supervisor, or a lead staff member in the absence of a supervisor, may refuse a ride-along to anyone who is not dressed appropriately.

501.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about conditions that necessarily limit participation. Instructions should include:

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- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims, offenders, supervised persons or suspects, reading an individual's criminal history or other protected information, or handling any probation department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not probation or law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the supervisor, or lead staff in the absence of a supervisor, that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The supervisor, or lead staff in the absence of a supervisor, will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.

Hazardous Material Response

502.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the factors that members should consider when they encounter hazardous material, including the reporting of exposures and supervisor responsibilities.

502.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance that by its nature, containment, or reactivity has the capability of inflicting harm during exposure; is characterized as being toxic, corrosive, flammable, reactive, an irritant, or a strong sensitizer; and thereby poses a threat to health when improperly managed.

502.2 POLICY

It is the policy of the Stanislaus County Probation Department to immediately contact the appropriate local emergency services to respond to hazardous material emergencies in order to protect the safety of offenders, the public, and those members who may be exposed to such incidents.

502.3 HAZARDOUS MATERIAL EXPOSURE

Members may encounter situations involving suspected hazardous materials, such as a chemical spill in the workplace. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Members should not perform tasks or use equipment without proper training. Officers present at a hazardous material incident may require decontamination before they are allowed to leave the scene and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

502.4 CONSIDERATIONS

These steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify appropriate supervisors, the appropriate fire department and hazardous response units, and local law enforcement.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route, and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), as available and as trained, being cognizant that some hazardous material can be inhaled.

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- (d) Remain upwind, uphill, and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community, and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (k) 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 § 79355).

502.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in a report that shall be forwarded via chain of command as soon as practicable. If the affected member is unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by 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 as applicable.

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502.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

503.1 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 recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

503.1.1 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:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

503.2 POLICY

It is the policy of the Stanislaus County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

503.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

503.4 CONSIDERATIONS

Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact local law enforcement when it is determined that a hostage or barricade situation exists.

The lead officer should brief the arriving local law enforcement officers of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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Hostage and Barricade Incidents

503.4.1 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 local law enforcement, 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.
- (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.

503.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

503.5 RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, establish a proper chain of command, and assume the role of Incident Supervisor until properly relieved by local law enforcement.

503.6 REPORTING

The lead officer at the scene is responsible for completion of appropriate documentation.

Response to Bomb Threat Calls

504.1 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 or 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.

504.2 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.

Crisis Intervention Incidents

505.1 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.

505.1.1 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 their 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; noncompliance 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.

505.2 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 members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

505.3 SIGNS

Members 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, or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

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505.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief Probation Officer should designate an appropriate Division Manager 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 in crisis and may also be used to develop case management plans for offenders and other individuals under the supervision of the Department who may be suffering from mental illness.

505.5 CRISIS INTERVENTION RESPONSE

Safety is a priority during any crisis intervention incident. 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 are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer interacting with 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 local law enforcement and/or 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) If feasible, and without compromising safety, turn off flashing lights, bright lights, or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime and report the same to local law enforcement, if applicable.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

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- (k) If circumstances reasonably permit, consider and employ alternatives to force.

505.6 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.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members 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 (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding 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.

505.7 INCIDENT ORIENTATION

When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication or may have failed to take their medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous probation or other law enforcement response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

505.8 SUPERVISOR RESPONSIBILITIES

If possible, a supervisor should respond to the scene of any interaction with a person in crisis.

Responding supervisors should:

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- (a) Attempt to secure appropriate and sufficient resources.
- (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.
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing department 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 supervisor.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

505.9 INCIDENT REPORTING

Members 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.

Members 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.

505.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Members, including but not limited to clerical staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls, or when reporting to the Department.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If during an interaction, a member believes a person is in crisis, the member 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 self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

505.11 EVALUATION

The Division Manager 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 individuals, officers, or incidents and will be submitted to the Chief Probation Officer through the chain of command.

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505.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Standards and Training for Corrections (STC)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Civil Commitments

506.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take steps to place an offender under mental health hold (5150 commitment) (Welfare and Institutions Code § 5150).

506.2 POLICY

It is the policy of the Stanislaus County Probation Department to protect the public and offenders through legal and appropriate use of the mental health hold process.

506.3 AUTHORITY

An officer having probable cause may take an offender under the officer's supervision into custody and place the offender in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental health disorder, the offender is a danger to self or others or the offender is gravely disabled (Welfare and Institutions Code § 5150).

When determining whether to take an offender into custody, officers are not limited to determining the offender is an imminent danger and shall consider reasonably available information about the historical course of the offender'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 offender
- (b) A family member
- (c) The offender subject to the determination or anyone designated by the offender

506.3.1 AUTHORITY FOR MINORS

An officer having probable cause may take an offender under the officer's supervision into custody and place the offender 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 offender is a danger to self or others or the offender is a gravely disabled minor and authorization for voluntary treatment is not available (Welfare and Institutions Code § 5585.50).

Gravely disabled minor means a minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including 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 (Welfare and Institutions Code § 5585.25).

506.3.2 VOLUNTARY EVALUATION

If an officer encounters an offender who may qualify for a mental health hold or an involuntary commitment, the officer may inquire as to whether the offender desires to be voluntarily evaluated at an appropriate facility. If the offender so desires, the officer should:

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- (a) Transport the offender to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the offender's desire to pursue voluntary evaluation and/or admission.

If at any point the person withdraws an affirmative decision for a voluntary evaluation, the officer should proceed with the application for emergency mental health evaluation, if appropriate.

506.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer who comes into contact with an offender who may qualify for detention for the purpose of a mental health hold or an involuntary commitment should consider, as time and circumstances reasonably permit:

- (a) Contacting local law enforcement for assistance, if appropriate.
- (b) Available information that might assist in determining the possible cause and nature of the person's actions or stated intentions.
- (c) Community or neighborhood mediation services.
- (d) Conflict resolution and de-escalation techniques.
- (e) Community or other resources that may be readily available to assist 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. See also the Risk and Needs Assessment, Supervision, Modification of Conditions of Supervision, and Violations policies.

Mental health holds should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

506.4.1 SECURING OF PROPERTY

When an offender 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 offender's personal property, the officer shall take reasonable precautions to safeguard the personal property in the offender's possession or on the premises occupied by the offender (Welfare and Institutions Code § 5150).

The officer taking the offender into custody shall provide a report to the court that describes the offender'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).

506.5 TRANSPORTATION

When transporting any offender for a mental health hold, the transporting officer should notify a supervisor and the receiving facility of the estimated time of arrival, the level of cooperation of

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the offender, and whether any special medical care is needed. If appropriate, Dispatch should be utilized.

Officers may transport individuals in a department vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the offender require transport in a medical transport vehicle and the safety of any person, including the offender, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

506.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the offender into a treatment area designated by a facility staff member. If the offender is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold 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 individual. However, if the offender is transported and delivered while restrained, the officer may assist with transferring the offender 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.

506.7 DOCUMENTATION

The officer shall complete an Application for 72-Hour Detention for Evaluation and Treatment form, provide it to the facility staff member assigned to the offender, and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for the officer involvement; the probable cause to believe the offender is, as a result of a mental health disorder, a danger to others or self or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.2).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

506.7.1 ADVISEMENT

The officer taking an offender into custody for evaluation shall advise the offender of (Welfare and Institutions Code § 5150):

- (a) The Officer's name and agency.
- (b) The fact that the offender is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise the offender of the offender's rights.
- (c) The name of the facility to which the offender is being taken.
- (d) If the offender is being taken into custody at the offender's residence, the offender should also be advised to take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where the offender is being

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taken. The officer should also ask if the offender needs assistance turning off any appliances or water.

The advisement shall be given in a language the offender understands. If the offender cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

506.8 CRIMINAL OFFENSES

Officers investigating an offender who is suspected of committing a minor violation and who is being taken into custody through a mental health hold, should resolve the violation by completing a report and forwarding the information, as appropriate.

When an officer discovers, during a home visit or otherwise, that an offender has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility (e.g., domestic violence, child abuse, homicide), the officer should:

- (a) Immediately contact the appropriate local law enforcement agency and inform them of the offense and reasons why a mental health hold may be appropriate.
- (b) Inform responding local law enforcement personnel of the facts supporting an arrest and the facts that would support a detention.
- (c) Notify the Division Manager as soon as practicable.
- (d) Thoroughly document in the related reports the circumstances that indicate the offender may qualify for a mental health hold.

506.9 FIREARMS AND OTHER WEAPONS

Whenever an offender is taken into custody for a mental health hold or an involuntary commitment, the handling officers should seek to determine if the offender owns or has access to any firearm or other deadly weapon as 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., entry is authorized under the terms and conditions of the person's probation; the person consents). A warrant may also be needed before searching for or seizing weapons.

The lead officer 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.

The officer should further advise the offender of the procedure for the return, sale, transfer, or destruction of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102).

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506.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the offender or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Chief Probation Officer or authorized designee who shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(c) to determine whether the weapon will be returned.

The petition to the superior court shall be initiated within 30 days of the release of the offender from whom such weapon has been confiscated, unless the Department makes an application to the superior court to extend the time to file such a petition, up to a maximum of 60 days (Welfare and Institutions Code § 8102).

At the time any such petition is initiated, the Department shall send written notice to the offender about the right to a hearing on the issue, that the offender has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon (Welfare and Institutions Code § 8102).

506.10 TRAINING

This department will endeavor to provide department-approved training on interaction with individuals who may be experiencing mental illness, mental impairment, or mental disability, mental health holds, and crisis intervention.

Response to Mass Casualty Incidents

507.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement and probation. The purpose of this policy is to identify guidelines and factors that will assist officers in responding to mass casualty incidents.

507.2 POLICY

The Stanislaus County Probation Department will endeavor to plan for rapid response to mass casualty incidents, and coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

507.3 ARMED OFFICERS FIRST ON SCENE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, armed officers first on scene should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional resources.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action, officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of defensive weapons, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

507.4 TRAINING

The Training Manager will include rapid response to mass casualty incidents in the training plan.

Immigration Violations

508.1 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.

508.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

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.

508.2 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. 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.

508.3 VICTIMS AND WITNESSES

To encourage cooperation, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Stanislaus County Probation Department 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.

508.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any offender or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No individual should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

508.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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508.4.2 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).

Additionally, 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).

508.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or disclose noncriminal history information maintained by the Department of Motor Vehicles for immigration enforcement (Vehicle Code § 1808.48).

508.5 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

508.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (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.

508.7 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)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

508.8 TRAINING

The Training Manager should ensure officers receive immigration training on this policy. Training should include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Field Training

509.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the training setting to the actual performance of general duties; and introduce the policies, procedures, and operations of the Stanislaus County Probation Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

509.2 POLICY

It is the policy of the Stanislaus County Probation Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

509.3 FIELD TRAINING

The Department should establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for probation duties. The field training is designed to prepare trainees for a probation supervision assignment and ensure they acquire the skills needed to operate in a safe, productive, and professional manner, in accordance with the general duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuing training materials to each trainee at the beginning of each trainee's field training.
- (b) Daily evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the FTO coordinator.
 - 2. Assignment of the trainee to a variety of supervision tasks.
 - 3. Assignment of the trainee to a rotation of FTOs to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of the assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file, including:
 - 1. All performance evaluations.
 - 2. A certificate of completion certifying that the trainee has successfully completed the required number of field training hours.

509.4 FTO COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to the FTO coordinator.

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The FTO coordinator may appoint a senior FTO or other designee to assist in the coordination of FTOs and their activities.

The responsibilities of the coordinator include but are not limited to:

- (a) Assigning trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating, and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Maintaining a liaison with FTO coordinators from other probation agencies.
- (i) Performing other activities as may be directed by the Chief Probation Officer.
- (j) Review and approve the Daily Observation Reports and forward any concerns to the Division Director assigned to the Professional Standards Unit.

Within one year of appointment to this position, the FTO coordinator will be required to successfully complete a training course approved by this department that is applicable to supervision of field training.

509.5 TRAINEE DEFINED

Any entry level, lateral, or newly armed probation officer appointed to the Stanislaus County Probation Department.

509.6 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, Conducted Energy Device (CED) and OC pepper spray certification training.

509.6.1 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.

509.7 SELECTION PROCESS

FTOs will be selected based on certain requirements, including:

- (a) A desire to perform the training mission.
- (b) Be a permanent Deputy Probation Officer II or Deputy Probation Officer III.
- (c) A demonstrated ability to be a positive role model.
- (d) Successfully complete a selection process.
- (e) Input by supervisors and FTOs.
- (f) Received a Meet Expectations rating or higher on the most recent performance evaluation.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline.

509.8 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.

509.9 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations, and objectives of the FTO position. FTOs should refer to their training materials or the FTO coordinator regarding specific questions related to FTO or field training.

509.10 RESPONSIBILITIES

The responsibilities of the FTO include but are not limited to:

- (a) Issuing trainee field training materials to the assigned trainee in accordance with the Training Policy.
 - 1. The FTO should ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of the assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.

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- (c) Completing and submitting a written evaluation on the performance of the assigned trainee to the FTO coordinator on a daily basis.
- (d) Include a synopsis of daily activities in the Daily Observation Report and verbally contact the supervisor or FTO Coordinator of any unusual occurrence needing guidance or clarification.
- (e) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

509.11 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.

509.12 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 Observation Reports
- (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

See the Stanislaus County Probation Department Procedures: TRAINING DOCUMENTATION SWORN OFFICERS STANDARDS IN TRAINING FRO CORRECTIONS (STC) AND NON-STC COURSES for further information.

Mobile Data Terminal Use

510.1 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 proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the dispatcher.

510.2 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.

510.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any department technology system.

510.4 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.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or 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.

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.

510.4.1 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.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

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510.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the department radio and electronically via the MDT 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.

510.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the department radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

510.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member 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 member. If the location is known, the nearest available local law enforcement agency should be requested to respond to the location.

Members should ensure a field supervisor and the Division Manager are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the department's radio until a no-further-assistance broadcast is made or unless they are handling a different emergency.

510.6 EQUIPMENT CONSIDERATIONS

510.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the IT Division.

510.6.2 BOMB CALLS

When investigating reports of, or in the area of, possible bombs, members 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.

Portable Audio/Video Recorders

511.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand-held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Stanislaus County Probation Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

See the Stanislaus County Probation Department Procedures Manual: BODY WORN CAMERA for further information.

511.2 POLICY

The Stanislaus County Probation Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

511.3 COORDINATOR

The Chief Probation Officer or the authorized designee should designate a coordinator responsible for (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing, and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting, and copying of recordings, and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

511.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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511.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure the member is equipped with a portable recorder issued by the Department and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to a supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a recorder, the assigned member shall record the member's name as well as the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

511.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or other serious incident and ensure the data is downloaded (Penal Code § 832.18).

511.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

- (a) All field supervision and investigative contacts, including stops and field interview situations
- (b) Self-initiated activity in which an officer would normally notify a dispatcher
- (c) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

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At no time is a member expected to jeopardize the member's safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

511.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity, such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious adviser, or physician unless there is explicit consent from all parties to the conversation (Penal Code § 636).

511.6.2 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

California law prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential. However, California law exempts officers from this prohibition during the course of a criminal investigation under the direction of the prosecuting attorney or investigating member of the local law enforcement agency as set forth in Penal Code § 633. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief Probation Officer or the authorized designee.

511.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

511.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Chief Probation Officer. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

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Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

511.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag, or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag, or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil, or administrative matters.
- (b) A complainant, victim, or witness has requested nondisclosure.
- (c) A complainant, victim, or witness has not requested nondisclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

511.9 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Stanislaus County Probation Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

511.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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511.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief Probation Officer or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Chief Probation Officer or authorized designee prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

Public Recording of Probation Officer Activity

512.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation officer 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.

512.2 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 seeking 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.

512.3 RECORDING PROBATION OFFICER ACTIVITY

Members of the public who wish to record probation officer 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.
- (b) Beyond the act of photographing or recording, individuals may not interfere with probation officer 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 an offender or other individual.
- (c) The individual may not present an undue safety risk to self, to the officer, or to others.

512.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors 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

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they 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 probation officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

512.5 SUPERVISOR RESPONSIBILITIES

A supervisor 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 practicable, 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 constitutional and consistent with this policy 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.

512.6 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.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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Public Recording of Probation Officer Activity

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property Policy.

Medical Aid and Response

513.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons in need of medical aid and establishes an appropriate response to such situations.

513.2 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.

513.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, 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.

Prior to initiating medical aid, the member should 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 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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

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Medical Aid and Response

513.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional 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.

Members should not provide emergency escort for medical transport or civilian vehicles.

513.5 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 medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the 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 Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer 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 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.

513.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee 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.

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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.

513.6 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, Control Devices, and Conducted Energy Device policies.

513.7 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 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

513.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Human Resource Manager or authorized designee who is responsible for ensuring appropriate maintenance.

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, as soon as possible, request response by EMS.

513.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

513.7.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate 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 or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Human Resource 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 100027.05).

513.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100027.03):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Management Service Agency.

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513.8.1 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 Training Manager.

Any member who administers an opioid overdose medication should request response by EMS as soon as possible.

513.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the applicable Manager is provided enough information to meet applicable state reporting requirements.

513.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager 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 applicable standards.

513.8.4 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).

513.8.5 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

See the Stanislaus County Probation Department Procedures Manual: DEPLOYMENT OF NARCAN NASAL SPRAY (NALOXONE) FOR OPIOID OVERDOSES for further information.

513.9 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).

Task Force

514.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

514.2 POLICY

It is the policy of the Stanislaus County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

514.3 AGENCY INVOLVEMENT

Participation in TF operations provides access to multi-jurisdictional resources for apprehending offenders who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in TF operations is subject to the approval of the Chief Probation Officer or the authorized designee.

514.3.1 REQUESTS FOR AGENCY INVOLVEMENT

Initial requests for participation in a TF or TF operation should be routed to the Chief Probation Officer for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

514.3.2 OFFICER OPERATIONAL ACTIVITY

Officers involved in TF operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in TF operational activity.

When engaged in TF operational activity or when rendering assistance pursuant to a TF agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to TF operations and enforcement action taken outside the jurisdiction of the department unrelated to TF operations are governed by the Outside Agency Assistance and Probation Authority policies.

514.4 TEMPORARY DETENTION AND TRANSPORT

TF operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer.

514.5 REPORTING REQUIREMENTS

Original reports of investigations, evidence seized, and other materials generated or collected by the TF operation should be retained by the agency responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate pursuant to the Property

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Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, TF rules, and Records Maintenance and Release Policy.

514.6 MANDATORY SHARING AND TRAINING

When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or authorized designee should regularly document:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the equipment and supplies.
 - 2. The members trained in the use of the equipment and supplies.
- (c) Any other requirements in the use of the equipment and supplies.

Copies of this documentation should be maintained by the Chief Probation Officer or authorized designee.

The Training Manager should maintain documentation that the appropriate members have received the required training.

514.7 NEWS MEDIA

Media inquiries should be referred to the Chief Probation Officer or authorized designee.

Transporting Persons in Custody

515.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Stanislaus County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

515.2 POLICY

It is the policy of the Stanislaus County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

515.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg shackles.

515.4 TRANSPORTING MEMBER RESPONSIBILITIES

Members transporting a person in custody in a department vehicle should ensure:

- (a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (b) All persons in custody are searched prior to a transport.
- (c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.
- (d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid.
- (e) Transport is accomplished in a direct and timely manner.
- (f) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
- (g) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- (h) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
- (i) Persons in custody should not be transported in vehicles without safety barriers.

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- (j) Dispatch is advised of:
 - 1. The time when a transport begins and the vehicle's mileage.
 - 2. The time, vehicle's mileage, and reason for any stops.
 - 3. The time of arrival at the destination and the vehicle's mileage.
- (k) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (l) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
 - 1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior.
 - 2. Persons wearing a spit hood.
 - 3. Persons who are a suspected suicide risk.
 - 4. Persons who are ill or injured.

515.5 PROHIBITIONS

Transporting members should not:

- (a) Transport juveniles with adults.
- (b) Transport females with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport.
- (c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.
- (d) Leave the vehicle unattended with a person in custody inside.
- (e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.
- (f) Handcuff a person to any part of a vehicle.
- (g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).
- (h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.
- (i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (j) Stop to conduct any personal activities.
- (k) Respond to calls or engage in other activities except in exigent circumstances.
- (l) Transport persons in a vehicle not equipped to safely transport, except in an emergency. A properly equipped vehicle should be requested.

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- (m) Drive in a manner intentionally designed to punish or make persons uncomfortable, including allowing unreasonable environmental factors (e.g., loud or objectionable music, excessive heat or cooling).

515.6 SPECIFIC TRANSPORTATION ISSUES

515.6.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat.

515.6.2 TRANSPORTING ILL OR INJURED PERSONS

See the Medical Aid and Response Policy.

515.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

- (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
- (b) Remove restraints in coordination with facility personnel.
- (c) Deliver the appropriate documentation concerning the person to facility personnel.
- (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

515.6.4 LONG-DISTANCE TRANSPORTS

Absent exigent circumstances, members should only stop during long-distance transports for:

- (a) Fuel
- (b) Meals
- (c) Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:

- (a) The time when a transport begins and the vehicle's mileage
- (b) The time, vehicle's mileage, and reason for any stops
- (c) The time of arrival at the destination and the vehicle's mileage

515.6.5 TRANSPORT VAN

A member trained on the safety and restraint systems of a transport van should be present during its use for transporting a person in custody. Training regarding the use of the van's safety and restraint systems shall be followed.

A member should assist persons getting into and out of the transport van to avoid falls.

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515.7 TRANSPORTATION OF YOUTH OUTSIDE THE SECURE FACILITY

515.7.1 PROCEDURES

All officers who operate transportation vehicles shall hold a valid license for the vehicle being operated.

Any officer who transports a youth outside the secure confines of this Juvenile Institutions is responsible for:

- (a) Obtaining all necessary paperwork for the youth being transported (e.g., medical/dental records, commitment documents).
- (b) Completing a Leg Restraint Determination Assessment form for each youth being transported.
- (c) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:
 - 1. Type of restraints to be used on the youth being transported (Welfare and Institutions Code § 210.6).
 - 2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security of the community in mind.
 - 3. Emergency response procedures in the event of a collision, the breakdown of a transportation vehicle, or some other unforeseen event.
 - 4. Site verification, unloading and reloading instructions, and parking rules at the destination.
- (d) Ensuring that all youth are thoroughly searched and appropriate restraints are properly applied.
 - 1. Youth who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (Title 15, § 1358).
- (e) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (f) Thoroughly searching the transporting vehicle for contraband before any youth is placed inside, and again after removing the youth from the transporting vehicle.
- (g) Ensuring youth leave all property and reading materials in their housing unit, except for authorized legal material.
- (h) Managing special conditions (e.g., suicidal youth, youth wearing spit hoods) that may require closer observations or visual monitoring.
 - 1. Officers should advise a supervisor at the receiving facility of any circumstances (e.g., uncooperative, violent, prolonged struggle, extreme agitation, medical conditions) before or during transportation that could lead to potential safety concerns or medical risks (Title 15, § 1329) (Title 15, § 1437.5).
- (i) Keeping the vehicle locked except when boarding or unloading youth.

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- (j) Notify Dispatch via CAD or by radio if CAD is unavailable of the following upon departure and arrival at each destination:
 - 1. The transport team/vehicle identifiers
 - 2. The number of youth by gender
 - 3. The destination
- (k) Always verify the identity of the youth presented for transportation by the use of an ICJIS cover sheet.

See the Stanislaus County Probation Department Procedures Manual: TRANSPORTATION OF YOUTH OUTSIDE THE SECURE FACILITY for further information.

515.7.2 DAILY INSTITUTION COUNT SHEET (LOCATED IN UNIT ONE)

The Daily Institutions Count Sheet shall be developed by the Facility Superintendent or the authorized designee and be used to log all youth transportation. The logs shall include:

- (a) Name of the youth.
- (b) Date and start/stop time of the transport.
- (c) Location where the youth was transported.
- (d) Circumstances of any unusual events associated with the transportation should be documented in an incident report.

The logs shall be retained by the facility in accordance with established records retention schedules.

515.8 OFFICE OF INTERSTATE COMPACT FOR JUVENILES

The ICJ is a contract between the states that regulates juveniles who are under court supervision or who have run away from home and left their state of residence. States ratifying the compact are bound by federal law to observe the terms of the agreement (Title 15, § 1350).

This agency shall coordinate with the Department of Juvenile Justice Interstate Compact for Juveniles Office, in compliance with the Interstate Commission for Juveniles, for the movement of youth to and from sending and receiving states. The receiving state should coordinate and assume financial responsibility for all transportation arrangements for youth that include airlines, trains, and other means of ground transportation.

515.8.1 ICJ PROCEDURES

The Supervisor or the authorized designee shall:

- (a) Comply with all arrangements coordinated by the ICJ.
- (b) Acknowledge notification of the arrangements.
- (c) Provide safe and secure transportation of youth according to the ICJ.
- (d) Provide a documentation packet that includes a completed Out-of-State Transportation Checklist.

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- (e) Notify the Transportation Security Administration (TSA) at the airport of the date and time of arrival.
- (f) Before departure, prepare a discharge packet and include the following:
 - 1. Copy of the face/fact sheet
 - 2. Youth's picture
 - 3. Copy of all court orders
 - 4. Copy of warrant/order to produce
 - 5. Copy of other legal documentation from both states
 - 6. Copy of travel information (e.g., flight itinerary, bus schedule, train schedule)
 - 7. Airport, bus station, or train station security information/contact
 - 8. Out-of-State Transportation Checklist, completed by social worker
 - 9. Out-of-State Transportation Officer Summary
 - 10. Receiving agency contact information
- (g) 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 and the location of where the person is being transported to. Dispatch will note/state the time back to the officer.
 - (b) Upon arrival, notify dispatch that the transport is complete and the end mileage. Dispatch will then note/state back the time.
 - (c) Travel nonstop to the selected destination.
- (h) The transportation officers will each sign the release slip.
- (i) Prior to departure from the facility, the Supervisor or the authorized designee should meet with the transportation officers and review all directions or special instructions concerning the transportation duty.
- (j) Youth shall not to be given any information regarding their travel arrangements or port of departure.
- (k) Transportation officers assigned to transportation duty must have department identification as well as their valid driver's license.
- (l) Youth shall be transported and restrained according to the Use of Physical Restraints Policy.
- (m) Upon arrival at the airport, the transporting officers will request airport security personnel, or the law enforcement escort, to escort the transportation officers and the youth to the departure gate.

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- (n) The transporting officers will accompany the youth, without restraining devices, through airport security to the appropriate departure gate.
- (o) Once in the boarding area, one of the transporting officers will provide identification to the gate attendant and request to board the plane last.
- (p) After the youth boards the plane, the transporting officers will remain in the boarding area until the plane departs.
- (q) If at any time the transporting officers are instructed by an outside agency to deviate from the standard operating procedures, the transporting officers shall immediately contact the facility Supervisor or the authorized designee.
- (r) The Supervisor or the authorized designee will contact the OICS to confirm the departure of the youth or inform them of any deviation from the original interstate compact agreement.

515.9 TRANSPORTATION RESTRAINTS FOR MOVEMENT OUTSIDE THE SECURE JUVENILE INSTITUTIONS

The following applies to the use of restraints for the standard transportation or movement of youth outside the secure Juvenile Institutions.

Restraints should be used when transporting a youth in a vehicle, but the youth should not be attached to another youth.

Restraints shall only be used under the following circumstances (Welfare and Institutions Code § 210.6):

- (a) A staff member of the Department, in consultation with the transporting agency, has determined that restraints are necessary to prevent injury to the youth or another person.
- (b) The least restrictive form of restraint is used based on the facts.
- (c) A staff member shall document the reason a particular restraint device was selected and the circumstances leading to its application.

515.10 TRAINING

The supervisor shall ensure that all staff members charged with transportation duties receive training appropriate for the assignment.

Photographic Images of Deceased Persons (Assembly Bill 2655)

516.1 CRIMINAL PENALTIES

1. Section 647.9 to the California Penal Code reads as follows:

- (a) *A First Responder, operating under the color of authority, who responds to the scene of an accident or crime and captures the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency, for any purpose other than official law enforcement purpose or a genuine public interest is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) per violation.*
- (b) *An agency that employs first responders shall, on January 1, 2021, notify its employees who are first responders of the prohibition imposed by this section.*
- (c) *For purposes of this section, "first responder" means a state or local peace officer, paramedic, emergency medical technician, rescue service personnel, emergency manager, firefighter, coroner, or employee of a coroner.*

516.2 AFFECTS ON OUR DEPARTMENT

All employees may come into contact with sensitive materials, including photographs or recordings of deceased individuals. It is also possible that employees may personally come into contact with someone who is deceased. The unauthorized capturing and/or distribution of photographs, recordings or other materials involving deceased individuals subjects the department to liability. It also subjects those who choose to engage in this behavior to criminal and civil liability.

516.3 DIRECTIVE

- (a) All department employees are strictly prohibited from capturing and/or distributing the photographic image of a deceased person by any means and for any purpose, other than an official law enforcement purpose.
- (b) In the event any employee feels a photographic image of a deceased person needs to be captured and/or distributed for an official law enforcement purpose, the employee shall first consult with a supervisor prior to the capturing and/or distributing the photographic image.

Foot Pursuits

517.1 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.

517.2 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.

517.2.1 DEFINITIONS

Supervised person - To include adults and juveniles subjected to the supervision of the probation officer, including juveniles in detention status.

517.3 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.

517.4 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.
- (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.

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- (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.

517.5 RESPONSIBILITIES IN FOOT PURSUITS

517.5.1 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 actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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517.5.2 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.

517.6 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.

Contacts and Temporary Detentions

518.1 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.

518.2 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.

518.3 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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518.4 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.

518.4.1 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

518.5 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 officer should be positioned to ensure safety and should not be involved in the search.

518.6 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

518.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

518.6.2 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.

518.6.3 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.

518.6.4 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.

Prison Rape Elimination Act Training

519.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

519.2 POLICY

The Stanislaus County Probation Department endeavors to comply with the training standards in the PREA Rule and to ensure that all staff members, volunteers, and contractors are aware of their responsibilities, and that staff members, volunteers, contractors, and youth are aware of the policies and procedures of the facility as they relate to PREA.

See the Stanislaus County Probation Department Policy Manual: PRISON RAPE ELIMINATION ACT for further information.

519.3 STAFF MEMBER TRAINING

All staff members who may have contact with youth shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facilities. The Training Manager or the authorized designee shall ensure that the staff member receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions that youth may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Manager or the authorized designee shall be responsible for developing and administering this training, covering at a minimum (28 CFR 115.331; 28 CFR 115.332):

- (a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.
- (b) The dynamics of sexual abuse and sexual harassment in confinement.
- (c) The common reactions of youth victims of sexual abuse and sexual harassment.
- (d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the facility.
- (e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.
- (f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- (g) An individual's right to be free from sexual abuse and sexual harassment.
- (h) The right of staff members and youth to be free from retaliation for reporting sexual abuse and sexual harassment.
- (i) How to detect and respond to signs of threatened and actual sexual abuse, and how to distinguish between sexual abuse and consensual sexual contact between youth.

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- (j) How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, and gender-nonconforming youth.
- (k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- (l) How to avoid inappropriate relationships with youth.
- (m) Relevant laws regarding the applicable age of consent.

Training shall be tailored according to the sex of the youth at the facility and the unique needs and attributes of youth in juvenile facilities. A staff member should receive additional training on security measures and the separation of male and female populations in the same facility if the staff member has been reassigned from a facility that houses only male or female youth.

Training should include testing to validate knowledge and understanding of the material. The Training Manager or the authorized designee shall document, through signature or electronic verification, that staff members have received and understand the training. The Professional Standards Unit will maintain training records on all those receiving training in accordance with procedures developed by the Training Manager or their designee.

The Training Manager or the authorized designee shall ensure that staff members undergo refresher training every two years that covers the department's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.331).

All service providers/vendors, volunteers, and visitors who have contact with youth shall be given the pamphlet, "A Guide to the Prevention of and Reporting of Sexual Abuse and Sexual Harassment of Probation Clients," which contains information on their responsibilities regarding the prevention, detection, and reporting of sexual abuse and sexual harassment. The Compliance Officer shall maintain documentation. The documentation shall confirm the contract employees/vendors, volunteers, and visitors understood the training they received.

519.4 VOLUNTEER AND CONTRACTOR TRAINING

All volunteers and contractors who may have contact with youth shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within the juvenile Institutions.

The Human Resource Manager shall ensure that the volunteers and contractors receive training and written testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the youth may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Human Resource Manager shall document, through signature or electronic verification, that volunteers and contractors have received and understand the training.

The Training Manager shall be responsible for developing and administering this training (28 CFR 115.331; 28 CFR 115.332).

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519.5 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all the staff member training listed above, as well as training that includes (28 CFR 115.335):

- (a) Detecting and assessing signs of sexual abuse and sexual harassment.
- (b) Preserving physical evidence of sexual abuse.
- (c) Responding effectively and professionally to youth victims of sexual abuse and sexual harassment.
- (d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Facility Superintendent shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this department or elsewhere.

Chapter 6 - Equipment

Department-Owned and Personal Property

600.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

600.2 POLICY

The Stanislaus County Probation Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

600.3 DEPARTMENT/AGENCY-ISSUED PROPERTY

The Chief Probation Officer or the designee should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department property that has been 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.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued 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-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief Probation Officer or appropriate Division Manager. The member should submit a request that includes a description of the property and the reason and length of time it will be used.

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Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair items that are not reasonably required as part of work.

600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by the Division Manager 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 County department responsible for issuing payments.

600.4.2 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.

600.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Division Manager. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

A member who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person or entity while performing any probation function shall promptly report the damage through the chain of command.

600.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the Stanislaus County Probation Department or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones 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, 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, 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 or off-duty for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 7920.000 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS.

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 and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. 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 PCDs or networks.

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

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601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

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 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 the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

601.4 DEPARTMENT/AGENCY-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 for the member's use to facilitate on-duty performance only. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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 be either secured in the workplace at the completion of the tour of duty or 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 department communications). Members will

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have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy regarding any department business-related communication.

- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.
- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Stanislaus County Probation Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, 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 memorandums of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department 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 shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) 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.
- (c) 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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- (d) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, requires the express authorization of the Chief Probation Officer or the authorized designee.
- (e) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (f) 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.
- (g) All staff members working within the institutions shall refrain using their personal cell phone, texting, or accessing social media, unless required by departmental business or they are on an approved break.

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 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using 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.

601.9 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.

Except in an emergency, 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. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Vehicle Code § 23123; Vehicle Code § 23123.5).

Vehicle Use, Safety, and Maintenance

602.1 PURPOSE AND SCOPE

The department uses department-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that department-owned vehicles are used and maintained appropriately, regulations relating to the use and maintenance of these vehicles have been established. The term department-owned as used in this section also refers to any vehicle leased or rented by the department.

602.2 POLICY

It is the policy of this department to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Stanislaus County Probation Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the department, tactical deployments, and other considerations. The department will provide service for department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

Authorized emergency vehicles are defined by California Vehicle Code (C.V.C.) Section 165 as those vehicles used by peace officers of the department to carry out the primary functions of their employment as set forth in Penal Code (PC) Section 830.5(a)(1)-(5). Pursuant to C.V.C. Section 25252, authorized emergency vehicles shall be equipped with at least the following:

- (a) One steady burning red lamp visible from at least 1000 feet
- (b) Siren (Pursuant to California Vehicle Code Section 27002)

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 follow the Stanislaus County Safety Manual: DRIVER RESPONSIBILITY and EMERGENCY OPERATIONS.

602.3 USE OF DEPARTMENT VEHICLES

Only authorized members should operate department-owned vehicles. Members who operate department-owned vehicles must comply with all applicable state laws and must possess a valid driver's license endorsed for the type of vehicle operated.

Additionally, members are responsible for helping maintain department vehicles so they are properly equipped, maintained, refueled, and cleaned.

A list of members authorized to drive department-owned vehicles shall be maintained by the department supervisor in charge of vehicle maintenance. The list shall be updated monthly to

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ensure that only qualified personnel with a current and appropriately endorsed driver's license are on the list.

Emergency vehicle lights and siren may only be used in the following circumstances:

- (a) The employee is a sworn peace officer.
- (b) The employee successfully completed department-approved training related to the use and activation of vehicle red lights and sirens.
- (c) The employee has read and acknowledged Department Field Policy Vehicle Use, Safety, and Maintenance.
- (d) To enhance safety when the standard hazard lights are not sufficient to heighten visibility of the vehicle to traffic when:
 - 1. Pulled off the side of a road;
 - 2. Blocking roadways while assisting agencies for evacuations or re-routing traffic due to emergencies;
 - 3. Maintaining perimeter control when searching or attempting to apprehend a subject.
- (e) Traffic Stops: Sworn members are prohibited from initiating traffic stops on moving vehicles.
- (f) Vehicle Pursuits: Sworn members are prohibited from initiating or engaging in vehicle pursuits in response to an actual or suspected violator of the law.
- (g) Officer Needs Help (Specific emergency Response): A radio call for 11-99, 10-11:
 - 1. Upon receiving an emergency response call from a fellow probation officer or any other peace officer, only officers within a reasonable distance should respond considering the below factors:
 - (a) The distance to the 11-99/10-11 location
 - (b) Traffic and pedestrian congestion
 - (c) Proximity/location of other units
 - (d) Time of day and weather conditions
 - 2. Officers that are at an excessive distance from the 11-99/10-11 scene will respond as requested by a dispatcher, an allied agency officer or a Probation Department Supervisor.
 - 3. All responses will be in accordance to all traffic laws.
 - 4. If lights and sirens are utilized in a moving vehicle, a department Incident Report shall be completed detailing the reasons for their use.
 - 5. Unless accompanied by an armed officer, unarmed officers are prohibited from responding to 11-99 calls.
- (h) On-Scene: An emergency vehicle that is engaged in activities for official business which create "special hazards" upon the roadways should utilize flashing lights.

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Appropriate uses may include but are not limited to: double parked, on-scene at an incident, and parked conducting a field interview or compliance check in the community to alert other law enforcement and citizens. No department Incident Report is needed in these instances.

- (i) **Handheld-Wireless:** Sworn members are authorized to use a handheld wireless telephone or an electronic wireless communication device when driving a probation vehicle when responding to a life-saving emergency or a situation requiring immediate response to prevent serious injury or death to another person.
- (j) **Transporting Offender(s)/Prisoner(s):** Officers are prohibited from responding /utilizing lights and siren when transporting a detainee.
- (k) **Liability:** Officers may be subject to administrative action for negligent emergency vehicle operation and may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, officers may be subject to criminal prosecution. (C.V.C. 17001, C.V.C. 17004)

602.3.1 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.

All department vehicles shall be returned to their usual storage place at the end of the workday, unless prior approval is obtained.

602.3.2 VEHICLE LOCATION SYSTEM

At the discretion of the Chief Probation Officer, vehicles may be equipped with a system to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the vehicle location system. When members check out a vehicle, they shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during a shift, the member should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors. However, access to historical data by individuals other than supervisors will require supervisor approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

602.3.3 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.

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602.3.4 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of keys shall be promptly reported in writing through the member's chain of command.

Under no circumstances will offenders be allowed to operate a vehicle or possess any vehicle keys.

602.3.5 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, except as stated in the Ride-Alongs Policy.

602.3.6 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.

602.3.7 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members 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.

602.3.8 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 Manager.

602.4 VEHICLE SECURITY

Department vehicles will be locked, and the keys will be secured when not in use. No keys should be left in the vehicle except when it is necessary to keep the vehicle running (e.g., equipment charging). 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.

Members will make every effort to ensure that department vehicles are parked in a secure location. Members shall ensure all weapons and control devices are secured while a vehicle is unattended.

602.4.1 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the department armory or designated storage area before releasing the vehicle for maintenance, service, or repair.

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602.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department-owned vehicles may be assigned to individual members at the discretion of the Chief Probation Officer or the authorized designee. 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 member is unable to perform the member's regular assignment.

602.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description, essential functions, and employment or appointment status. Vehicles may be reassigned or used by other department members at the discretion of the Chief Probation Officer or the authorized designee.

602.5.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where members must use department-owned vehicles to commute to and from a work assignment. Members may take home department-owned vehicles only with prior approval of a supervisor 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 member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) The vehicle 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.

602.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description, and essential functions; and the member's employment or appointment status. Residence in County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or at the department at the discretion of the Chief Probation Officer or the authorized designee.

Members 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 member's tax adviser.

Criteria for use of take-home vehicles include the following:

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- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or personal transportation, unless special circumstances exist and the Chief Probation Officer or the authorized designee gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on-call by the Chief Probation Officer or the authorized designee and there is a high probability that the member will be called back to duty.
 - 2. When the member 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 member has received permission from the Division Director or the authorized designee.
 - 4. When the vehicle is being used by the Division Director or the authorized designee or members who are in on-call administrative positions.
- (d) The two-way communications radio and global positioning satellite device, if equipped, should be on and set to an audible volume when the vehicle is in operation.
- (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 member'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 department issued equipment shall be removed and properly secured in the member's residence (see the Firearms Policy regarding safe storage of firearms at home).
- (g) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the member's residence, the department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (h) The member is responsible for the care and maintenance of the vehicle.

602.6 UNMARKED VEHICLES

Any member operating a pool vehicle shall record vehicle usage on the sign-out log maintained in the facility.

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602.7 VEHICLE 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 inspect their assigned vehicles daily for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure the 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 member 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.
- (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.

602.7.1 VEHICLE 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.

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 offender, the transporting member shall search all areas of the vehicle that are accessible by the offender before and after that person is transported.

All department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle may have any expectation of privacy regarding the vehicle or any of its contents in accordance with this policy.

602.7.2 VEHICLE SAFETY REPAIRS

Anyone authorized to drive department vehicles is responsible for assisting in maintaining the vehicles so that they are properly equipped, maintained, and refueled, and present a clean appearance.

Anyone authorized to drive department vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion

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of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented.

Vehicles that are deemed unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The supervisor or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

All vehicles owned, leased, or used by this department shall be inspected annually by a qualified individual. Inspection reports will be forwarded to and maintained by the supervisor or the authorized designee.

602.8 VEHICLE EQUIPMENT

Members shall inspect the department vehicle prior to filed work and ensure that the following equipment, at a minimum, 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

602.9 TOLL ROAD USAGE

Probation vehicles are not routinely exempt from incurring toll road charges. Members responding to or returning from an emergency call on toll roads while on-duty are exempt from paying the toll if driving an authorized emergency vehicle as provided in Vehicle Code § 23301.5.

Commuting or returning to the department after an emergency does not qualify for this exemption; members using department-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, members shall adhere to the following:

- (a) Members operating department-owned vehicles on toll roads for any reason other than responding to an emergency or urgent call shall pay the appropriate toll charge or use the appropriate tollway transponder. Members may seek reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members driving department-owned vehicles through a toll plaza while responding to an emergency or urgent call shall notify, in writing, the appropriate Division Manager within five working days explaining the circumstances.

602.10 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with

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the public, the member's attire and appearance, regardless of the activity, should be suitable to reflect positively upon the department.

602.11 COLLISION, DAMAGE, ABUSE, AND MISUSE

When any department-owned vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete the department's vehicle collision form.

When a collision involves an department-owned vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the member is incapable of completing this department's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in an Incident Report and forwarded to the appropriate Supervisor. An administrative investigation may be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

602.12 USE OF PERSONAL VEHICLES

The Chief Probation Officer or the authorized designee must approve use of personal vehicles for official business.

The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. A copy of the insurance card shall be retained in the vehicle or by the member. All policies and procedures applicable to department vehicles shall apply to the personal vehicle while it is being used for official business.

Personal Protective Equipment

603.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well as 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.

603.1.1 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.

Respiratory PPE - Any device worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

603.2 POLICY

The Stanislaus County Probation Department endeavors to protect members by supplying certain PPE as provided in this policy.

All members are to follow the guidelines as outlined in the Stanislaus County Safety Manual: RESPIRATORY PROTECTION.

603.3 OFFICER/AGENT RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members 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 use the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

603.4 HEARING PROTECTION

Hearing protection shall be used by members during firearms training.

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Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

603.5 EYE PROTECTION

Eye protection shall be used by members during firearms training or during situations in which eye protection may be warranted.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

603.6 RESPIRATORY PROTECTION

The Staff Services Coordinator is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with NIOSH, American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

603.6.1 RESPIRATORY PROTECTION USE

Disposable particulate masks should only be used to protect the member from particulate contaminants and are not suitable in an oxygen-deficient atmosphere or where an unsafe level of gases or fumes exists.

Designated members may be issued respiratory PPE based on the member's assignment (e.g., narcotics task force).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) The member's face and respirator facepiece need to be washed to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, a change in breathing resistance, or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

603.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

603.6.3 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

603.7 RECORDS

The Staff Services Coordinator is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respiratory medical evaluation questionnaires and any subsequent physical examination.
 - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and 8 CCR 5144.

603.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members 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).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Body Armor

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 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 observing officer safety procedures.

604.3 ISSUANCE

The Department Equipment Supervisor shall ensure that body armor is issued to all officers assigned to positions requiring them to carry firearms 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.

The Chief Probation Officer may authorize issuing body armor to individuals when wearing body armor is advisable.

604.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their 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.
 - 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.
- (e) 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, 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.

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- (f) Officers electing to wear a probation tactical vest shall also wear body armor.

604.3.2 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following criteria:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for properly storing their body armor.
 - 1. Body armor should not be stored for an extended period in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 EQUIPMENT SUPERVISOR RESPONSIBILITIES

The responsibilities of the Equipment Supervisor include but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.

Purchasing; Use of County Purchasing Card; Account & Office Supply Management; Fixed Asset Inventory Policies

605.1 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.

605.2 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: FINANCIAL POLICIES; PURCHASING CARD.

605.3 USE OF THE COUNTY PURCHASING CARD

605.3.1 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 the Stanislaus County Probation Department Procedures Manual: PURCHASING; USE OF COUNTY PURCHASING CARD for further information.

605.4 AUTOMATED PURCHASES/REQUISITIONS

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).

605.5 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 respond to the email with their approval to pay.
- (c) Approved invoices shall be returned to the ProbationFiscal@stanpro.org email address, or to the Fiscal Services Accountant I for payment processing.

605.5.1 ACCOUNTS RECEIVABLE/BILLING

Fiscal staff 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.

605.6 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.

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Purchasing; Use of County Purchasing Card; Account & Office Supply Management; Fixed Asset Inventory Policies

- (b) A copy of all departmental contracts, agreements and Memorandums of Understanding (MOUs) will be uploaded into the Contract and Insurance Management System (CIMS) by the Fiscal Services Accountant III. The Fiscal 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.

605.7 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.

605.8 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.

Radio Policy

606.1 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.

606.2 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.

606.3 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.

606.4 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.

606.5 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 the Stanislaus County Probation Department Procedures Manual: RADIO for further information.

Traffic Collision Reporting

607.1 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.

607.2 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 Director 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.

See the Stanislaus County Personnel Manual: DRIVER'S AUTHORIZATION AND PERFORMANCE policy for further information.

607.3 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 on 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

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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.

Military Equipment

608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

608.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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Military Equipment

608.2 POLICY

It is the policy of the Stanislaus County Probation Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

608.3 MILITARY EQUIPMENT COORDINATOR

The Chief Probation Officer should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Stanislaus County Probation Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief Probation Officer and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

608.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: [Military Equipment](#)

608.5 APPROVAL

The Chief Probation Officer or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief Probation Officer or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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Military Equipment

- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

608.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

608.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief Probation Officer or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief Probation Officer or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

608.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Chapter 7 - Support Services

Property

700.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security, and disposition of evidence, and other property.

700.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Stanislaus County Probation Department, including evidence, and items taken for safekeeping.

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.

700.2 POLICY

It is the policy of the Stanislaus County Probation Department to process, store, secure, and dispose of all property in a reasonable manner and to maintain documentation that tracks the location of property and its disposition.

700.3 RESPONSIBILITIES

The Chief Probation Officer should designate a evidence officer responsible for the management of property held by the Stanislaus County Probation Department.

The evidence officer should:

- (a) Maintain procedures for the safety, security, and chain of custody for property received, including procedures for packaging, submitting, storing, transferring, releasing, and disposing of property.
- (b) Maintain procedures for evidence security and access control, including access logs.

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Property

- (c) Maintain emergency procedures and supplies for the continuity of operations if the facility must be evacuated or moved (e.g., for hazardous spills, fires, floods), including protective equipment for personnel, lighting, and ventilation.
- (d) Develop and make available appropriate forms.
- (e) Maintain procedures for the use of property for investigative or training purposes.
- (f) Conduct inventories and participate in audits and inspections as provided in this policy and address identified issues as appropriate.
- (g) Establish agreements with other appropriate organizations that have resources and expertise to store and destroy hazardous materials, flammable materials, explosive materials, narcotics and dangerous drugs, and other materials requiring specialized destruction.

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.

700.4 SECURITY

Only authorized members should have access to property. Members authorized to access secure property storage areas should take reasonable steps to prevent access by unauthorized persons. This includes preventing others from accessing related keys, access codes, passwords, or access cards and reporting any possible breaches or security concerns as soon as practicable.

700.5 PROPERTY HANDLING

The member who first comes into possession of property is generally responsible for the collection, care, custody, and control of the property until it is securely stored.

Receipts should be provided to individuals when property is received or removed from them.

A supervisor should be notified when a submitting member did not follow appropriate procedures.

Members should securely store property prior to going off-duty.

700.6 SPECIAL CONSIDERATIONS

The following items require special handling and should be processed according to department procedures and as follows:

700.6.1 CONTROLLED SUBSTANCES

- (a) Controlled dangerous substances should only be handled using the appropriate type and level of personal protective equipment.
- (b) Controlled dangerous substances should only be tested, opened, or repackaged in authorized areas and only by trained members.
- (c) Controlled substances shall not be packaged with other property.
- (d) Appropriate weights should be obtained and documented.

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Property

- (e) Marijuana should be packaged in a container that allows for drying.
- (f) The evidence officer should monitor stored marijuana for growth of mold.

700.6.2 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) 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.

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.

700.6.3 MISCELLANEOUS

The following items require special consideration and should be handled in line with current department procedures, to include the following:

Digital evidence should be stored in a manner to prevent it from becoming demagnetized.

Officers who encounter a suspected explosive device shall promptly notify the Sheriff's Department or Police Department, followed up with notifying their immediate supervisor.

Officers are to transport fireworks immediately to the fire department.

When seizing firearms, officers shall book such evidence in the Sheriff's Department's evidence room. Firearms shall be unloaded and packaged separately from ammunition. Members submitting firearms should package them in such a way as to provide visual confirmation that the firearm is unloaded. Knife boxes should be used to package knives.

Syringe tubes or other sharps containers should be used to package syringes, needles and other sharps.

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 uploaded into Evidence.com.

When seizing narcotics for destruction purposes, officers shall book such items into the Probation Department's evidence room.

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Property

700.7 "HANDS-OFF" POLICY RELATED TO METHAMPHETAMINE DRUG LABS

The following procedures shall be followed in every case in which a drug lab or evidence of a drug 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.

700.8 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.

700.8.1 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.

700.8.2 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.

700.8.3 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.

700.9 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.

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Property

700.9.1 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)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

700.10 RECORDING OF PROPERTY

Members should ensure that all documentation and tagging is completed when entering property and evidence. The evidence officer receiving custody of property shall ensure a property control record for each item or group of items has been created.

The evidence officer shall ensure that a unique property number is obtained for each item or group of items.

700.11 INSPECTION OF THE PROPERTY STORAGE AREA

The Division Manager shall ensure that periodic, unannounced inspections of the storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Assistant Chief Probation Officer also shall ensure that an audit is conducted annually, or as directed by the Chief Probation Officer. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the property operations.

Whenever there is a change of assignment for any member with authorized access to the stored property, an inventory of all property shall be conducted by a person who is not associated with the stored property, or its function. This is to ensure that all property is accounted for and the records are correct.

See the Stanislaus County Probation Department Procedures Manual: PROPERTY for further information.

Records Maintenance and Release

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance, release, and disposition of records maintained by the Department. The policy addresses responsibilities of the Manager for the management of file access, and requests for release of information and records.

701.2 POLICY

It is the policy of the Department to maintain offender records and to provide for the access to and release of records consistent with department policies, administrative directives, and applicable state law.

701.3 RECORDS CUSTODIAN RESPONSIBILITIES

The Chief Probation Officer shall designate a Manager whose responsibilities will include but are not limited to:

- (a) Maintaining and updating a records procedure manual.
- (b) Supervising the access, use, and release of protected information.
- (c) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (d) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying who has the responsibility for the original record.
- (e) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (f) Identifying records or portions of records that have release restrictions or are confidential under state or federal law and not open for inspection or copying.
- (g) Establishing procedures for sharing records as permitted by law with offenders, their designees, and coordinating agencies, including law enforcement agencies, social service agencies, and medical and mental health providers.
- (h) Establishing rules regarding the processing of subpoenas for the production of records.
- (i) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of data.
- (j) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 7922.530).
- (k) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

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Records Maintenance and Release

- (l) Ensuring that public records posted on the department website meet the requirements of Government Code § 7922.680, 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.

701.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any records shall route the request to the Manager or authorized designee.

701.4.1 REQUESTS FOR PUBLIC RECORDS

The processing of requests for public records is subject to the following (Government Code § 7922.530):

- (a) The Department is not required to create records that do not exist.
- (b) 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.
 - 2. If the record is an audio or video recording, a copy of the redacted audio/video recording release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Either the requested record or the reason for nondisclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Manager or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - 1. When the request does not reasonably describe the records sought, the Manager 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 Manager shall also assist in describing the information and technology and physical location in which the record exists (Government Code § 7922.600).
 - 2. 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 shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

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Records Maintenance and Release

701.4.2 DENIALS

The denial of a request for public records is subject to the following:

- (a) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 7922.000; Government Code § 7922.540).
- (b) The written response to the denial shall include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.540).

701.4.3 RELEASE RESTRICTIONS

Examples of release restrictions include (except where allowed by law or court order):

- (a) Offender records, including offender classification, disciplinary records, pre-sentence or disposition reports, supervision reports, and progress reports.
- (b) Probation reports filed with a court (Penal Code § 1203.03; Penal Code § 1203.05).
- (c) Records relating to juveniles (Welfare and Institutions Code § 827; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).
- (d) Offender medical, mental health, and substance abuse records (Government Code § 7930.130; Government Code § 7930.170; 42 CFR 2.35).
- (e) Offender education records (Family Education Rights and Privacy Act of 1974 (FERPA); Education Code § 49076).
- (f) Personnel records, medical records, or similar files that would involve an unwarranted invasion of personal privacy (Government Code § 7927.700; Penal Code § 832.8; Evidence Code § 1043 et seq.).
- (g) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of department members except as allowed by Government Code § 7928.300.
- (h) Criminal intelligence and criminal history information (Penal Code § 13102; Penal Code § 13300).
- (i) A record of a 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)(9)).

701.5 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released pursuant to a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

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 any officer, or depicts an incident in which the use of force by any officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

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The Manager should work as appropriate with the Chief Probation Officer or the Internal Affairs supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

The Chief Probation Officer shall notify the officer whose actions are the subject of the video or audio recording, and the officer's representative, of the intended release of the recording pursuant to this section or policy.

701.5.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident. After the initial 45 days and up to one year, delayed disclosure may continue if the Department demonstrates substantial interference with the investigation. Any delayed disclosure longer than one year must be supported by clear and convincing evidence (Government Code § 7923.625).

701.5.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Manager shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Manager shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Manager shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Manager should work with the Chief Probation Officer in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

701.5.3 REDACTION

If the Manager, in consultation with the Chief Probation Officer or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

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Records Maintenance and Release

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Manager shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

701.5.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Manager shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

701.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Manager 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 appropriate prosecutor or the courts.

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.

701.7 RELEASED RECORDS TO BE MARKED

Any written record released pursuant to this policy should be entered in a contact note on ICJIS PB indicating the department name and to whom the record was released.

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Each audio/video recording released should include the department name and to whom the record was released.

701.8 SECURITY BREACHES

Members who become aware that any Stanislaus County Probation Department system containing personal information may have been breached should notify the Manager as soon as practicable.

The Manager 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 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 (Civil Code § 1798.29).

If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the California Attorney General (Civil Code § 1798.29).

For the purposes of the notice requirement, personal information includes (Civil Code § 1798.29):

- (a) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:
 - 1. Social Security number
 - 2. Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 - 4. Medical information
 - 5. Health insurance information
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that would permit access to an online account.

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If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Manager should promptly notify the appropriate member designated to oversee the security of protected information.

701.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Manager and, if appropriate, the member assigned to supervision of the offender.

The Manager shall seal such records as ordered by the court. Once a 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; Welfare and Institutions Code § 786; Welfare and Institutions Code § 786.5).

701.9.1 SEALED JUVENILE RECORDS

The Manager shall seal the citation, arrest records, and other records in department custody relating to a juvenile's arrest and referral and participation in a diversion or supervision program as provided by Welfare and Institutions Code § 786.5.

The Manager should ensure that the citing or arresting law enforcement agency and the California Department of Justice (DOJ) are notified to seal any citation, arrest records, and other records required by Welfare and Institutions Code § 786.5. Within 30 days of receipt of notification from the arresting law enforcement agency that the records have been sealed, the Manager should ensure that the involved minor receives written notification that their records have been sealed. If the records are not sealed, written notice shall inform the minor of their ability to petition the court directly to seal their arrest, citation, and other related records (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records from the DOJ that are eligible to be sealed, the Manager or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Manager or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

Protected Information

702.1 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 used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data collected, stored, or accessed by members of the Stanislaus County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public.

702.2 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.

702.3 RESPONSIBILITIES

The Chief Probation Officer shall select a member of the Department to coordinate the use of protected information.

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.

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 Vehicles (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.

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- (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.

702.4 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.

702.4.1 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 year 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.

702.4.2 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).

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702.5 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 Manager 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 law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through the Clerical Division to ensure proper documentation of the release.

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 as "controlled documents" and shall have release information entered into "Controlled Documents" log prior to release.

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.

702.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, other than CJI and CHRI, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a Mobile Data Terminal or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

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Nothing in this policy is intended to prohibit broadcasting warrant information.

702.5.2 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).

702.6 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).

702.7 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.

702.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others 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).

702.8 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

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- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

702.8.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained. Any supporting documentation for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

702.8.2 SHARED GANG DATABASE

Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

702.9 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.

Computers and Digital Evidence

703.1 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.

703.2 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 disk drives) should be seized along with all media. Accessories (printers, monitors,

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mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

703.2.1 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.

703.3 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.

703.4 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.
- (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.

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703.5 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.

703.5.1 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.

703.5.2 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.

703.5.3 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.

703.5.4 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.
- (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.

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- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Clerical Division

704.1 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.

704.2 POLICY

It is the policy of the Stanislaus County Probation Department to maintain department records securely, professionally, and efficiently.

704.3 RESPONSIBILITIES

704.3.1 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.

704.3.2 CLERICAL DIVISION

The responsibilities of the Clerical Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (e) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

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704.4 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 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 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 Probation Officer shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Supervising 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 Probation Officer should respond to 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.

704.5 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.

704.6 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.

704.7 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

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other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies.

Chapter 8 - Personnel

Recruitment and Selection

800.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Stanislaus County Probation Department and that are promulgated and maintained by Human Resources Department.

800.2 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.

800.3 RECRUITMENT

The Human Resource Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees 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) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Human Resource 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 the candidate's status in the recruiting process.

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800.4 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:

- (a) A comprehensive application for employment (including previous employment, references, current and past addresses, education, military record).
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed before extending an offer of employment (Penal Code § 832.12).
 - 2. This includes a review of prior law enforcement employment information maintained by candidate's former employing agencies.
- (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) Polygraph or lie detector test, or similar test or examination (when legally permissible) (Labor Code § 432.2).
- (i) Medical and psychological examination (may only be given after a conditional offer of employment).
- (j) Review board or selection committee assessment.

800.5 VETERANS PREFERENCE

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: SPECIAL RECRUITMENT/VETERANS PREFERENCE PROGRAM.

800.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's 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 (Government Code § 1031; 15 CCR 131).

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800.6.1 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).

800.6.2 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).

800.6.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Human Resource Manager shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Human Resource Manager 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 is 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 Human Resource Manager should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

800.6.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

800.6.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a 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, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

The narrative report and any other relevant information pertaining to all candidates should be shared with the psychological evaluator. Information should also be shared with others involved in the hiring process if it is relevant to their respective evaluations.

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800.6.6 INVESTIGATOR TRAINING

Background investigators should complete background investigation training certified by the Commission on Peace Officer Standards and Training (POST) and/or Standards and Training for Corrections (STC) before conducting investigations.

800.6.7 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief Probation Officer, be conducted in lieu of a new full background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Stanislaus County Probation Department.

800.7 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole and taking into consideration the following:

- (a) Age at the time the behavior occurred
- (b) Passage of time
- (c) Patterns of past behavior
- (d) Severity of behavior
- (e) Probable consequences if past behavior is repeated or made public
- (f) Likelihood of recurrence
- (g) Relevance of past behavior to public safety employment
- (h) Aggravating and mitigating factors
- (i) Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

800.7.1 MANDATORY DISQUALIFICATION

The Stanislaus County Probation Department shall not hire, promote, assign, or transfer any staff member or contractor to a position that may allow contact with youth if the staff member has (28 CFR 115.317):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC § 1997).
- (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Department shall ask all candidates who may have contact with youth to disclose any conduct described above in written applications or interviews. Material omissions regarding such

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misconduct, or the provision of materially false information, are grounds for termination (28 CFR 115.317).

The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with youth (28 CFR 115.317).

800.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards established by the department and required by state law. 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 (Government Code § 1029; Government Code § 1031; 15 CCR 131).

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

800.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by California law, including those provided in Government Code § 1029, Government Code § 1031, and 15 CCR 131:

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States under federal law
- (c) Meet minimum age requirements for the job classification
- (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, 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, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years and since age 18 as determined by a background investigation (Penal Code § 13681)

Candidates must also satisfy the STC minimum selection requirements.

800.8.2 STANDARDS FOR CIVILIAN APPLICANTS

Candidates shall meet the minimum standards:

- (a) Free of any felony convictions

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- (b) Legally authorized to work in the United States under federal law
- (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.

800.9 JOB DESCRIPTIONS

The Human Resource Manager should ensure that a current job description is maintained for each position in the Department.

800.10 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.

800.11 PROBATIONARY PERIODS

The Human Resource Manager should coordinate with the County Human Resources Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Standards of Conduct

801.1 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.

801.2 POLICY

The continued employment or appointment of every member of this 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.

801.3 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.

801.3.1 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 conflicts 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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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801.3.2 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 the immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

801.4 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.

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.

All members of the department are required to adhere to Board Resolution Number 2005-675 and Stanislaus County Personnel Manual: EMPLOYEE CONDUCT AND BEHAVIOR EXPECTATIONS - CODE OF ETHICS.

801.5 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.

801.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or county manuals.
- (b) Disobeying 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.

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801.5.2 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.
- (b) Wrongfully or unlawfully exercising authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Receiving or accepting 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) Accepting fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offering or accepting of a bribe or gratuity.
- (f) Misappropriating or misusing public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

801.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status 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.

801.5.4 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, supervised person, detained youth, 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.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are 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.

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- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

801.5.5 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.

801.5.6 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, offender, or critical incident information.
- (c) Using 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.

801.5.7 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 or contact telephone numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

801.5.8 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) Falsifying 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 investigations, 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:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. 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 collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Stanislaus policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.
- (i) Any act on- or off-duty that brings discredit to this department.

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801.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's 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 probation 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 collective bargaining agreement or memorandum of understanding, including 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 that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this department or its members.
- (n) Allowing contraband articles, including but not limited to weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any detention facility.
- (o) Inconsistent, incompatible or conflicting employment, activity, or enterprise.

801.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.

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- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform probation duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, 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 accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable within 24 hours of the event.

801.5.11 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. 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.

Performance Evaluations

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the Stanislaus County Probation Department performance evaluation system.

802.2 POLICY

The Stanislaus County Probation Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to 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.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: PERFORMANCE EVALUATION.

802.3 TYPES OF EVALUATIONS

The Department shall use the following types of 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.

When an employee transfers to a different assignment in the middle of an evaluation period, and fewer than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and Division Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

802.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds standards - 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

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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 standards - 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 (PIP) may be implemented and included in the performance evaluation for any ratings of "Does Not Meet Expectations."

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

802.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receives a Does Not Meet Expectations rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

802.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based on documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the

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course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing 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.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

802.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Thereafter, the supervisor should meet at least quarterly with each staff member to review and document their performance. When performance deficiencies exist, the supervisor should 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 staff member overcome such deficiency.

802.5.1 FULL TIME PROBATIONARY PERSONNEL

Personnel will serve a probationary period 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.

802.6 EVALUATION INTERVIEW

When the supervisor has completed the employee's evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented. 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.

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802.6.1 DISCRIMINATORY HARASSMENT ACKNOWLEDGEMENT

The department shall release the Discriminatory Harassment Policy annually through Lexipol. The employee is required to read the county and department's harassment and discrimination policies. By acknowledging the Discrimination Harassment Policy, the employee acknowledges the following:

- (a) The employee understands the harassment and discrimination policies.
- (b) The employee has had all questions regarding the policies sufficiently addressed.
- (c) The employee knows how to report alleged harassment and discrimination policy violations.
- (d) Whether the employee has been the subject of, or witness to, any unreported conduct that may violate the discrimination or harassment policies.

802.7 APPEAL

An employee who disagrees with the evaluation may provide a formal written response within 30 days of receipt of the evaluation and will be attached to the evaluation.

802.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluating supervisor's Division Manager or the authorized designee. The Division Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The Division Manager or the authorized designee should evaluate the supervisor on the quality of ratings given.

802.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee and also forwarded to the County Human Resources Department.

Special Assignments and Promotions

803.1 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.

803.2 POLICY

The Stanislaus County Probation Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief Probation Officer.

803.3 GENERAL REQUIREMENTS FOR POSITION ASSIGNMENTS AND TRANSFERS

The following guidelines for allocating position assignments and transfers of department members are as follows:

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.

803.4 SPECIAL ASSIGNMENT POSITIONS

Special assignment positions are outlined in each respective Memorandum of Understanding.

803.4.1 SELECTION PROCESS

The selection process for special assignments are outlined in each respective Memorandum of Understanding.

803.5 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the County Human Resources Department.

803.6 PROCEDURES FOR REQUESTING A VOLUNTARY TRANSFER

See the Stanislaus County Probation Department Procedures Manual: PROCEDURES FOR REQUESTING A VOLUNTARY TRANSFER for further information.

Grievances

804.1 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.

804.1.1 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
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of members

Specifically outside the category of grievances 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 or federal, state, or local law, as set forth in the Personnel Complaints Policy.

804.2 POLICY

It is the policy of the Stanislaus County Probation 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: GRIEVANCE PROCEDURE STEPS and PROCEDURES FOR SETTLING GRIEVANCES INCLUDING BINDING ARBITRATION (MOU).

Members should consult applicable bargaining unit agreement or Memoranda of Understanding (MOU) for more detailed guidelines.

804.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under a collective bargaining agreement or memorandum of understanding, if an employee comes to believe behavior constituting a grievance as defined above may have occurred, the employee shall:

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- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the appropriate Division Manager.
- (c) If a successful resolution is not found with the Division Manager, the employee may request a meeting with the Chief Probation Officer.
- (d) If the employee and the Chief Probation Officer are unable to arrive at a mutual solution, the employee shall proceed as follows:
 - 1. Submit a written statement of the grievance to the Chief Probation Officer and provide a copy to the employee's immediate supervisor.
 - 2. Include the following information in the written statement:
 - (a) The basis for the grievance (i.e., the facts of the case).
 - (b) The allegation of any specific wrongful act and the harm done.
 - (c) The specific policies, rules, or regulations at issue.
 - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The Chief Probation Officer and the Human Resources Department should review the grievance and respond to the employee within 14 calendar days.
 - 1. The response will be in writing and will affirm or deny the allegations.
 - 2. The response shall include any remedies, if appropriate.
 - 3. The decision of the Human Resources Department is considered final.

804.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Human Resource Department for inclusion into a secure file for all written grievances.

804.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Chief Probation Officer in the memorandum.

804.6 GRIEVANCE AUDITS

The Human Resource Manager should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The Human Resource Manager should record these findings in a confidential memorandum to the Chief Probation Officer without including any identifying information about any individual grievance.

Anti-Retaliation

805.1 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 threaten 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 should supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member under any federal law, provision of the U.S. Constitution, state and local law, ordinance, or collective bargaining agreement or memorandum of understanding.

805.2 POLICY

The Stanislaus County Probation Department has 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 reporting or investigating workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

805.3 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:

- (a) Refusing to hire or denying a promotion.
- (b) Extending the probationary period.
- (c) Unjustified reassignment of duties or change of work schedule.
- (d) Real or implied threats or other forms of intimidation to dissuade reporting wrongdoing or filing a complaint, or as a consequence of having reported or participated in protected activity.
- (e) Taking unwarranted disciplinary action.
- (f) Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- (g) Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

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805.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Stanislaus County Probation Department who has the authority to investigate the violation (Government Code § 7286(b)).

805.4 COMPLAINTS OF RETALIATION

Any member who feels they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, administration, the Chief Probation Officer or the County Human Resources Department.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief Probation Officer via the chain of command, and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Following up with the complainant periodically to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

805.6 ADMINISTRATIVE RESPONSIBILITIES

The Chief Probation Officer should communicate to all supervisors the prohibition against retaliation.

Administration shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

805.7 WHISTLEBLOWING

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 has 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 before 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 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 Internal Affairs for investigation pursuant to the Personnel Complaints Policy.

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805.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The Stanislaus County Probation Department shall display a notice to members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

805.8 RECORDS RETENTION AND RELEASE

The Human Resource Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

805.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

806.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that employees must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Stanislaus County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

806.2 POLICY

The Stanislaus County Probation Department requires disclosure of employee arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Stanislaus County Probation Department.

806.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

California and federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. 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 employees and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms 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.

806.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person convicted of a felony is prohibited from being a peace officer. The prohibition applies whether guilt was established by way of a verdict, or a guilty or nolo contendere plea (Government Code § 1029).

Convictions of certain violations of the Vehicle Code and other provisions of law (e.g., driver's license suspension or revocation) may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

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 employees inherently conflicts with their duties and the public trust.

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806.5 REPORTING PROCEDURE

All employees 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 detention, arrest, charge, outstanding warrant, or conviction, regardless of whether the matter was dropped or rejected, is pending, or is on appeal, and regardless of the penalty or sentence, if any.

All employees 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 if they become the subject of a domestic violence-related order or similar court order or become the subject of an outstanding warrant.

Any employee whose criminal arrest, conviction, or court order restricts or prohibits that employee from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is 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 employee, on the employee's own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Retired officers may have their identification cards rescinded or modified, as may be appropriate.

Drug- and Alcohol-Free Workplace

807.1 PURPOSE AND SCOPE

This policy provides guidelines regarding drugs and alcohol in the workplace.

807.2 POLICY

It is the policy of the Stanislaus County Probation 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.

Sick Leave

808.1 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 employees are detailed in the County personnel manual or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

808.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide eligible employees with a sick-leave benefit.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: LEAVE TIME BENEFITS.

808.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

808.4 REQUIRED NOTICES

The Human Resources Manager shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster that contains information on paid sick leave as provided in Labor Code § 247 is conspicuously displayed.

808.5 NOTIFICATION FOR NON-INSTITUTIONS STAFF

All non-institution staff 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 before the start of their scheduled shifts. Members shall ensure their communication is acknowledged. If no acknowledgement is received, the member shall contact another on-duty supervisor. 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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Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

808.6 NOTIFICATION FOR INSTITUTIONS STAFF

All members assigned to Juvenile Institutions 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. Members shall ensure their communication is acknowledged. If no acknowledgement is received, the member shall contact another on-duty supervisor. 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.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Communicable Diseases

809.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

809.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms present in and transmissible through human blood, urine, 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, the mouth, a mucous membrane, or non-intact skin comes into contact with blood, urine, 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 includes only those instances that occur due to a member's position at the Stanislaus County Probation Department. (See the agency's exposure control plan for further details to assist in identifying whether an exposure has occurred).

809.2 POLICY

The Stanislaus County Probation Department is committed to providing a safe work environment for its members. Members should know 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: BLOODBORNE PATHOGENS POLICY.

809.3 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 members may 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.
- (d) 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):

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- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease precautions (8 CCR 5199).
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate PPE 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 who 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).
- (e) Provisions for acting as the designated liaison with health care facilities regarding communicable disease or condition exposure notification. The designated liaison should coordinate with other department members to fulfill the role when the designated liaison is not available. The designated liaison shall ensure that the name, title, and telephone number of the designated liaison 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.

809.4 EXPOSURE PREVENTION AND MITIGATION

809.4.1 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:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, urine, 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 infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.

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- (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, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood, urine, or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
 - 2. For Institutions, disposable Med-Iso red bags shall be readily available for the storage and transfer of clothing and bedding articles which may be contaminated or soiled.
 - 3. For Institutions, disinfectant liquid such as Cavicide or a solution spray containing one part bleach and 10 parts water should be used on surfaces contaminated by blood or other bodily fluids. Do not use the bleach solution on carpet or fabric.
- (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.

809.4.2 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).

809.5 POST EXPOSURE

809.5.1 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 exposed skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

809.5.2 REPORTING REQUIREMENTS

The supervisor or designated administrator on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor or designated administrator shall ensure the following information is documented:

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident

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- (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., cleanup, notifications)

The supervisor or designated administrator 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 or designated administrator should complete the incident documentation in conjunction with other reporting requirements that may apply.

809.5.3 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.

The ECO should request a written opinion/evaluation from the treating health care 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 that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

809.5.4 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure.

809.5.5 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. 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.

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.

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- (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) Requesting test results or information provided by the source individual pursuant to Health and Safety Code § 121070.
- (f) 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 the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

809.6 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.

809.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193; 8 CCR 5199):

- (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 the member's 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.

Smoking and Tobacco Use

810.1 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 purpose 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.

810.2 POLICY

The Stanislaus County Probation Department recognizes that tobacco use is a health risk and that smoking and tobacco use can be offensive to others. Smoking and tobacco use also present an unprofessional image for the Department and its members. Therefore, smoking and tobacco use are prohibited in all department facilities, buildings, and vehicles, as further outlined in this policy. This prohibition applies to members and visitors.

810.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members are prohibited any time 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 the member's supervision smokes or uses any tobacco product inside County facilities and vehicles.

All cigarettes must be disposed of in a designated container not on the pavement or sidewalks. Those staff members who use smokeless tobacco will not dispose of tobacco on the sidewalk or pavement. It shall be disposed of in a trash receptacle.

810.3.1 SMOKE-FREE ENVIRONMENT

The Facility Superintendent shall ensure that laws prohibiting smoking are enforced in the facility, during work details, and during program attendance, and that youth are not exposed to use of tobacco products or electronic nicotine delivery system devices or second-hand smoke while in custody at the Stanislaus County Probation Department (15 CCR 1511).

810.4 ADDITIONAL PROHIBITIONS

Smoking and use of other tobacco products is not permitted inside department buildings or any department vehicle, or any other county building (Labor Code § 6404.5).

No person shall smoke or use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building, including any department buildings or a building 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.).

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810.5 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).

Personnel Complaints

811.1 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.

811.2 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 or memorandums of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

811.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or 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.

811.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Division Manager 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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811.3.2 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.

811.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

811.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the department 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.

811.4.2 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 complaint form as appropriate.

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 the statement at the time it is filed with the Department (Penal Code § 832.7).

811.4.3 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).

811.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

The Department shall accept and investigate internal complaints or complaints from the public that allege an officer has, in the previous seven years and since age 18, was a member of a hate

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group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

811.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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.

811.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

811.6.1 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.
 - 1. The original complaint form will be directed to the Division Director of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. 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.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Division Director.

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- (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 the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (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:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. 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.

811.6.2 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 (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 off-duty, the member 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 should 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.

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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 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, 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 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 because 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).

811.6.3 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.).

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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.

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.

811.6.4 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

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pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an offender 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.

811.6.5 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.

811.6.6 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.

811.7 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).

811.7.1 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 officer is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

811.8 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 employee to administrative leave. Any employee placed on administrative leave:

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- (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.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

811.9 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 the member's 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.

811.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigative report should be forwarded to the Human Resources Manager. Copies of the investigative report will be prepared and distributed to department managers 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 recommend findings and, if applicable, recommend discipline to the Assistant Chief Probation Officer. The Assistant Chief Probation Officer will select a department manager to chair the board. The Assistant Chief Probation Officer shall select a department manager who does not directly oversee the same division as the subject to chair the board. The remainder of the board will consist of an odd number of department managers as assigned by the Assistant Chief Probation Officer. The Administrative Board of Review may return the investigative file to the Human Resources Manager for further investigation or action.

The Chair of the Administrative Board of Review will prepare a report reflecting the recommendations of the board and forward the report to the Assistant Chief Probation Officer.

811.10.1 ASSISTANT CHIEF PROBATION OFFICER RESPONSIBILITIES

The Assistant Chief Probation Officer shall review the recommendation(s) from the Administrative Board of Review and all accompanying investigative materials. The Assistant Chief Probation Officer may follow, modify, or reject any of the recommendations made by the Administrative

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Board of Review. 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. The Assistant Chief may close an investigation without imposing discipline.

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.
 - 1. 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.
 - 2. 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.

811.10.2 CHIEF PROBATION OFFICER RESPONSIBILITIES

If discipline is proposed, the Chief Probation Officer shall provide the member with the opportunity for a pre-disciplinary procedural due process hearing (*Skelly*).

The Chief Probation Officer shall provide the member with an opportunity to respond orally or in writing within seven days of receiving the proposed notice of discipline. 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.

811.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

If the discipline being proposed is anything other than a termination, once the member has completed their response or if the member has elected to waive any such response, the Assistant Chief Probation Officer shall consider all information received in regard to discipline. The Assistant

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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 Assistant Chief Probation Officer has issued a written decision, the discipline shall become effective.

If the discipline being proposed is termination, once the member has completed their response or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to 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.

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)).

811.10.4 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)).

811.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee 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 before any recommended discipline is imposed. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee 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 employee may suggest that further investigation could be conducted, or the employee 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 conduct further investigation, the employee shall be provided with the results before any discipline is imposed.
- (e) The employee 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.

811.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement before the discipline is imposed, 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.

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811.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee 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 an officer 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).

811.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees 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 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 employees and those other than non-probationary employees 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.

811.15 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.

Seat Belts

812.1 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.

812.1.1 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 and Vehicle Code § 27360.

812.2 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 accident.

812.3 WEARING 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 confirm that all other occupants, including those who are not members of the Department, are 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 department member or the public. Members must be prepared to justify any deviation from this requirement.

812.4 TRANSPORTING CHILDREN

Child passengers younger than 8 years old shall be transported using an approved child restraint system in compliance with Vehicle Code § 27360.

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.

812.5 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any department vehicle with a transport restraint system or, when a transport restraint system is not available, by

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seat belts provided by the vehicle manufacturer. The transport restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

812.6 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.

812.7 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.

812.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag systems, the system will not be tampered with or deactivated. 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.

Personnel Records

813.1 PURPOSE AND SCOPE

This policy governs maintenance of and access to personnel records. Personnel records include any file maintained under an individual member's name.

813.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the constitution and 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.

813.3 DEPARTMENT AGENCY 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. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
 - 1. 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 four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

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- (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).
 - 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.

813.4 EMPLOYEE SITE FILE

Employee site files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The site 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 employee before being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

See the Stanislaus County Probation Department Procedures Manual: PERSONNEL RECORDS for further information.

813.5 TRAINING FILE

The Human Resources Manager shall maintain an individual training file for each member. Training files 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 the member's 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.

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813.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Human Resources Manager in conjunction with the office of the Chief Probation Officer. Access to these files may be approved only by the Chief Probation Officer or designee.

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 department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the department to adversely affect an employee'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 four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

813.7 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).

813.8 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.

813.9 SECURITY

Personnel records 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.

813.10 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Manager 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.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

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813.10.1 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

813.10.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043).

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).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

813.10.3 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.

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- (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.
- (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.

813.10.4 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

813.10.5 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to the investigation of an officer for a hate complaint described in Penal Code § 13682, with a sustained finding that the officer was a member of a hate group, participated in a hate group activity, or advocated public expressions of hate, are not confidential. These records shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted (Penal Code § 13683):

- (a) To remove personal data or information, such as a home address, telephone number, email address, or identities of family members.
- (b) To preserve the anonymity of complainants and witnesses.
- (c) To protect confidential medical, financial, or other information of which disclosure is specifically 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 by officers.

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- (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.

813.11 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 Manager 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)(3)):

- (a) All investigation reports.
- (b) Photographic, audio, and video evidence.
- (c) Transcripts or recordings of interviews.
- (d) Autopsy reports.
- (e) 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, 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.
- (f) Documents setting forth findings or recommending findings.
- (g) 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)(8) or other law, the following records (hereinafter referred to as "qualifying records") shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (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 by an officer against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)).
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

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- (b) Records relating to an incident where a sustained finding 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 false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
 - 3. An officer engaged in conduct including, but not limited to verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 - 4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

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)(4)).

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)(5). 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 finding of a qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

813.11.1 REDACTION

The Manager, in consultation with the Chief Probation Officer or the authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (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 whistleblowers, complainants, victims, 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 possible misconduct and 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

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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)(7)).

813.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief Probation Officer, the Manager should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records 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 misconduct or 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 engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or 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 there is a determination from the investigation whether misconduct or 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 misconduct or use of force or allegation of misconduct or use of force.

813.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Manager 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:

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- (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 misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, 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)(8)).

813.12 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's 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, 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

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813.13 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.

Fitness for Duty

814.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

814.2 POLICY

The Stanislaus County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical, mental, and/or emotional capabilities to determine the member's ability to perform essential functions.

814.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. If a member believes another member is unable to perform that member's duties, such observations and/or belief shall be promptly reported to a supervisor.

814.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform any duties because of an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment or impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or a condition requiring intervention.

Consistent with this policy, supervisors shall maintain the confidentiality of any information.

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814.4.1 REPORTING

A supervisor observing a member or receiving a report about a member perceived to be unable to safely or effectively perform duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the observations and actions in a written report and inform the Supervisor or the member's Division Manager or Chief Probation Officer.

814.4.2 DUTY STATUS

The Chief Probation Officer and Human Resource Manager should make a preliminary determination regarding the member's duty status..

If a determination is made that the member can safely and effectively perform the essential functions of the job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Supervisor, the member's Division Manager, or the authorized designee should immediately relieve the member of duty pending further evaluation.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Division Manager and Chief Probation Officer, or the authorized designee, shall be promptly notified in the event that any member is relieved of duty.

814.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member may be unfit for duty or following an officer-involved shooting or death-in-custody incident.

814.5.1 PROCESS

The Chief Probation Officer or authorized designee, in cooperation with the Human Resources Department, may serve that member with a written order to undergo a physical and/or psychological examination to determine the level of the member's fitness for duty. The order shall indicate the date, time and place for the examination..

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report. If the member places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information relevant to such proceedings (Civil Code § 56.10(c)(8)).

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To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

Reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. 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.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with Human Resources Department.

814.6 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.

Meal Periods and Breaks

815.1 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.

815.2 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 collective bargaining agreement or memorandum of understanding and the County personnel manual.

815.3 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.

815.4 BREAKS

Each member is entitled to a 15-minute break near the midpoint for each four-hour work period. Only one 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.

Members performing field duties will take their breaks within any assigned areas, subject to call, and shall monitor the channels of communication.

Lactation Breaks

816.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

816.2 POLICY

It is the policy of the Stanislaus County Probation Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for their nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

816.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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. Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. Employees shall notify a supervisor of additional time needed to express breast milk in the event 30 minutes or less during a four-hour period is insufficient.

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).

Lactation breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

The break should not be interrupted except for emergency or exigent circumstances.

816.4 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 proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; 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 a member 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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816.5 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's shift ends.

816.6 STATE REQUIREMENTS

Employees 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.

Employees 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).

Payroll Records

817.1 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.

817.2 POLICY

The Stanislaus County Probation Department maintains timely and accurate payroll records.

817.3 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 direction.

817.4 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 the Human Resources Manager as established by the County payroll procedures.

817.5 RECORDS

The Human Resources Manager 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).

Overtime Compensation

818.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

818.2 POLICY

The Stanislaus County Probation Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

818.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

818.4 REQUESTS FOR OVERTIME COMPENSATION

818.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

818.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 - 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.

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- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Division Manager for final approval.
 - 1. After the Division Manager has authorized compensation, the request shall be submitted to Administrative Services as soon as practicable.

Supervisors may not authorize or approve their own overtime.

818.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Division Manager or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

818.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request if the request does not unduly disrupt department operations.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Outside Employment

819.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

819.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization, or individual not affiliated directly with this department when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

819.2 POLICY

Members of the Stanislaus County Probation Department shall obtain written approval from the Chief Probation Officer or the authorized designee before engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief Probation Officer or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

819.3 OUTSIDE EMPLOYMENT

819.3.1 REQUEST AND APPROVAL

Members must submit the Request for Authorization of Outside Business or Employment form to their immediate supervisor. The request form will then be forwarded through the chain of command to the Chief Probation Officer or the authorized designee for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

819.3.2 DENIAL

Any member whose request for outside employment has been denied shall be provided with a written notification of the reason at the time of the denial (Penal Code § 70(e)(3)).

819.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension (Penal Code § 70(e)(3)).

Approval for outside employment may be revoked or suspended:

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- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished with the authorization of the member's supervisor once the member's performance has reached a satisfactory level.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or County.

819.3.4 APPEAL

If a member's request for outside employment is denied or if previous approval is revoked or suspended, the member may file a written notice of appeal with the Chief Probation Officer or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the member has completed the appeal process.

If the member's appeal is denied, the member may file a grievance as provided in the Grievances Policy.

819.4 REQUIREMENTS

819.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves (Government Code § 1126):

- (a) The use of department time, facilities, equipment, or supplies.
- (b) The use of the Stanislaus County Probation Department badge, uniform, or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for performing duties or services that the member would be required or expected to render in the course or hours of the member's employment or appointment, or as a part of the member's regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of the member's duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.

819.4.2 SECURITY OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a private security guard, private investigator, or other similar private security position.

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819.4.3 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 against any member using a position with this department to gain access to official records or databases of this department or other agencies.

819.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates outside employment, the member shall promptly submit written notification of such termination to the Chief Probation Officer or the authorized designee through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief Probation Officer or the authorized designee any material changes in outside employment, including any change in the number of hours, type of duties, or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

819.4.5 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status.

Occupational Disease and Work-Related Injury Reporting

820.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, mental health issues, and work-related injuries.

820.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any injury, disease, or mental health issue arising out of the member's employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

820.2 POLICY

The Stanislaus County Probation Department will address work-related injuries and occupational disease appropriately and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

820.3 RESPONSIBILITIES

820.3.1 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).

820.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease 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 County-wide injury- or disease-reporting protocol shall also be followed.

Supervisors are to inform the Staff Services Coordinator 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.

820.3.3 DIVISION MANAGER RESPONSIBILITIES

The Division Manager 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

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report shall then be forwarded to the Chief Probation Officer or authorized designee, the County's risk management entity, and the Human Resource Manager to ensure any required Division of Occupational Safety and Health (Cal/OSHA) reporting is made as required in the disease and injury prevention plan identified in the Illness and Injury Prevention Policy.

820.3.4 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.

820.4 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 Manager through the chain of command and a copy sent to the Human Resource Manager or the authorized designee.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that the member desired no medical attention at the time of the report. Signing the report does not preclude the member's ability to later seek medical attention.

820.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury caused by another person and is subsequently contacted by that person or that person's 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 the member's supervisor as soon as possible.

820.5.1 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 or the authorized designee with written notice of the proposed terms of such settlement. The member shall never accept a settlement without first providing written notice to the Chief Probation Officer or the authorized designee. Such notice permits 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. Notice also protects the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

See the Stanislaus County Personnel Manual: LEAVE TIME, BENEFITS, WORKERS' COMPENSATION for further information.

Personal Appearance Standards

821.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Stanislaus County Probation Department.

821.2 POLICY

Stanislaus County Probation Department members shall maintain their personal hygiene and appearance to project a professional image that is 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.

821.3 PROFESSIONAL ATTIRE

Department members shall maintain in their manner of dress, personal grooming, and hygiene the highest professional standards

Professional attire will be worn daily when conducting official business, attending training, or participating in department-sponsored activities. Members shall refrain from wearing clothing that detracts from the department's mission and public image, regardless of work setting.

821.4 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief Probation Officer has granted an exception.

821.4.1 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.

821.4.2 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 hair longer than collar length, shall put all of their hair back into a tightly wrapped braid, bun or ponytail when working in the institutions or when conducting field work.

821.4.3 HATS

All members choosing to wear a hat in the office or engaged in field activity shall wear a dark colored hat with brim facing forward. The only permitted logo to be displayed is the department logo.

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821.4.4 MUSTACHES

A neatly trimmed mustache may be worn.

821.4.5 FACIAL HAIR

Facial hair shall be neatly trimmed.

821.4.6 FINGERNAILS

Fingernails shall remain clean, trimmed, and not exceed a length that would interfere with the operation of safety equipment.

821.5 APPEARANCE

821.5.1 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 staff 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.

821.5.2 TATTOOS AND OTHER BODY ART

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.

821.5.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Stanislaus County Probation Department in any official capacity, that is a deviation from normal anatomical features and that 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, scarification, or burning to create a design or pattern.

821.5.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Stanislaus County Probation Department in any official capacity.

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821.5.5 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 that are not medically required are prohibited while on-duty or while representing the Stanislaus County Probation Department in any official capacity.

821.6 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.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

821.7 OFFICE ATTIRE - CASUAL FRIDAY

Professional attire is expected at all times. 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.

821.8 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.

Conflict of Interest

822.1 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-EMPLOYMENT OF RELATIVES(NEPOTISM).

822.1.1 DEFINITIONS

Definitions related to this policy include:

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 in which it reasonably appears that a staff member's action, inaction, or decisions are or may be influenced by a 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.

822.2 POLICY

Staff members of the Stanislaus County Probation Department are expected to conduct themselves with the utmost professional integrity and objectivity. Staff members will guard against

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actual or perceived conflicts of interest to ensure the fair and equitable treatment of department staff members and the public, and to maintain the trust of the public and other department staff members.

822.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among staff members (Government Code § 12940):

- (a) Staff members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other staff 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 staff member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing staff members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any staff member to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Staff members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a staff member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, Facility Training Officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any staff member they are assigned to train until such time as the training has been successfully completed and the person 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. 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 Facility Superintendent via the chain of command.

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2. 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.
3. 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.
4. 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.

822.4 MEMBER RESPONSIBILITIES

Staff members shall avoid situations that create a conflict of interest. Staff members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved staff member). 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 their uninvolved, next highest level of supervisor.

Whenever any staff member is placed in circumstances that would require the staff member to take enforcement action or provide official information or services to any relative or individual with whom the staff member is involved in a personal or business relationship, that staff member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the staff member shall promptly notify a supervisor and/or the Facility Superintendent to have another uninvolved staff member either relieve the involved staff member or, minimally, remain present to witness the action.

822.5 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise learning 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 or the authorized designee 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 Facility Superintendent 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.

Badges, Patches, and Identification

823.1 PURPOSE AND SCOPE

The Stanislaus County Probation Department (SCPD) badge, logo, patch, and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

823.2 POLICY

The Stanislaus County Probation Department issues each staff member appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the staff member's position within the Department. The uniform badge, patch and/or identification card shall be issued to department members as a symbol of authority and the use and display of departmental badges, patches and/or identification cards shall be in strict compliance with this policy.

823.3 STAFF MEMBER RESPONSIBILITIES

Staff members of the Stanislaus County Probation Department will use the SCPD badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The SCPD badge, logo, patch, and identification card shall only be displayed or used by a staff member when acting in an official or authorized capacity.

Department staff members shall not:

- (a) Display or use the SCPD badge, patch, or identification card for personal gain or benefit.
- (b) Loan the SCPD badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the SCPD badge, patch, or identification card, or the likeness thereof, or the Stanislaus County Probation Department name, for personal or private reasons, including but not limited to letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites without the approval of the Chief Probation Officer.

823.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Department staff members shall promptly notify their supervisors whenever their SCPD badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control. Members shall submit an incident report through their chain of command if their identification card or badge is missing and/or stolen.

823.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by department staff members.

Only badges issued or approved by this department may be used, displayed, carried, or worn by staff members while on-duty or otherwise acting in an official or authorized capacity.

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823.5.1 RETIREE BADGES/IDENTIFICATION CARDS

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.

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.

823.5.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the SCPD badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the SCPD badge with approval from the Chief Probation Officer or authorized designee.
- (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.

823.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., K-9, Facility Training Officer (FTO)) should be submitted to the Chief Probation Officer in writing.

Only patches issued or approved by this department are authorized to be displayed or worn by staff members while on-duty or otherwise acting in an official or authorized capacity.

Staff members, with the written approval of the Chief Probation Officer, may request additional patches, at their own expense.

823.7 IDENTIFICATION CARDS

All staff members will be issued an official SCPD identification card bearing the staff member's name, full-face photograph, and signature of the Chief Probation Officer or the official seal of the Department. All staff members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, staff members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other staff members working specialized assignments may be excused from the possession and display requirements when directed by their Division Director.

823.8 BUSINESS CARDS

The Department will supply business cards to those staff members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only

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authorized business cards are those issued or approved by the Department and should contain identifying information, including but not limited to the staff member's name, title, and and contact information (e.g., telephone number, email address).

Staff members should provide a business card to any member of the public who requests one.

Temporary Modified-Duty Assignments

824.1 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 employees under federal or state law, Stanislaus County rules, or 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 or limitation that is protected under federal or state law.

824.2 POLICY

Subject to operational considerations, the Stanislaus County Probation Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work while providing the Department with a productive employee during the temporary period.

All members may refer to the Stanislaus County Interactive Process.

824.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act shall be treated equally, without regard to any preference, for a work-related injury (Government Code § 12940 et seq.).

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 an employee 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 employee's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

824.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Managers 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 employee can safely perform the duties of the temporary modified-duty assignment.

The Division Manager 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 employee. The Chief Probation Officer or the authorized designee shall confer with the Human Resources Department or the County Counsel as appropriate.

824.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Manager.

824.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but are not 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 Manager that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

824.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

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- (a) Periodically apprising the Division Manager of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Manager and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

824.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees 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 an employee to full-duty status, in accordance with the Fitness for Duty Policy.

824.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other employee with a temporary disability (42 USC § 2000e(k)). A pregnant employee 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.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

824.7.1 NOTIFICATION

Pregnant employees 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 employee 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.

824.8 PROBATIONARY EMPLOYEES

Probationary employees 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.

824.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees 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. Employees

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

825.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provide guidelines for regulating and balancing member speech and expression with the legitimate needs of the Stanislaus County Probation Department.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, and use of all internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and video-sharing and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression 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 an employee group, 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.

825.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Stanislaus County Probation Department. Due to the nature of the work and influence associated with the probation 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 Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

825.3 SAFETY

Members should carefully consider 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 Stanislaus County Probation Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a 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 or a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- (a) Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.

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- (b) Disclosing the address of a fellow officer.
- (c) Disclosing where another officer can be located off-duty.

825.4 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 an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that compromises or damages the mission, function, reputation, or professionalism of the 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 Department and could compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
 - 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 Department members. For example, a statement on a blog that provides specific details on how and when custody transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression contrary to the Ethics section in Standards of Conduct Policy as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, or video or other recording obtained or accessible because 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, 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.

Members must take reasonable and prompt action to remove any content, including content posted by others, that violates this policy from any web page or website maintained by the employee (e.g., social or personal website).

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825.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Stanislaus County Probation Department or identify themselves in any way that could be reasonably perceived as representing the 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 motion picture, film, video, or public broadcast, or on any website

Additionally, when it can reasonably be construed that a member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, 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 recognized bargaining units or employee groups, 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 elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

825.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department technology system.

The Department shall not require an employee 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).

825.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

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- (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 performance of 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.

825.7 TRAINING

Subject to available resources, the Department should provide periodic training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

Illness and Injury Prevention

826.1 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.

826.2 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 injury. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

826.3 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 applicable standards.
- (f) Establishing a process to ensure illnesses and injuries and death are reported as required by the Division of Occupational Safety and Health (Cal/OSHA) (8 CCR 342).

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See the Stanislaus County Probation Department Procedures Manual: RANGE HEAT ILLNESS PREVENTION for further information.

826.4 HUMAN RESOURCES MANAGER 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.
 - 3. Providing access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (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 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 3396)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the Supervisors Incident/Illness Investigation Report form to document individual incidents or accidents.

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- (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.

826.5 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. 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 to 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.

826.6 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 remove all exposed members from the area or item, except those necessary to correct the existing condition.

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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 the Report of Hazard and Safety Suggestion 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.

826.7 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.

826.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles, work spaces, and any PPE used in their work assignment. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

826.8 INVESTIGATIONS

Any member suffering from 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.
- (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.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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826.9 TRAINING

The Human Resources Manager shall provide all members with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors and managers 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.

826.9.1 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.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

826.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Line-of-Duty Deaths

827.1 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.

827.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing probation-related functions while on-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.

827.2 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.

827.3 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.

827.4 INITIAL ACTIONS BY COMMAND STAFF

- (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 designee.

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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 Division Manager 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 Division Manager 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).

827.5 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 emergency contact information and emergency notification form, if one exists, and make accommodations 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, Division Manager, or the authorized designee should select at least two members, or one member and a member of the clergy, to conduct notification of survivors.

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.
- (b) 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).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles when possible. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal

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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.

- (f) 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.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) 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.
- (j) 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.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) 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.

827.5.1 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 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.

827.6 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.

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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., chaplain, counselor, peer support group, Employee Assistance Program, 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.

827.7 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) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

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. The Department may consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

827.7.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Manager 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:

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- (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 be sufficient to accommodate visitation and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (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.

827.7.2 NOTIFICATION OF 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 Manager 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).

827.7.3 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (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).

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- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) 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.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, 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.

Other responsibilities of the Hospital Liaison include but are not limited to:

- (a) Arranging transportation for the survivors back to their residence.
- (b) Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- (c) Documenting actions at the conclusion of liaison duties.

827.7.4 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.

The Survivor Support Liaison should be selected by the deceased member's Division Manager. The following should be considered when selecting the Survivor Support Liaison:

- (a) The liaison should be an individual the survivors know and with whom they are comfortable working. If the member has completed an emergency notification form, it should be used for this purpose.
- (b) 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.
- (c) 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.

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- (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 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).
- (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.

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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.

827.7.5 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.
- (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.

827.7.6 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. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other probation and law enforcement agencies.
- (c) Coordinating the funeral activities of the Department or outside assisting agencies, including but not limited to the following:
 - 1. Honor Guard

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- (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
- 2. Uniform for burial
- 3. Flag presentation
- (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.

827.7.7 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 as possible can attend funeral services.

The mutual aid coordinator should perform duties in accordance with the Stanislaus County Probation Department Policy Manual: OUTSIDE AGENCY ASSISTANCE POLICY.

827.7.8 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will 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.
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits Program.
 - 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. Workers' compensation death benefit (Labor Code § 4702)

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- (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.

827.7.9 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:

- (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.

827.7.10 PEER SUPPORT TEAM

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.

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- (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.

827.8 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's Public Information Officer, Chief Probation Officer, or the authorized designee should be the department's contact point for the media. As such, the Public Information Officer, 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 Public Information Officer, Chief Probation Officer, or 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 Public Information Officer, 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.
 - 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 have obtained identifying information for the deceased member prior to survivor notification, the Public Information Officer, Chief Probation Officer, or the authorized designee should request that the media withhold the information from release until proper notification can be made to survivors. The Public Information Officer, Chief Probation Officer, or the authorized designee should ensure that media are notified when survivor notifications have been made.

827.9 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

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- (a) Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- (b) Assisting liaisons and coordinators with their assignments as appropriate.
- (c) Assisting department members with counseling or emotional support, as requested and appropriate.

827.10 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.

827.11 LINE-OF-DUTY DEATH OF A PROBATION DEPARTMENT ANIMAL

The Chief Probation Officer may authorize appropriate memorial and funeral services for probation department animals killed in the line of duty.

827.12 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.

Brady Material Disclosure

828.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

828.2 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.

828.3 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.

828.4 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 an investigative report, the officer or the handling investigator 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, protected personnel files, attorney-client information, or attorney work product), 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.

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.

Supervisors who are uncertain about whether evidence or facts are material should address the issue with their Division Director who may consult with County Counsel.

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Brady Material Disclosure

828.5 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) The prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (c) The Custodian of Records shall notify County Counsel upon a Pitchess motion being filed. 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 a personnel file, only that information ordered released will be copied and released to the parties filing the motion.
- (e) Prior to the release of any information pursuant to this process, County Counsel 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.

828.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

828.7 TRAINING

Department members should receive periodic training on the requirements of this policy.

Travel

829.1 PURPOSE AND SCOPE

This policy provides guidelines for members traveling on official business.

829.2 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: TRAVEL and the Stanislaus County Personnel Manual: EXPENSE REIMBURSEMENT.

Jury Duty

830.1 PURPOSE AND SCOPE

This policy provides guidelines for members called to serve as jurors.

830.2 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: LEAVE TIME BENEFITS- JURY DUTY.

Workers' Compensation

831.1 PURPOSE AND SCOPE

To specify the requirements and benefits associated with Workers' Compensation.

831.2 POLICY

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual:
LEAVE TIME BENEFITS- WORKERS' COMPENSATION.

Paycheck Distribution

832.1 PURPOSE AND SCOPE

To maintain County control over disbursement of pay warrants and to ensure the proper and confidential receipt of pay.

832.2 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.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: SALARY COMPENSATION, SALARY AND COMPENSATION PROVISIONS.

Military Leave

833.1 PURPOSE AND SCOPE

This policy provides guidelines for allowing members to meet military obligations.

833.2 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:
LEAVE TIME BENEFITS - MILITARY LEAVE.

Vacations

834.1 PURPOSE AND SCOPE

To establish equitable guidelines for the use of earned vacation.

834.2 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.

834.3 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.

All members are to follow the guidelines as outlined in the Stanislaus County Personnel Manual: LEAVE TIME BENEFITS - VACATION.

Department Liability and Risk Management

835.1 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.)

Threats Against Members

836.1 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.

836.2 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.

836.3 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.

836.3.1 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. 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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Threats Against Members

836.4 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 may be referred to the appropriate law enforcement agency or District Attorney's Office for a criminal investigation or prosecution.
- (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.

Child Welfare Services and Foster Parenting

837.1 PURPOSE AND SCOPE

To avoid potential conflicts of interest and to protect individual member rights.

837.2 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.

837.3 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.

837.4 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.

Use of Adoption Information

838.1 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.

838.2 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.

838.3 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.

Employee Organization

839.1 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; Employer/Employee Relations; Code 368.020-Purpose).

839.2 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; Employer/Employee Relations; Code 368.050 - Employee Rights).

839.3 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.

Health Insurance Portability and Accountability Act (HIPPA)

840.1 PURPOSE AND SCOPE

To establish guidelines and expectations of department members in dealing with Protected Health Information (PHI).

840.2 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: EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS; HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY-HIPPA.

840.3 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 of 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.

840.4 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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Health Insurance Portability and Accountability Act (HIPPA)

840.4.1 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.

840.5 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.

Attendance Requirements

841.1 PURPOSE AND SCOPE

This policy provides standard and expectations for member attendance.

841.2 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 outlined in the Stanislaus County Personnel Manual: TIME: WORK WEEK/BREAKS.

841.3 CALL-IN PROCEDURES FOR NON-INSTITUTIONS STAFF

All non-institution staff 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 before the start of their scheduled shifts. Members shall ensure their communication is acknowledged. If no acknowledgement is received, the member shall contact another on-duty supervisor. 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

841.4 CALL-IN PROCEDURES FOR INSTITUTIONS STAFF

All members assigned to Juvenile Institutions 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. Members shall ensure their communication is acknowledged. If no acknowledgement is received, the member shall contact another on-duty supervisor. 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.

Working Hours

842.1 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.

842.1.1 DEFINITIONS

"Official County Work Week" and "Standard Work Week" - that 40-hour period beginning at 11:00 p.m. Friday and ending at 11:00 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.

842.2 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: TIME/WORK WEEK/BREAKS/LUNCH/OVERTIME.

842.2.1 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.

842.3 INSTITUTION DIVISION

842.3.1 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.

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

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Working Hours

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.

842.4 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

842.5 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 the department form: Request to Authorize or Modify Alternative Work Schedule. 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.

842.6 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.

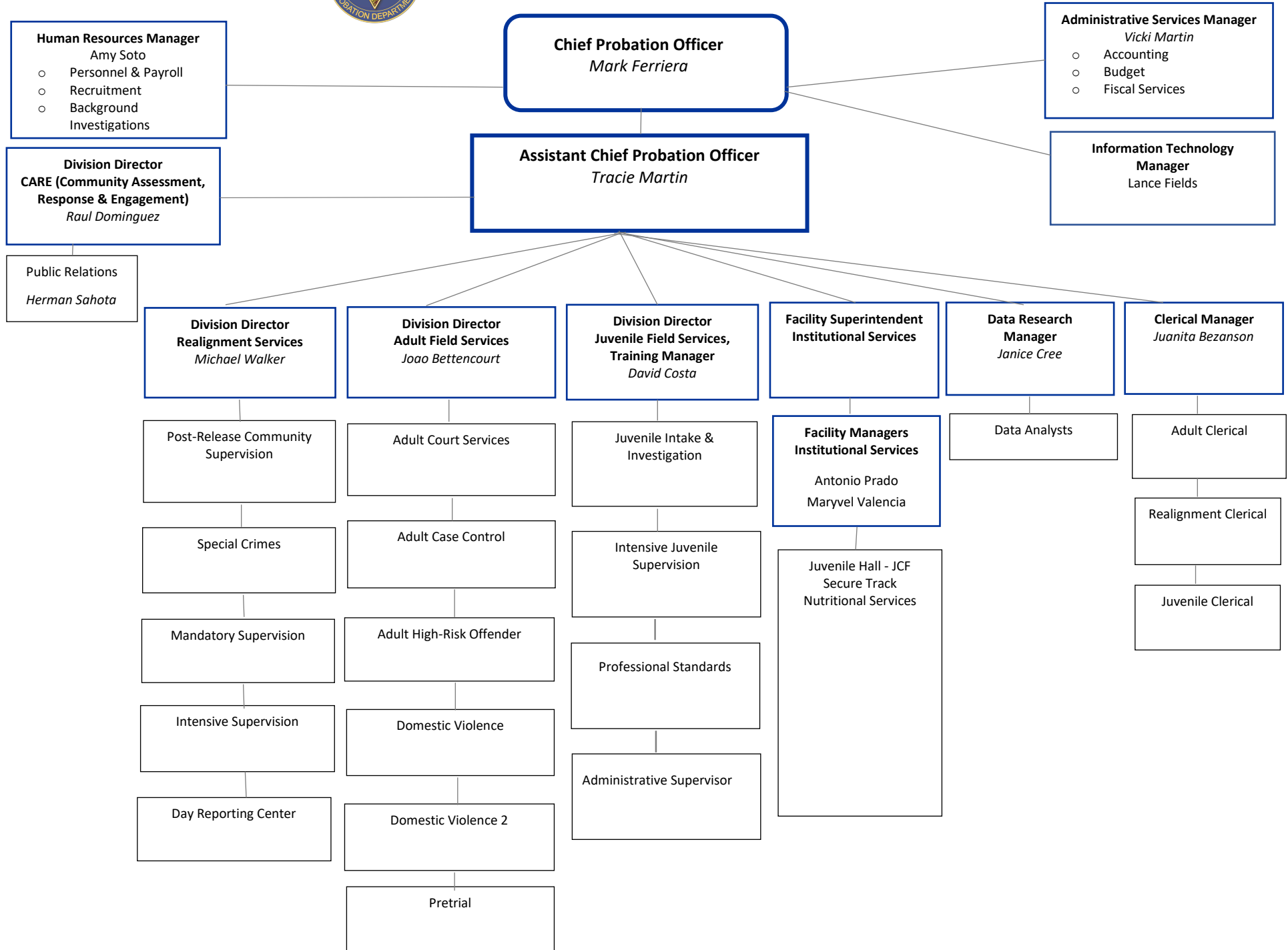
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Attachments

Organizational Chart - 9-2024.pdf



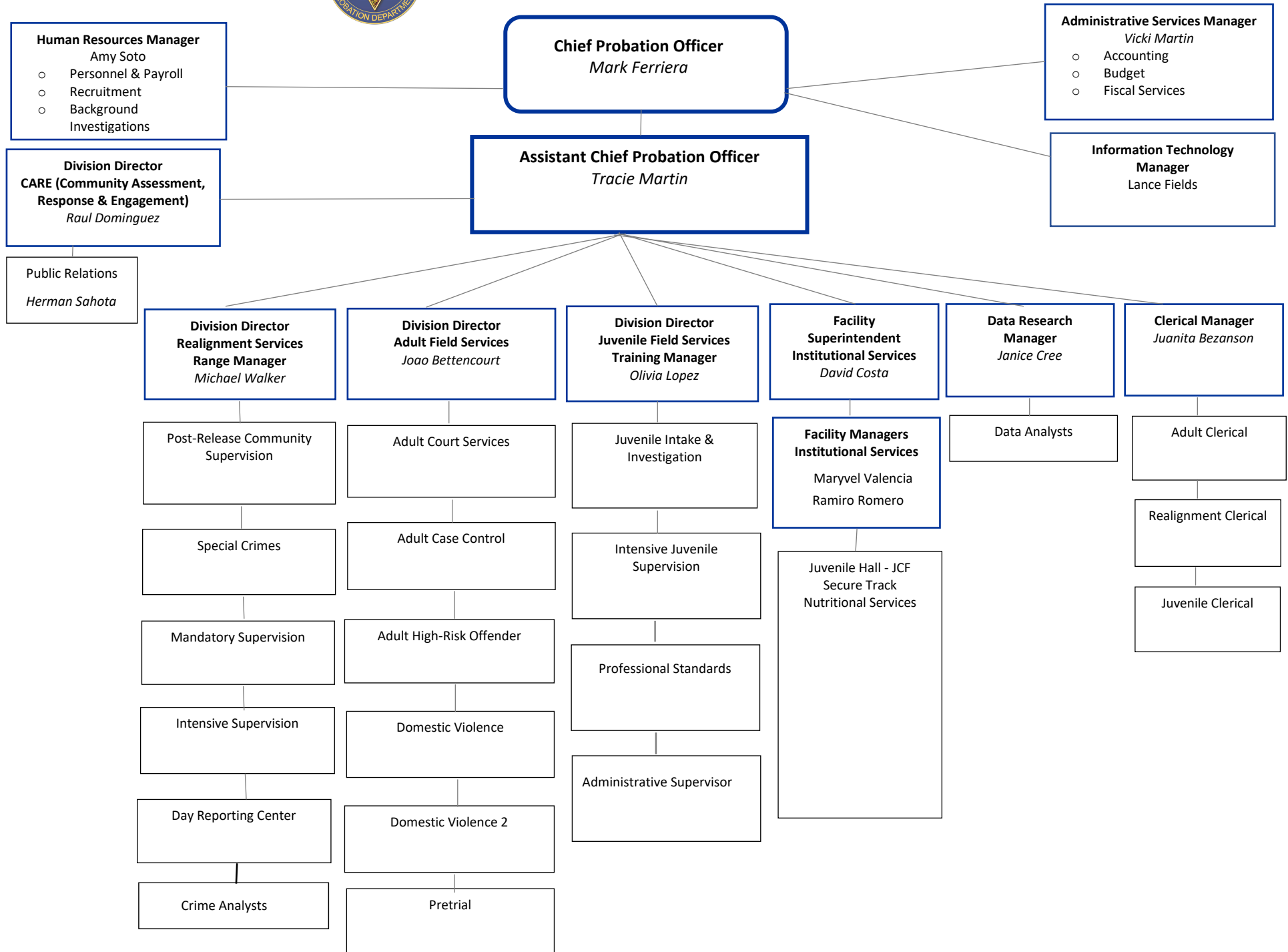
STANISLAUS COUNTY PROBATION DEPARTMENT
Organizational Chart



Organizational Chart 1-10-2025.pdf



STANISLAUS COUNTY PROBATION DEPARTMENT
Organizational Chart



Military Equipment.pdf

The following is a list of military equipment as defined by Government Code §7070 held/maintained by the Stanislaus County Probation Department

A. MILITARY EQUIPMENT

1. Rifles and Ammunition-Shoulder mounted firearms allowing greater precision and accuracy at long distances. These are department owned weapons authorized for agency use.

- a. Description, quantity, capabilities, and purchase cost

- i. **Colt AR-15A3 Rifles, Cost \$1,200 per rifle: Quantity: 4**

- Semi-automatic rifle that fires .223 cartridge. Equipped with iron sights.

- ii. **Smith & Wesson M&P-15 Rifles, Cost \$650 per rifle: Quantity: 4**

- Semi-automatic rifle that fires .223/5.56mm cartridge. Equipped with red-dot sights.

- iii. **Federal FMJ 55 grain .223 ammunition, cost: \$.40 per round, Quantity: 30,000**

- Rifle ammunition, used for training and qualification.

- b. Purpose

- Officers may encounter these types of weapons during critical incident scenarios and should know how to safely handle these weapons.

- c. Authorized Use

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

- d. Expected Life Span

- Rifles-25 years

- Ammunition-10 years

- e. Fiscal Impact

- Annual maintenance is approximately \$20 for each rifle.

- f. Training

- All sworn members who may operate any rifle are required to participate in departmental range training on long-arm rifle operation.

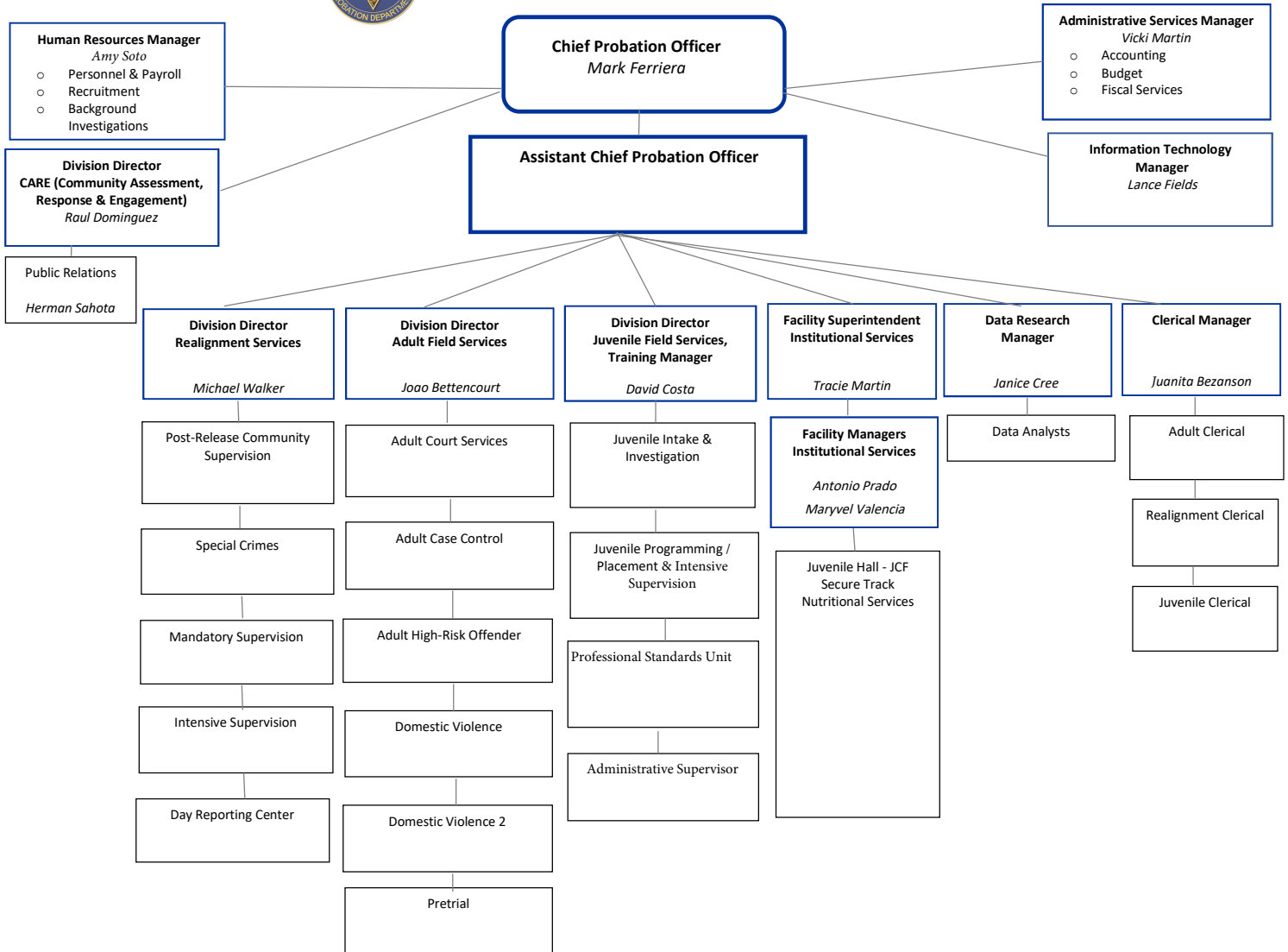
- g. Legal and Procedural Rules

- Use is established by the Stanislaus County Probation Department Lexipol Policies Use of Force and Firearms.

Organizational Chart - 5-2024.pdf



STANISLAUS COUNTY PROBATION DEPARTMENT
Organizational Chart



**Records Retention Schedule
draft updated 05-08-2025.pdf**

Category of Records	Retention Period	Authority	Remarks	Department Policy
Adult Case files (Court reports, Restitution, Drug Court and Treatment records, assessments, grants, victim information.)	5 years after termination	PC 1203.10 PC 1203.45 GC 68153	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 § 781 W&I or § 1203.45 PC.	Policy 702
Background files, including applicant files (hired)	Separation plus 6 years	GC 12946 11 CCR 1953	Statutory minimum is 4 years.	Policy 800.6.4
Background files, including applicant files (non-hired)	4 years	GC 12946	Statutory minimum is 4 years. If complaint is filed, maintained until proceedings have been terminated. EEOC can be filed within 49 months.	Policy 800.6.4
Citizen Complaints (not sustained)	5 years	PC 832.5	Statutory minimum is 5 years, following disposition.	Policy 813.13
Citizen Complaints (sustained involving misconduct)	15 years	PC 832.5	Statutory minimum is 15 years, following disposition.	Policy 813.13
Employee Medical Records	Separation plus 30 years	8 CCR 3204(d)(1)(a)		

LEGAL AUTHORITY ABBREVIATIONS

CCR-California Code of Regulations

CFR-Code of Federal Regulations

GC-Government Code (California)

PC-Penal Code (California)

USC-U.S. Code

W&I-Welfare and Institutions

Category of Records	Retention Period	Authority	Remarks	Department Policy
Employee Personnel file	Separation plus 6 years	GC 12946 29 USC 1113 29 CFR 1602.31 29 CFR 1627.3(b)(1) CCR 3204(d)(1) et seq.		Policy 813.13
Incident Reports	2 years	W&I 781 W&I 786	Department minimum is 2 years	Policy 313
Internal Affairs Investigations (internally initiated)	5 years	GC 26202	5 years for IA Investigations, following disposition (closed).	Policy 813.6
Juvenile Case Files (Court records, investigations, service referral forms, Probation officer reports, investigator's worksheet, violation report, booking and property record, periodic reviews, custody and behavioral records, fingerprint reimbursements, placement documentation, minute orders, and related records.)	5 years after Court termination of jurisdiction	W&I 826 W&I 781(d)	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 § 781 W&I or § 1203.45 PC.	Policy 701.9

LEGAL AUTHORITY ABBREVIATIONS

CCR-California Code of Regulations

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USC-U.S. Code

W&I-Welfare and Institutions

Category of Records	Retention Period	Authority	Remarks	Department Policy
Juvenile Sealing Records (Assessment, findings, petition and order to seal the records, the records covered by the order, and related records.)	5 years after Court termination of jurisdiction	W&I 781(d)	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 § 781 W&I or § 1203.45 PC.	Policy 701.9
Material Safety Data Sheets (MSDS)	Discontinuance plus 30 years	8 CCR 3204(d)	Recorded and stored electronically through the County's HSI SDS platform	
Payroll Records	3 years	29 CFR 516.2 29 CFR 516.5	Statutory minimum is 3 years.	Policy 817.5
Promotion/Special Assignment Interview Results	5 years	GC 12960 GC 12965	Complaints can be made up to 3 years after the fact.	Policy 803
Recruitment Results	5 years	GC 12960 GC 12965 GC 12946 29 CFR 1627.3 11 CCR 1953	Complaints can be made up to 3 years after the fact. 5 years consistent with County Policy. Indefinite in NeoGov.	Policy 800.6.4
Toxic Substance Exposure Records	Separation plus 30 years	29 CFR 1910.1020 29 CFR 1901.1001		
Vehicle Accidents	3 years or 5 years	GC 26202	3 years consistent with County Policy. If IA initiated, 5 years consistent with IA retention schedule.	Policy 813.13

LEGAL AUTHORITY ABBREVIATIONS

CCR-California Code of Regulations

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