

Yolo County Probation Department

Policy Manual

CHIEF'S PREFACE

This manual represents the values upon which the Yolo County Probation Department operates. The policies included herein are predicated on the law, best practice, and sound judgment. They are meant to provide guidance and protection to the individual employee, as well as to the organization as a whole.

We work in a complex, dynamic environment which presents a multitude of challenges on a daily basis. Every decision you make has the potential to profoundly affect the lives of others. Please refer to this manual often, for it is a fundamental tool you can rely upon to help you do your job. But remember, ultimately it is your individual responsibility to perform your duties with honor and integrity.

Keep abreast of all revisions to this manual and remain knowledgeable as to its contents. The overall success of our Department will be measured by the degree to which we maintain the trust of the public, the Courts, and other allied agencies. Adhering to the policies contained within this manual will ensure that trust is warranted and that it endures.

Marlon Yarber

Chief Probation Officer

Yolo County Probation Department

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

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YOLO COUNTY PROBATION MISSION STATEMENT

Mission

The Yolo County Probation Department, in partnership with the community, enhances public safety by holding adult and juvenile offenders accountable while promoting positive behavioral change through responsible use of public resources.

Vision

Our vision is to provide effective and innovative services while improving lives and creating a healthier and safer community.

Values

- Commitment to community protection and service
- Commitment to supporting the needs of families
- Commitment to staff development, training and support
- Diversity
- Integrity
- Empowerment of staff to promote respectful and forthright communication
- Recognition of the potential for positive change in all people
- Recognition that staff are the department's most valuable resource
- Respect and support the dignity of all individuals

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.5. The authority of any such peace officer extends to any place in the State of California while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment.

Penal Code § 830.5 (a) - The authority of probation officers shall extend only as follows:

- (a) To conditions of parole or of probation by any person in this state on parole or probation.
- (b) To the escape of any inmate or ward from a state or local institution.
- (c) To the transportation of persons on parole or probation.
- (d) To violations of any penal provisions of law that are discovered while performing the usual or authorized duties of his or her employment.
- (e) To the rendering of mutual aid to any other law enforcement agency.

Penal Code § 830.5 (b) - Any employee having custodial responsibilities in an institution operated by a probation department, or any transportation officer of a probation department.

100.3 CONSTITUTIONAL REQUIREMENTS

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

Procedure and the Law

101.1 POLICY

The Probation Department is an arm of the Court. The Chief Probation Officer is legally mandated under Penal Code § 1203.6 for Adult, and Welfare & Institutions Code § 270 for Juvenile, to provide selected services and has the authority to provide other services to the Court and the Community. These services are to be provided in a lawful and professional manner. Staff are expected to implement policy and procedures, and are bound in every way by the dictates of the law. Staff is responsible for keeping current on departmental policies and procedures as well as changes in law.

Should any employee become aware of a conflict between the law, policy manuals or procedures, the employee shall notify his or her immediate supervisor of the apparent conflict. The supervisor will take the appropriate action to bring the matter to the attention of the Chief Probation Officer.

If an employee is directed by the Court to perform in a manner that does not appear to be consistent with the departmental policy and procedures, the employee will attempt to make the Court aware of the problem. If an immediate decision is not required, the employee will seek direction from the immediate supervisor. If an immediate response is required, the employee will comply with the directive of the Court and advise the immediate supervisor of the situation as soon as possible.

Any employee who intentionally provides inaccurate, misleading or untruthful information to, or intentionally withholds significant information from, the Court or the administrators or supervisors of the Department is subject to disciplinary action.

Oath of Office

104.1 PURPOSE AND SCOPE

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the Yolo County Probation Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department, and does not supersede MOU's of the various bargaining units. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

106.1.1 DISCLAIMER

The provisions contained in this 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 Yolo County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Yolo County Probation Department reserves the right to revise any policy content, in whole or in part.

106.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief Probation Officer. Since it is not practical for the Chief Probation Officer to prepare and maintain the manual, the following delegations have been made:

106.2.1 CHIEF PROBATION OFFICER

The Chief Probation Officer shall be considered the ultimate authority for the provisions of this manual and shall continue 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.

106.2.2 STAFF

Staff shall consist of the following:

- Chief Probation Officer
- Assistant Chief Probation Officer
- The Probation Program Manager from each division
- Training Officer

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The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

All policy revisions as well as all new policies shall not be adopted and formalized until all Bargaining Units have reviewed the proposed and revised policies pursuant to Government Code § 3500.

106.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Probation Manager who will consider the recommendation and forward to staff.

106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

106.3.1 DEFINITIONS

The following words and terms shall have these assigned meanings, 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

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Yolo.

Department/YCPD - The Yolo County Probation Department.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Yolo County Probation Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Yolo County Probation Department including sworn officers, reserve officers, non-sworn employees and volunteers.

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

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the Yolo County Probation Department.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

Rank - The job classification title held by an 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.

USC - United States Code

106.3.2 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief Probation Officer
- Assistant Chief Probation Officer
- Probation Program Managers
- Juvenile Detention Facility

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

106.4 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this department's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy, or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.

106.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page under the title Recent Policy Manual Revisions. The Probation Managers and/or designee will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each Probation Manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

106.4.2 DEPARTMENT AND PERSONAL PHILOSOPHIES

Policy and Procedure manuals, state laws and other relevant county documents to which all employees must adhere can only provide a general guideline to the routine, anticipated repeated situations that occur in the Courts or a job function and, therefore, have limitations. These resources will not address all situations. Employees must exercise sound professional judgment and seek supervisory input when necessary.

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The primary responsibility of the Chief Probation Officer as an officer of the Court is the protection of the community through the provision of legally mandated services to the Courts and the utilization of rehabilitative services for the clients under adult or juvenile supervision.

Fulfilling the role of probation requires a blend of peace officer duties and casework skills.

Strategies for effective case management include prevention, diversion, investigation, supervision, detention and collaboration with other agencies.

Employees must be careful to evaluate the difference between the Department's philosophy and their own personal philosophy. Personal, political or religious beliefs should be kept separate from the employee's departmental role. In any case in which there is a potential conflict, the employee shall advise the immediate supervisor so appropriate corrective action can be taken.

Peace Officer Background Investigation

107.1 PURPOSE AND SCOPE

Peace Officers are to be free of felony convictions, be of good moral character, and be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, and must meet all of the other minimum standards of Government Code § 1029 and Government Code § 1031. The Government Code requires that a determination of these issues be made through a "thorough background investigation." For the purpose of carrying out the primary function of their respective employment, Penal Code § 830.5 establishes Probation Officers and Detention Officers as peace officers.

107.1.1 RELEASE OF INFORMATION

In order to fulfill the requirement of a background investigation, it is necessary to secure an authorization to release information from potential peace officer employees and to secure from them, listed references. The release of information will enable background investigators to gather previous background information concerning the applicant from former employers, friends, and associates. Background investigations shall be required for all new appointments to sworn positions. Intradepartmental promotions from one peace officer position to another shall not require a new background investigation.

107.1.2 PROCEDURES

The following procedures are established for conducting background investigations:

- (a) Each sworn officer applicant shall sign and date the "authorization to Release Information" form during the Departmental application process.
- (b) The required application information shall be forwarded to the background investigation agency contracted with the Yolo County Probation Department. The background investigators shall prepare and forward a complete report to the Department.
- (c) Upon receipt and review of said background investigation, the Chief Probation Officer and/or designee will determine if the applicant is suitable for employment.
- (d) If the applicant is determined to be suitable for employment, an appointment for a psychological examination shall be scheduled. Government Code § 1031(f) requires that peace officers be found free from any emotional or mental condition that may adversely affect the exercise of his/her peace officer powers. Upon successful completion of the psychological examination, the applicant shall be scheduled for a physical examination which is covered under provisions of the Americans with Disabilities Act (ADA).

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration Division
- Adult Division
- Juvenile Division
- Juvenile Detention Facility and Alternative Sentencing Program/Transportation

200.2.1 ADMINISTRATION

Administration is under the direct supervision of the Assistant Chief Probation Officer whose primary responsibility is to provide general management direction and control for the Probation Department. Administration consists of Training and Staff Development, Fiscal services, Information Technology, Recruitment, and oversight of all divisions, under the direction provided by the Chief Probation Officer.

200.2.2 ADULT DIVISION

The Adult Division is directly supervised by a Probation Program Manager whose primary responsibility is to provide general management direction and control of all adult functions within the Yolo County Probation Department. The Adult Division consists of Adult Court Services, Adult Field Services, Pre-Trial, and all adult supervision related to Realignment and other special supervision programs.

200.2.3 JUVENILE DIVISION

The Juvenile Division is directly supervised by a Probation Program Manager whose primary responsibility is to provide general management direction and control of all juvenile functions within the Yolo County Probation Department. The Juvenile Division consists of Juvenile Court Services, Juvenile Field Services, and all Juvenile Special Services.

200.2.4 JUVENILE DETENTION FACILITY

The Yolo County Juvenile Detention Facility is under the direct supervision and direction of the Superintendent, who provides general management direction and control for that facility. The Juvenile Detention Facility consists of custody services, enhanced education services, and provides services for individual special needs of detained minors.

200.2.5 ALTERNATIVE SENTENCING PROGRAM/TRANSPORTATION

The alternative Sentencing Program/Transportation Division is under the direct supervision and direction of the Juvenile Detention Facility Superintendent, whose primary responsibility

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is to provide general management and direction and control for that Division. The Alternative Sentencing Program provides community work for individuals in lieu of custody in County Jail, and/or fines as set by the Superior Court. The transportation Division provides supervised transportation of both Adult and Juvenile offenders as required by the Court, and assists in offenders attending treatment, placement, and Court appearances.

Departmental Directive

204.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief Probation Officer to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the below revision date.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 13-01 signifies the first Departmental Directive for the year 2013.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and provide comment on revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

204.2.2 CHIEF PROBATION OFFICER

The Chief Probation Officer shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Officer.

Juvenile Justice & Delinquency Prevention

207.1 PURPOSE AND SCOPE

The Juvenile Justice and Delinquency Prevention Commission is authorized as outlined pursuant to Welfare and Institutions Code § 225.

The Chief Probation Officer may designate staff support for the Commission as deemed appropriate.

207.1.1 MEMBERSHIP

The Commission is comprised of not less than seven (7) and no more than fifteen (15) citizens appointed by the Presiding Judge of the Superior Court with concurrence of the Juvenile Court Judge. Two (2) or more of the members shall be persons who are between fourteen (14) and twenty-one (21) years of age, provided there are available persons of this age who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority. The term of the appointment is four (4) years.

207.1.2 DUTIES

The duties of the Commission include the following:

- (a) Inquire into the administration of the Juvenile Court Law in Yolo County.
- (b) Inspect each jail or lockup within the County used for the confinement of any minor under the age of eighteen (18) years and report the findings of such inspection together with its recommendations based thereon, in writing, to the Juvenile Court.
- (c) Recommend to any person charged with the administration of any of the Department facilities such changes as it has concluded after investigation.
- (d) Publish its recommendations.
- (e) Make annual inspections of County facilities that are designed to house any minor under the age of eighteen (18).

Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.2.1 STC ANNUAL HOURS

The Training Officer or designee will provide an adequate selection of courses for annual STC training hours. The Department's Training Officer or designee will monitor the training hours of each employee, but the ultimate responsibility for this task lies with an employee's immediate supervisor. The STC program requires that entry-level Probation Officers, Detention Officers, Supervisors, Managers and Administrators participate in CORE training courses. The amount of hours and time limit in which to complete the training depends upon the job classification. Thereafter, the employees are required to complete annual training; the number of hours depending on the employee's job classification. Each training corresponds to the County's fiscal year beginning on July 1st, and ending the following June 30th. The Department requires that all annual training be completed prior to May 31st of each training year.

208.2.2 STC CORE HOURS

As per Section 280.3 of this policy, every new employee and certain designated, newly promoted employees must complete CORE training within a one-year period; that is one-year from the date of new hire, or one year from the date of promotion to the new classification that requires CORE training). The Training Officer or designee will be responsible for locating and making arrangements for the required CORE training hours.

208.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN

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

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- State Mandated Training
- Critical Issues Training

208.5 SPECIALIZED TRAINING

If a special need exists and there are not STC certified classes available or if there are not enough staff who might benefit from the class being offered, an existing course may be given a "Special Certification." In order for this to be accomplished, the Training Officer and/or designee must submit the request for special certification six (6) weeks prior to the beginning date of the course.

208.6 NON-STC STAFF

Employees designated as non-STC staff are encouraged to participate in training. It is the responsibility of their immediate supervisors to evaluate the non-STC staff and recommend appropriate training as needed and available.

If an STC certified class has openings and no other STC staff is available, non-STC staff may attend the training upon their request and approval by their Supervisor, Manager, and the Training Officer.

208.7 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 1. Court appearances
 2. Approved vacation
 3. Sick leave
 4. Physical limitations or injuries preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 1. Notify his/her immediate supervisor as soon as possible but no later than three (3) hour prior to the start of training.
 2. Document his/her absence in a memorandum/email to his/her immediate supervisor.
 3. Make arrangements through his/her immediate supervisor and the Training Officer to attend the required training on an alternate date.

208.8 EXPECTATIONS OF DEPARTMENTAL MANAGEMENT

Managers and Supervisors in the Department are expected to:

- (a) Make staff aware that training is their job assignment for that day or days, and relieve them of other workload responsibilities.
- (b) Maintain official training records for STC Certification (Training Officer or designee)
- (c) Follow up with staff after training to determine the quality of training and problems that are perceived.
- (d) Evaluate staff's training needs and request training in those areas of special needs, relative to assignment, and professional development.

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Training Policy

- (e) Ensure the timely completion of annual STC training hours by staff under their supervision.
- (f) Provide notification to staff no less than 30 days of prior to pre-scheduled training date.

208.9 EXPECTATIONS OF STAFF

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

- (a) Report disruptive or inappropriate behavior to the trainer.
- (b) Attend and complete all training for which he/she is enrolled.
- (c) Be punctual and return from breaks and lunch at designated times and remain in training until the class is dismissed.
- (d) Possess those training materials pertinent to the session before him/her.
- (e) Conduct himself/herself in an appropriate and professional manner.
- (f) Respect others' ideas, opinions and questions.
- (g) Follow directions of the trainer and/or proctor in each class.
- (h) Wear attire appropriate to the training in accordance with the Department's Personal Appearance policy.
- (i) Maintain his/her own training records.
- (j) Report via the chain of command any perceived inappropriate behavior by the trainer after the training is completed, while remaining respectful during the training.

208.10 EXPECTATIONS OF TRAINERS

Persons providing training to Probation Department 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 Training Officer or designee, 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..

Electronic Mail

212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

212.2 E-MAIL RIGHT OF PRIVACY

All e-mail 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 e-mail system or that is stored on any department system.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail 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 e-mail. Employees using the Department's e-mail system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

212.3 PROHIBITED USE OF E-MAIL

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

E-mail 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 the Chief Probation Officer or a Probation Program Manager. Personal advertisements are not acceptable.

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

212.4 MANAGEMENT OF E-MAIL

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the

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Electronic Mail

management of their mailboxes. Messages should be purged manually by the user at least once per week.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 INTERNAL MEMORANDUM

Internal memorandums may be issued periodically by the Chief Probation Officer or his/her designee to announce and document promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

214.3 DEPARTMENT LETTERHEAD

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

214.4 SURVEYS

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

Display of Badges

215.1 POLICY

It is the policy of the Yolo County Probation Department that all deputized peace officers who have completed Penal Code § 832 training will wear and visibly display their peace officer badges during on duty hours.

215.2 ISSUANCE

Upon being hired, all new peace officers will receive a badge indicating their title within the Yolo County Probation Department, which shall be a display type badge, and also a belt clip badge to display from their belts. Badges shall be turned in to the immediate supervisor upon an employee's resignation, termination or retirement from services. It is the supervisor's and/or manager's responsibility to forward recovered badges to the designee of the Chief Probation Officer.

215.3 METHOD OF DISPLAY

The other acceptable options are for the probation officer to obtain a pocket insert for the shirt or jacket and attach the badge to the pocket insert. Additionally, the badge may be on a chain or cord worn around the neck.

Probation Officers and Detention Officers are expected to display their badges at all times while on duty. The badge is to be displayed only during the work hours when the officer is on duty. Under no circumstances may any officer use or display his/her badge to influence the behavior of another apart from his/her designated duties, or when off-duty. "Flashing" a badge is forbidden and may result in disciplinary action.

215.4 REPORTING AND REPLACEMENT OF LOST/STOLEN BADGES

Immediately upon realizing that a badge is missing or stolen, the peace officer is to submit a written report to the Chief Probation Officer through the chain of command. The Probation Program Manager will ensure that law enforcement is notified of the badge number that is missing and/or stolen, and will provide his/her designee with written instruction to retire the badge number and issue a new badge to the officer.

The Chief Probation Officer retains the right to waive provisions of the policy when he/she determines it is in the best interest of the department.

Identification Cards

217.1 POLICY

The Yolo County Probation Department will issue identification cards to all department staff, other agency staff working regularly in the Probation Department, and to members of the Juvenile Justice Commission. Authorization to issue identification cards will be in written form and signed by the Chief Probation Officer or his/her designee.

217.2 DISPLAY OF DEPARTMENT IDENTIFICATION CARDS

All non-sworn staff issued identification cards are to keep them available at all times to display their identification when in a Probation Department Facility during the hours of operation. The departmental identification card is to be shown upon request when:

- (a) Acquiring information for valid departmental purposes from public or private agencies, individuals, schools, business firms, law enforcement and correctional agencies.
- (b) Upon entering secure facilities which require identification.
- (c) Other situations in which it is necessary to show departmental identification in order to conduct departmental business. Inappropriate use of departmental identification including the use of that identification for personal reasons may result in disciplinary action or other sanctions being imposed.

217.3 ISSUANCE OF IDENTIFICATION CARDS

The following criteria will apply to identification cards that are issued:

- (a) Permanent employees and employees of other agencies working within the Department will receive a photo identification card. These cards will show an expiration date on them, at least one (1) year from the date hired, and no more than five (5) years. They will specify the individual's job title, peace officer status, armed status if applicable, and employing department.
- (b) Juvenile Justice Commission members will receive photo identification cards. These will show an expiration date, coinciding with the term of office of the individual.
- (c) Temporary employees and provisional employees will receive a photo identification card that will expire at the end of the individual's appointment or one (1) year from the date of issuance.
- (d) Interns, students and volunteers will receive photo identification cards. These cards will specify the nature of the activity for which they are volunteering and will expire within six (6) months unless prior arrangements are made for a longer duration.

217.4 RETURN OF IDENTIFICATION CARDS

All identification cards will be surrendered when new cards are issued. Employees separating from the Probation Department will turn in all departmental identification at the time of their exit interview. The responsibility for recovering non-sworn staff identification will rest with the person supervising the program in which the volunteer or other party functions.

Retired Officer CCW Endorsements

220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired officers of this Department. This policy is intended to conform to current California law with respect to the issuance, revocation and denial of a concealed weapons endorsement for retired peace officers of this Department and this policy does not create or expand any right of a peace officer retired from this Department beyond those established in current California law.

220.2 ISSUANCE OF RETIREE IDENTIFICATION WITH CCW APPROVED ENDORSEMENT

Full-time peace officers who were authorized to, and did, carry a concealed firearm during the course and scope of his/her employment with this Department shall be issued an identification card with a "CCW Approved" endorsement when he or she honorably retires from this Department unless good cause exists for its denial. (Penal Code § 25455).

To be eligible for issuance of a retiree identification card with a CCW Approved endorsement the officer must take a service or disability retirement directly from his or her employment with the Department.

220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Not violate any Department rule or policy, federal, state or local laws that, if violated by an officer on active duty, could result in the officer's arrest, suspension, or removal from the Department.
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.4 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches (2"X3") and minimally contain the following:

- (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 of "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".

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Retired Officer CCW Endorsements

220.5 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT AND RIGHT TO HEARING

This Department may deny or permanently revoke for good cause the CCW endorsement for any officer honorably retired from this Department. The CCW endorsement may be immediately and temporarily revoked by the Chief Probation Officer or designee when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

- (a) Initial Denial - In the event that a CCW endorsement is initially denied, the retired officer shall have 15 working 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) Revocation - 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.
 - 1. The retiree shall have fifteen (15) working 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.
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
 - 4. The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly in accordance with Penal Code § 26320.
 - 5. The decision of the hearing board shall be binding on the Department and the retiree.
 - 6. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card to the Department. The Department will then reissue a new identification card to the retired officer which shall be stamped "No CCW Privilege."
- (c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly in accordance with 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 his/her identification card to the Department. The Department will then reissue a new identification card to the retired officer which shall be stamped "No CCW Privilege".

220.5.1 SUPERVISOR RESPONSIBILITY

Employees who has reason to suspect a retiree's conduct has compromised public safety must notify his/her Supervisor as soon as possible. Upon notification, the Supervisor must take the following steps:

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Retired Officer CCW Endorsements

- (a) Take appropriate steps to promptly investigate the matter.
- (b) Notify the Chief Probation Officer or designee concerning the alleged conduct.
- (c) If warranted and directed by the Chief Probation Officer or designee, contact the retiree in person and advise him/her in writing of the following:
 - 1. The retiree's CCW endorsement is immediately and temporarily revoked.
 - 2. The retiree will have fifteen (15) working days to request a hearing to determine whether the temporary revocation should become permanent.
 - 3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15 working day period.
- (d) A copy of Penal Code §§ 26305, 26312, 26315 and 26320, as may be amended from time to time, should be attached to the written notice.
- (e) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Supervisor should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Supervisor may request that a peace officer of that agency serve the notice personally on the retiree.
- (f) Notification of the temporary suspension shall also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested.
- (g) The Supervisor shall document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The Supervisor shall then forward the memo to the Chief Probation Officer.

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Chapter 3 - General Operations

*****DRAFT*****

Use of Force

300.1 PURPOSE AND SCOPE

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this Department with 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, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

300.1.2 PHILOSOPHY

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

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It also understands that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interest.

300.2 POLICY

It is the policy of this Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that peace officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary to a particular situation.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone

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involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excess force. An officer who observes another employee use excess force shall promptly report these observations to a supervisor.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer that reasonably believes that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.

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- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Risk of escape.
- (l) Potential for injury to officers, suspects and others.
- (m) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding conditions 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 reasonably necessary to accomplish a legitimate law enforcement purpose.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstances including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
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- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s) involved.
- (f) The need for prompt resolution of the situation.
- (g) If time permits (e.g., passive demonstrators), other reasonable alternatives.

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

300.4 DEADLY FORCE APPLICATIONS

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this Department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Department policy and/or law.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application of force appears to have caused physical injury.
- (b) The individual has expressed a complaint of pain.
- (c) Any application of a control device.
- (d) The individual has been rendered unconscious.
- (e) When an officer points a firearm at any person. Note: Notification to Supervisor is not required when "clearing a residence".
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.

A formal incident report related to use of force shall be completed as soon as possible, but no later than the end of the next working day following any incident noted above.

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300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. 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.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Separately interview the subject(s) upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. If a recorded interview was conducted that fact should be documented in a property or other report.
 3. If a recorded interview was conducted, it 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. 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.

If a supervisor determines that any application of force was not within policy, a separate internal administrative investigation shall be initiated.

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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 SUPERVISOR RESPONSIBILITY

The assigned Supervisor or designee shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Yolo County Probation Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Yolo County Probation Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief Probation Officer may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Probation Administration will convene the Use of Force Review Board as necessary. It will be the responsibility of the Probation Program Manager or supervisor of the involved employee to notify the Administration of any incidents requiring board review. The involved employee's Probation Program Manager or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Assistant Chief Probation Officer shall select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Direct supervisor of the involved member's chain of command
- Training Officer
- Non-administrative supervisor
- A peer officer

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Use of Force Review Boards

- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The Probation Program Manager who is not in the same division as the involved employee will serve as chairperson.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief Probation Officer will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. **The actual findings of the Board, by themselves, shall not be used as a basis for discipline.** The board may also recommend training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

The Chief Probation Officer shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief Probation Officer's final findings will be forwarded to the involved employee's Probation Manager for review and appropriate action. If the Chief Probation Officer concludes that discipline should be considered, a disciplinary process will be initiated.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief Probation Officer.

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The Yolo 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.

306.3 USE OF RESTRAINTS

Only members who have successfully completed Yolo County Probation Department-approved training on the use of restraint devices described in this policy are authorized to use these devices. Handcuffs will only be carried on duty in department issued cases.

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

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

306.3.1 RESTRAINT OF DETAINEES

Situations may arise during home visits or within the Juvenile Detention Facility where it may be reasonable to restrain an individual 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 assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

306.3.2 RESTRAINT OF PREGNANT PERSONS

Women 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 persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No female 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 § 6030).

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306.3.3 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail/juvenile detention facility staff upon arrival 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail/juvenile detention facility.

306.4 APPLICATION OF HANDCUFFS

Handcuffs may be used only to restrain a person's hands to ensure officer safety and /or safety of the individual and others.

In most situations handcuffs should be applied with the hands behind the person's back. Handcuffs shall 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 individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or extra large handcuffs if available.

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.

306.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.6 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 suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of a field vehicle and/or transport vehicle).

306.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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- (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/juvenile facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, 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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration).
- (g) The above guidelines shall not supersede policies already in place for Transportation Officers regarding the use of leg restraints.

306.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices will control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The procedures below are for the use and maintenance of control devices (e.g., oleoresin capsicum (OC) spray). Only those control devices that have been approved by the Chief Probation Officer or his/her designee are authorized to be carried by members of this Department.

308.2 POLICY

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

308.3 WHEN DEVICES MAY BE USED

When a decision has been made to restrain or arrest a violent or threatening suspect, approved control devices may only be used when its use appears reasonable under the circumstances.

308.4 REVIEW, INSPECTION AND APPROVAL

Every control device shall be periodically inspected by the Department Armorer or Rangemaster, or the designated instructor for a particular control device.

308.4.1 TRAINING FOR CONTROL DEVICES

(a) Only officers trained in the use of a control device and who show proficiency in the use of the control device and in this Department's Use of Force policy are authorized to carry that control device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.

(b) Training for all control devices shall occur every two years.

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

(d) Officers failing to demonstrate proficiency in the use of the control device or in the knowledge of this Department's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency in the use of a control device or the knowledge of this Department's Use of Force Policy, the officer may be subject to administrative review related to performance.

308.4.2 RANGEMASTER RESPONSIBILITIES

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

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Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented, and records retained for at least 5 years.

308.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 CHEMICAL AGENTS SPRAY GUIDELINES

Only authorized personnel may possess and maintain Department issued oleoresin capsicum (OC) spray. Chemical agents are weapons used to minimize the potential for injury to officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

308.5.1 REQUIRED INSTRUCTION FOR USE

All personnel authorized to carry oleoresin capsicum (OC) spray, shall complete the required course of instruction prior to possessing and using the oleoresin capsicum (OC) spray.

308.5.2 CARRYING OF OLEORESIN CAPSICUM SPRAY

Field and detention personnel carrying the oleoresin capsicum (OC) spray, shall carry the device in its holster on the equipment belt provided by the Department. Plain clothes and non-field personnel may carry the oleoresin capsicum (OC) spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

Canisters involved in any type of malfunction or damage shall be turned in to the Department Rangemaster for exchange. Damage to County Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage for the purpose of audit and replacement.

308.5.3 TREATMENT FOR OC SPRAY EXPOSURE

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

308.6 POST-APPLICATION NOTICE

Whenever OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with written 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 clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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308.7 TRAINING FOR CONTROL DEVICES

The Training Officer shall ensure that all personnel 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 officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and/or be assigned to another assignment that does not require the use of the control device in question.

308.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Officer-Involved Shooting

310.1 PURPOSE AND SCOPE

To establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents are investigated in a fair and impartial manner.

Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards.

310.2 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation of the incident by the agency having jurisdiction of where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief Probation Officer or a Probation Manager;
- (b) A criminal investigation of the involved officer(s) conducted by an outside agency;
- (c) A civil investigation to determine potential liability conducted by the County of Yolo and the Yolo County Probation Department; and
- (d) An administrative investigation conducted by the Yolo County Probation Department, to determine if there were any violations of Department policy.

310.3 JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Yolo County Probation Department will conduct timely civil and/or administrative investigations.

310.4 THE INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting.

310.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor shall:

- (a) Take all reasonable steps to obtain emergency medical attention for all injured individuals.
- (b) Attempt to obtain a public safety statement from any non-shooter officer(s), limited to outstanding suspect information, number and direction of shots fired, boundaries of the incident scene, identity of known witnesses and suspects.
- (c) Absent a voluntary statement from any officer(s), the initial on scene supervisor shall not attempt to order any officer to provide other than public safety information.

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- d. Provide all available information to the Unit Supervisor and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- e. Take command of and secure the incident scene with additional personnel until relieved by a another supervisor, other assigned personnel or lead jurisdiction.
- f. As soon as practical, shooter officers shall be transported (separately, if feasible) to the main office for further direction.
 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or the weapon will be transported to their office by other officers.

310.4.2 SHIFT SUPERVISOR DUTIES

Upon learning of an officer-involved shooting, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief Probation Officer or a Probation Manager.

310.4.3 NOTIFICATIONS

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

- Chief Probation Officer
- Assistant Chief Probation Officer
- Probation Program Manager
- Assigned supervisor
- Psychological/Peer support personnel
- Officer representative (if requested)

All outside inquiries about the incident shall be directed to the Assistant Chief Probation Officer or designee.

310.4.4 MEDIA RELATIONS

It will be the policy of this Department not to release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no employee shall make any comment to the press unless authorized by the Chief Probation Officer or the Assistant Chief Probation Officer.

Employees receiving inquires regarding shooting incidents shall refrain from public comment and will direct those inquires to the agency having jurisdiction and primary responsibility for the investigation.

310.4.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the office, the Supervisor shall admonish each officer not to discuss the incident except with authorized personnel or representatives. The following shall be considered for the involved officer:

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- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative before providing a formal interview or report.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent the psychotherapist determines the officer is not fit for return to duty. In that event, the Department's procedures regarding fitness for duty evaluations will apply.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers 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.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved officer or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it. The officer shall be promptly photographed in the equipment and clothing worn by the officer at the time of the incident and all evidence preserved.

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

310.5 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

310.5.1 CRIMINAL INVESTIGATION

It shall be the policy of this Department to use the District Attorney's Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this Department may be assigned to partner with investigators from the District Attorney's Office so as to not duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, involved officers will be afforded an opportunity to give a voluntary statement to criminal investigators. The following shall be considered for the involved officer:

- (a) Supervisors and Assigned Internal Affairs personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.

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- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal investigators. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (c) Any voluntary statement provided by the officer(s) will be made available for inclusion in the administrative or other related investigations.
- (d) Absent consent from the involved officer or as required by law, no administratively compelled statement(s) will be provided to any criminal investigators.

310.5.2 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals, except that no officer shall be ordered to provide information in violation of the officer's right against self-incrimination.

While the involved officer may write the report related to the prosecution of any criminal suspect, it is generally discouraged. Instead, wherever possible, the investigative report should be completed by law enforcement officials having jurisdiction, who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

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

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

310.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this Department will conduct an internal administrative investigation to determine compliance with Department policy. This investigation will be conducted under the supervision of the assigned Supervisor and will be considered a confidential peace officer personnel file.

- (a) Any officer involved in a shooting may be 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 for any purpose other than an officer-involved shooting investigation.

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- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s).

- (c) In the event 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 the officers physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 - 3. Administrative interview(s) should be recorded by the investigator and the officer may also record the interview.
 - 4. If prior to or during the interrogation of the involved officer, it is deemed that he or she will be charged with a criminal offense, the officer shall be immediately informed of all constitutional rights and, assuming no voluntary waiver, will be given an administrative order to provide full and truthful answers to all questions. The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).
 - 5. The administrative interview shall be considered part of the officer's confidential personnel file.
 - 6. The Supervisor assigned to investigate (or designee) shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 7. The completed administrative investigation shall be submitted to the Use of Deadly Force Review Board, which will restrict its findings as to whether there was compliance with the Department Use of Force policy.
 - 8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.6.1 CIVIL LIABILITY RESPONSE

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

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

Firearms and Qualification

312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief Probation Officer or his or her designee shall approve all Department firearms before they are acquired and utilized by any member of this Department. This policy applies to all Probation staff authorized to be armed, including the JDF Detention Officers and Transport Officers.

312.1.1 LEGAL AUTHORITY TO CARRY AND USE A FIREARM

The peace officer status of probation officers is created in Penal Code § 830.5: Under the statute, probation officers and deputy probation officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency.

The probation officer's use of peace officer powers is defined and limited to on-duty hours by statute, court decisions and opinion of the California Attorney General's Office.

Penal Code § 830.5 (a) states in pertinent part:

(a) Except as otherwise provided in this subdivision, the authority of these.... probation officers shall extend only as follows:

1. To conditions of parole, probation, mandatory supervision, or post-release community supervision by any person in this state on parole, probation, mandatory supervision, or post-release community supervision.
2. To the escape of any inmate or ward from a state or local institution.
3. To the transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
4. To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
5. To the rendering of mutual aid to any other law enforcement agency. The authority of probation officers' of this Department to carry and use firearms on-duty shall be consistent with these provisions of the Penal Code and shall be limited by the terms and conditions specified in this policy. Probation officers and detention officers authorized to carry firearms on duty are required, pursuant to Penal Code § 830.5 (d), to meet the training requirements of Penal Code § 832 and to qualify with the firearm at least quarterly. Nothing in this policy shall be considered or construed as conferring on the Department's probation officers authority beyond that granted by the Penal Code. Probation officers authorized to carry firearms shall comply with the requirements of the Penal Code and these policies.

Under the provisions of Penal Code § 830.5, a probation officer holds peace officer "status" at all times and may therefore carry a personal, concealed firearm during off-duty hours without being in violation of the law. The "authority" to act as a peace officer however, only extends to on-duty hours while the officer is engaged in the performance of his/her duties. It is the responsibility of the individual officer to maintain his or her eligibility to carry concealable firearms off-duty. Failure to maintain quarterly qualifications by an officer with

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any concealable firearms carried off-duty shall constitute good cause to suspend or revoke that person's right to carry firearms off-duty.

A probation officer who carries or uses any firearm off-duty does so as a private citizen. Any consequences of liability of any kind arising out of any act or incident involving the use or carrying of any firearm during off-duty hours shall be the sole, personal responsibility of the officer. The County assumes no liability or responsibility for such off-duty use of a firearm by an officer, and any act or incident shall not be deemed an official or permitted act or incident or the exercise of peace officer "authority".

Any misuse of a firearm off-duty by an officer may subject that officer to disciplinary action up to and including termination, in addition to any civil or criminal action to which the officer may be subjected.

312.1.2 AUTHORIZATION TO CARRY A FIREARM ON DUTY

The Department will not order an officer to be armed. Any officer seeking authorization to be armed shall familiarize himself or herself with the Department's Firearms, Discharge of Firearms, Officer-Involved Shooting, and Use of Force Policies, and submit his or her written request to be armed to his/her supervisor on the Department's "Request to be Armed" form.

Probation officers authorized to carry a firearm are encouraged to carry their weapon at all times while on duty. In any event, armed personnel should have their firearms and all authorized safety equipment readily available to them while on duty. Any officer that requires their firearm to be stored (during lunch, training, or any meetings), are encouraged to utilize the Department's gun lockers that are provided.

The Arming Authorization shall be in writing and shall be signed by the Chief Probation Officer. No probation officer shall carry a firearm on his/her person at any time or have a firearm in his/her possession in the office or at any other job location or on County property or in his/her vehicle without the prior written authorization of the Chief Probation Officer obtained in compliance with this policy.

The signed Arming Authorization form shall be kept in the probation officer's personnel file with copies to the Departmental Training Supervisor/Manager and Rangemaster assigned with record retention.

The authorization to carry a firearm shall be subject to ongoing periodic review by the Chief Probation Officer.

The Chief Probation Officer may approve or deny any formal request by a probation officer to be armed on a case-by-case basis subject to any terms and limitations deemed appropriate within the sole discretion of the Chief Probation Officer. All requests to be armed will be submitted on the Department's "Request to be Armed" form.

The Chief Probation Officer may, at any time, for any reason without cause, revoke the authority of any probation officer to carry a firearm on duty. The probation officer shall immediately be informed of the revocation and, if necessary, transferred to an assignment not requiring arming. A copy of the written revocation shall be delivered to the officer within five (5) working days, and a copy shall be placed in the probation officer's personnel file.

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312.1.3 CARRYING THE FIREARM

- (a) Probation officers authorized to carry firearms on duty shall only carry firearms that have been issued by the Department or approved by the Chief Probation Officer and with which the probation officer has qualified as provided in this policy.
- (b) The authorized and approved firearm must be encased in a holster approved by the Rangemaster.
- (c) The firearm must be fully loaded with a round chambered.
- (d) Whenever an armed probation officer is in the field (i.e., on a school campus, conducting home visits, transportation, etc.) the officer shall carry the firearm in an approved retention holster.
- (e) Any probation officer authorized to carry a firearm shall have in his/her possession, whenever carrying a firearm, his/her Department issued badge and identification card. The badge must be displayed in close proximity to the weapon. However, armed officers may choose to wear their Department issued badge on a neck chain, when the situation warrants (e.g., Court appearance, going to the homes of victims, meetings, etc.).
- (f) Probation officers authorized to carry firearms shall wear department authorized body armor at all times while on duty and engaged in out-of-office field activities, unless otherwise authorized by the Chief Probation Officer.
- (g) Probation officers authorized to carry firearms shall carry a minimum of one (1) less than lethal force option (e.g., O.C. spray) while on duty and engaged in our-of -office field activities.
- (h) If an armed officer is performing administrative duties (i.e., office work, Court appearance, etc.), the officer may carry the firearm in any approved holster.
- (i) Pursuant to protocols set by the Superior Court of California, County of Yolo, non-uniformed peace officers are required to inform the bailiff upon entering the courtroom that they are an armed peace officer. No peace officer is permitted to enter armed when attending court on personal business (e.g., traffic ticket, divorce, etc.) and must leave their firearm outside the courthouse while attending non-official court business.

312.1.4 RESTRICTION ON CARRYING FIREARMS

Probation officers who have been authorized to be armed are prohibited from carrying or using department firearms under the following conditions:

- (a) Firearms shall not be carried by any officer who has consumed any alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.
- (b) While injured or in a physical and/or mental condition causing inability to utilize a firearm effectively or properly, (i.e., broken arm, eye injury causing impaired vision, etc.).
- (c) While on disciplinary or investigative suspension.
- (d) While on leave of absence without pay, or other period of unpaid absence from the Department or while on Workers' Compensation status.
- (e) When authorization to carry a firearm has been revoked.
- (f) When the officer has been directed by the Rangemaster or a superior officer to cease carrying a firearm.

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Any officer directed to cease carrying a firearm shall immediately surrender his/her firearm (if owned by the Department) and shall immediately cease carrying any firearm on-duty. The authorized person, who determined that the firearm is to be surrendered, is the person who shall take the possession of that firearm immediately.

If a suspension of authority to carry a firearm has been made, the person ordering the suspension shall submit a written report, within three (3) working days, to the Chief Probation Officer, indicating the circumstances that led to the suspension. A copy of the report shall be made available or mailed to the probation officer whose authority has been suspended within one (1) workday following submission of the report.

A written request for a review of any suspension may be made by the affected officer to the Chief Probation Officer within ten (10) working days of the officer's receipt of notification of suspension of authority to carry a firearm. The written request shall clearly state the reason(s) the authorization should be reinstated or specific objections to the decision. The Chief Probation Officer shall then make a determination whether or not to continue to revoke the authorization. The Chief Probation Officer's decision is final and shall not be or become the basis for any grievance.

312.1.5 STOLEN OR LOST FIREARMS

- (a) A probation officer shall file a report with the appropriate law enforcement agency immediately upon discovery that his/her on-duty firearm is missing.
- (b) A probation officer shall also immediately report a lost or stolen firearm to his/her supervisor, who will notify the Chief Probation Officer via the chain of command.
- (c) The probation officer will file a written report regarding the matter with his/her supervisor by the end of the assigned shift. The written report shall be submitted to the Chief Probation Officer through the chain of command.
- (d) The probation officer may be required to reimburse the Department in the event that a Department owned firearm and related equipment is lost through negligence of the probation officer. This reimbursement obligation is in addition to any disciplinary action that may be imposed by the Department due to the officer's negligence.
- (e) Arrangements may be made for the temporary or permanent issuance of another firearm if the Chief Probation Officer or Probation Manager authorizes such issuance. The officer shall qualify with the newly issued firearm before authorization to carry the firearm on-duty shall become effective.

312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons, 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 personnel in the performance of their official duty without the express written authorization of the Chief Probation Officer or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

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312.2.1 DUTY FIREARMS

The Department issued/authorized handgun is the Glock Model #22, #23, or #27, using .40 caliber ammunition.

312.2.2 AMMUNITION

Officers shall carry only Department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all Department issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from department issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

312.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on and off duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

312.3.1 SAFETY CONSIDERATIONS

- (a) Every firearm handled by officers authorized to be armed, shall be treated as a loaded firearm. Officers shall not unnecessarily display or handle any firearm.
- (b) Any unholstered firearm that is brought into a Probation Department facility shall first be unloaded.
- (c) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (d) The cleaning of a firearm in an office-setting, vehicle, or in the field is prohibited except when the firearm has been fouled by a foreign substance that might render it inoperable. In those instances, all safety precautions must be taken when cleaning the firearm.
- (e) Officers shall not place or store any firearm on Department premises except where the place of storage is locked. No one shall carry firearms into the juvenile detention facility/jail facility or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location (preferably Department provided gun lockers). It shall be the responsibility of the releasing officer to make sure that persons from outside agencies do not enter the juvenile/jail facility with any firearm.
- (f) All firearms equipped with safety devices shall be placed in a "safe" condition except when use is imminent.
- (g) Any weapon authorized by the department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

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312.3.2 STORAGE OF FIREARMS AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

312.3.3 STORAGE OF FIREARMS WHILE ON-DUTY

Firearm security is the responsibility of the probation officer to whom the firearm is assigned. Probation officers authorized to carry firearms are charged with the responsibility to observe and practice the following storage regulations:

- (a) When not being carried during duty hours, the firearm and ammunition shall be stored in a secure and safe place that is not readily accessible to unauthorized persons. The firearm shall not be stored in a place where it is visible to anyone. If possible, the firearm should remain in the holster when being stored.
- (b) Firearms shall not be kept in the office overnight, unless authorized by the Rangemaster to be stored in Departmental issued lock boxes.
- (c) Firearms shall not be stored overnight at any time in a County vehicle or private vehicle.
- (d) If on-duty, armed officer does not wish to carry his/her firearm into a residence or public building, he/she shall take the following precautions:

1) The firearm may be stored temporarily either in a locked vehicle trunk, vehicle lock box, or vehicle glove compartment. If the firearm is stored in the vehicle, the automobile shall be locked.

2) The probation officer shall exercise caution so that the public does not observe placement of the firearm into storage in the automobile.

312.4 FIREARMS QUALIFICATIONS

Any probation officer authorized to carry and use a firearm must be certified as currently qualified to do so by the Yolo County Probation Department's Rangemaster, under the following conditions:

- (a) The minimum qualifying score for each type of firearm shall be established by the Rangemaster and approved by the Chief Probation Officer.
- (b) Probation Officers shall comply with the Rangemaster's policies and directions.
- (c) The Department's Training Manager and/or designee shall administer a firearm qualification program in liaison with the Rangemaster that ensures competency among all probation officers authorized to carry firearms.
- (d) Each probation officer authorized to carry a firearm shall qualify quarterly.
- (e) Any probation officer who fails to qualify shall have his/her authorization to carry a firearm suspended. This suspension shall remain in effect until the individual receives additional training and qualifies. Continued failure to qualify will result in revocation of the authorization to carry a firearm. **A person who fails to qualify my attempt to re-qualify no more than three (3) times in one day, time permitting.**

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- (f) Probation officers must qualify with their Department issued firearm and/or approved firearm. Officers not qualified with a particular firearm are not authorized to carry that firearm until they become qualified with it.
- (g) Qualification shall be during normal working hours. Request for qualification outside of regular working hours may be approved by the Probation Program Manager and scheduled with the Rangemaster.
- (h) The Training Manager and/or the Rangemaster shall prepare and submit a quarterly firearms qualification report to the Chief Probation Officer.
- (i) A probation officer may, with the Probation Program Manager's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearms practice under the supervision of the Rangemaster.
- (j) For the sake of transparency, Rangemasters shall qualify quarterly along with armed officers during scheduled Departmental qualifications, under the same conditions, and under the supervision of another Rangemaster. Documentation of each qualification by Rangemasters shall be submitted to STC, the Chief Probation Officer, as well as a separate training file monitored and stored by the Department Training Officer.

Special Note:

Any Yolo County Probation peace officer that is in good standing, who has been transferred from a traditional "armed" assignment to a "non-armed" assignment, may elect to continue his/her armed status. Although they will not continue to possess a department issued weapon, they will qualify quarterly under the supervision of a designated Yolo County Probation Rangemaster. During scheduled qualifications, a Department issued weapon will be provided. It is the responsibility of those staff electing to maintain their armed status to qualify quarterly with the same standards and expectations of staff in armed assignments.

312.4.1 REQUIRED TRAINING

A probation officer must satisfactorily complete all training and qualification pursuant to this policy prior to being authorized to carry a firearm while on duty. Required training includes:

- (a) Defensive Tactics training
- (b) Cardiopulmonary Resuscitation and First Aid certification.
- (c) A course on the Department's policies concerning the carrying of firearms by probation officers.
- (d) The ethical and moral considerations of the use of firearms and deadly physical force.
- (e) MAB, Chemical agents, Force and Weaponry, Ethics, Firearm Policy Exam, and any other Departmental approved training related to firearm safety.
- (f) Courses concerning the legal considerations for the carrying and use of firearms, including:
 - 1) The laws governing arrests and searches incident to arrests.
 - 2) The laws of self-defense and the use of force by peace officers.
 - 3) The civil liabilities of probation officers.

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The Department's Training Officer shall monitor all legislative and policy changes relating to the use of firearms by peace officers and shall provide necessary updated training in a timely manner.

The Department's Training Officer shall maintain the training records of all probation officers authorized to carry firearms and shall promptly notify the Chief Probation Officer and the appropriate Probation Program Manager when any such probation officer is not in compliance with the Department's training requirements.

312.4.2 OTHER REQUIREMENTS

Probation officers must also be able to provide a practical demonstration of at least the following:

- (a) Firearm safety.
- (b) Shooting proficiency during scenario-based training.
- (c) Weapon retention.
- (d) All less than lethal self defense options for which the officer is certified.
- (e) The care and cleaning of an authorized firearm.
- (f) Management of Assaultive Behavior.
- (g) Successful completion of firearm training pursuant to Penal Code § 832.
- (h) Successful completion of Probation Officer CORE training.
- (i) Successful completion of an assigned psychological assessment.
- (j) Successful completion of Arrest, Search & Seizure pursuant to Penal Code § 832.
- (k) Successful completion of probationary period as a Deputy Probation Officer I.

312.5 RANGE PERSONNEL

The Assistant Chief Probation Officer shall serve as the Range Administrator. The Range Administrator shall maintain training records of armed personnel and process arming requests. Department employees who have been assigned by the Chief Probation Officer to facilitate the quarterly qualifications of armed staff or other training related to arming will be known as Rangemasters.

Rangemasters must be qualified through an approved Rangemaster School (e.g., Federal Bureau of Investigation, Gunsite Training Center, inc., or State Department of Justice).

312.6 DESTRUCTION OF ANIMALS

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

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

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312.6.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

312.7 REPORT OF FIREARM 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 his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting 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 his/her Probation 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, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

312.7.1 WARNING SHOTS

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

312.8 RANGEMASTER RESPONSIBILITIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster(s). The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Training Officer after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department officers during hours established by the Department. The hours shall be assigned by the Department's Rangemasters, and limited by the Department's contract for use of the range.

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Rangemasters certified as armorers for the Department issued firearms have the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned firearm unfit for service. The officer shall be responsible for all repairs to his or her personal firearm and it will not be returned to service until inspected by the Rangemaster.

312.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned firearms is at the option of the individual officer, that officer shall be responsible for the furnishing, maintenance and repair of such weapon.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Lead Rangemaster and/or designee shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of Department issued weapons not performed by the Rangemaster must be approved in advance by the Rangemaster and accomplished by a Department approved gunsmith.

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

312.10 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 personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR § 1544.219):

- (a) This policy applies only to officers that fly while armed in an official capacity, not for vacation or pleasure purposes.
- (b) An officers must carry his/her Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief Probation Officer or the official seal of the Department and the officer must present this identification to airline officials when requested. The officer shall also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) An official letter signed by the Chief Probation Officer authorizing armed travel must accompany the officer. The letter shall outline the officer's need to fly armed, must detail his/her itinerary, and shall indicate that the officer has completed the mandatory TSA training for 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 can be accomplished by early check-in at the carrier's check-in counter.

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- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight (8) hours prior to boarding an aircraft.

312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions:

- (a) The officer shall meet all requirements of 18 U.S.C. § 926B and carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall meet all requirement of 18 U.S.C. § 926C and must carry a Department issued identification card, authorizing their approval to carry a concealed firearm. Retired officers are also required to show proof of their annual firearm qualification.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

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

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 U.S.C. § 926B and 926C.

Body Armor

315.1 PURPOSE AND SCOPE

Practical safety measures should be used to reduce the risks and hazards associated with probation field work. The Department provides soft body armor for sworn field personnel in an effort to improve safety.

315.2 USE OF BODY ARMOR

Soft body armor vests are issued to all sworn field personnel because they have been shown to be effective in reducing deaths and serious injuries.

The Department encourages all on-duty field officers to wear body armor. Their use in some instances is required.

Probation staff authorized by the Department to carry a firearm while on duty shall wear department-issued or department-approved body armor while doing any field work.

Unarmed officers should wear body armor while in the field, performing probation searches, and/or other enforcement activities.

315.3 EXCEPTIONS

An armed officer will not be required to wear body armor under the following conditions:

- (a) While in the office.
- (b) When attending Court hearings.
- (c) When off duty.

Other exceptions to this policy are to be approved by the Unit Probation Program Manager or the assigned Supervisor, on a case by case basis.

Search and Seizure

322.1 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 Yolo County Probation Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Yolo 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.

In accordance with the Training Policy, 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, as appropriate.

322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Probation or Parole Authorization

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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322.4 SEARCH PROTOCOL

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

- (a) Members of this department will conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) 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.
- (d) 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.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.

322.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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.

322.6 PROBATION SEARCHES

All probation searches shall be conducted in accordance with this policy in a thorough and professional manner that demonstrates consideration for the rights and property of the probationers and/or public.

All searches shall be related to a proper probation purpose. This includes searches done to deter further offenses by the probationer and searches to ascertain whether the probationer is complying with the terms of probation. Search shall be consistent with the scope of the probation order and shall not be conducted for harassment or for arbitrary and capricious reasons (*People v. Brovo*).

Any Peace Officer may apply the search and seizure condition of probation if authorized by the Court order granting probation. The sworn probation staff shall verify the existence of a valid search condition upon request from any law enforcement agency. If a law enforcement

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agency contacts the Department during duty hours requesting assistance for a probation search, the sworn peace officer shall advise their supervisor of the request. A copy of the Court order that includes the search condition should be faxed to the requesting law enforcement officer. The sworn peace officer should document the date and time, the name of the officer to whom the information was provided and the agency. If for any reasons it is unclear whether a valid search can be conducted, the supervisor shall either contact the District Attorney's Office or refer the requesting law enforcement agency to the District Attorney's Office.

Probation searches are limited to areas and property governed by the search order. Within those areas, probation searches are permitted of the probationer's property and those areas that the probationer jointly controls (People v. Palmquist). Consent of the probationer or any other person sharing occupancy or ownership is not required, but should be sought and obtained if practical.

Neither the probationer's presence nor the presence of any other common occupant or owner is necessary for the search of the residence, vehicle, or property of the probationer (People v. Lilienthal). The probationer must be given notice of the reason and purpose of the search in advance of the search only if the probation condition actually requires such advance notice (People v. Mason). For purposes of officer safety, the probationer or any person present may be handcuffed during the search.

For residential searches, Penal Code § 1531 and Penal Code § 844 prescribe "knock and notice" rules which permit entry in the absence of any occupant and which permit entry of any residence without consent for good cause.

Officer safety is the controlling factor during any search. In the event of a perceived threat to life or limb, when practical, officers are directed to withdraw and seek immediate assistance from local law enforcement.

Unarmed probation officers conducting residential searches should be accompanied either by armed probation officers or local law enforcement. A probation officer shall not conduct any search alone, except as needed for officer safety.

All planned searches by sworn probation staff shall be staffed with the Unit supervisor or designee.

322.6.1 MULTI-AGENCY SEARCHES

Multi-agency searches shall be conducted as follows:

- (a) A Unit supervisor or his/her designee shall be present as Officer in Charge (OIC) if the multi-agency search is being directed by the Probation Department.
- (b) Each team will have a designated probation officer leader who will have final authority as to how the search will be conducted and shall keep the Officer in Charge advised of any unusual circumstances including those issues that may generate a citizen complaint.
- (c) A search plan will be prepared for each individual search.
- (d) A probation case agent will be assigned for each individual search. The assigned officer of the probationer being searched, shall prepare the necessary reports, collect evidence and forward copies to the appropriate supervisor and the case file.

Forced Entry

323.1 POLICY

The use of forced entry to enter a residence or other dwelling to accomplish an arrest or detention will not be routinely done. However, there may be occasions when this tactic is the only reasonable alternative available. Forced entry is permitted in situations where the safety of the probationer or others is in immediate jeopardy or the instant circumstances otherwise require immediate arrest or detention. Situations that may require forced entry include, but are not necessarily limited to, the following:

- (a) The probationer's life is in danger as a result of a suicide attempt or accidental drug overdose.
- (b) The probationer's activities are such that his/her or other's safety is in immediate jeopardy.
- (c) If an arrest or detention is not immediately accomplished, the safety of others, including the probationer, will be jeopardized.
- (d) If the probationer is believed to be in the process of destroying evidence.

323.1.1 KNOCK AND NOTICE

Before forced entry can be accomplished, Penal Code § 844 requires that the sworn peace officer must knock, demand entrance, and explain the purpose before entering the residence by force. This requirement can be waived if knock and announcing will increase the danger of the risk of evidence being destroyed.

If the need to force entry is anticipated, prior approval of the Unit supervisor is to be obtained. Other law enforcement agencies within the jurisdiction of the search may be asked to assist Probation staff, due to their experience with forced entries and possible need for backup.

Evidence Collection and Chain of Custody

325.1 PURPOSE AND SCOPE

The collection, preservation and chain of custody of evidence by a sworn peace officer may be a crucial factor in determining the outcome of a case.

- (a) In the event that contraband is located relating to a new law violation (e.g., illegal weapon, stolen property or drugs), the sworn staff shall make every effort not to disturb the item and contact local enforcement for assistance, if the contraband is linked to another crime. Sworn staff may safely secure contraband related to a probation violation.
- (b) Upon collecting evidence relating to violation of probation (e.g., gang paraphernalia, gang clothing, gang indicia, knife, marijuana paraphernalia, and any other routine contraband) the sworn staff shall immediately complete receipt a for property and chain of custody form and provide a copy to the probationer or persons residing in the home.
- (c) Only property related to a violation of probation may be seized. Sworn staff shall not seize property to hold a violation of probation in abeyance.

325.2 EVIDENCE COLLECTION AND STORAGE

The sworn officer shall place the evidence in an evidence bag and relinquish it as soon as possible to a designated Probation Manager and/or Supervisor. If the Probation Manager and/or Supervisor is not immediately available to receive seized property, the sworn officer shall place the property in a short-term evidence locker (gun locker) and notify the designated Probation Manager and/or Supervisor of the location and number of the locker, along with a description of the seized property. The designated Probation Manager shall retrieve the seized property prior to the end of the next business day and indicate on the chain of custody form that he or she received the evidence and placed it a designated long-term evidence room.

The original chain of custody form shall be placed and maintained in the evidence room. Copies of the chain of custody form shall be distributed as follows:

- (a) A copy to the probationer or residents of the home upon the seizure of property. If no responsible party is present at the time of the seizure, a copy shall be left in a conspicuous place inside the residence.
- (b) A copy attached to the evidence bag.
- (c) A copy to the probation case file.

The original chain of custody form shall be completed and updated by all parties upon relinquishing and accepting the evidence.

325.2.1 DISPOSITION OF EVIDENCE

The designated Probation Manager and/or Supervisor responsible for security of the evidence room shall keep a log of all collected evidence stored in the evidence room under his/her control, as well as the outcome of each case. The evidence shall be destroyed or

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otherwise disposed of pursuant to Court order. The Chief Probation Officer may authorize the retention of the evidence for training purposes. Any seized contraband shall not be otherwise possessed and/or displayed.

Elder Abuse

326.1 PURPOSE AND SCOPE

This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of elder abuse.

326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610 et seq. and Penal Code § 368).

Dependent Adult - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

Elder - Is any person residing in this state, 65-years of age or older.

Financial Abuse - Is a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult - Is physical abuse, neglect, financial abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Adult Protective Services Agency - Is a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

Neglect - Is the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

326.3 MANDATORY REPORTING REQUIREMENTS

Members of the Yolo County Probation Department are mandated reporters.

Employees who have observed or have knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630. Failure to

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Elder Abuse

make a report within two (2) working days is a misdemeanor (Welfare and Institution Code § 15630(h)).

The reporting employee's supervisor is responsible to ensure that cases of suspected elder abuse are forwarded to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (care facility, hospital) per Welfare and Institution Code § 15630(b).

Discrimination and Harassment Policy

328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

328.2 POLICY STATEMENT

The Yolo County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of discrimination and harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline. This policy does not replace the "Equal Employment Opportunity and Harassment" policy Yolo County's Administrative Policies and Procedures Manual, and it is meant to address the prohibition of discrimination and harassment within the Yolo County Probation Department.

328.3 POLICY

328.3.1 DISCRIMINATION

The Yolo County Probation Department refers to the "Equal Employment Opportunity and Harassment" policy in Yolo County's Administrative Policies and Procedures Manual as the Department's working policy. This policy represents the Probation Department's commitment to prohibit and prevent unlawful discrimination and harassment in County employment, and to set forth a procedure for investigating and resolving complaints of unlawful discrimination and harassment based on the law.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All employees shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her 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 or County Human Resources.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in the "Equal Employment Opportunity and Harassment" policy in Yolo County's Administrative Policies and Procedures Manual.

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328.5 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees 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.

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse.

330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - A person under the age of 18 years.

Child abuse or neglect - Includes the following (Penal Code § 11165.6):

- Physical injury or death inflicted by other than accidental means upon a child by another person.
- Sexual abuse as defined in Penal Code § 11165.1.
- Neglect as defined in Penal Code § 11165.2.
- The willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Penal Code § 11165.3.
- Unlawful corporal punishment or injury as defined in Penal Code § 11165.4.

Child abuse or neglect does not include an altercation between minors. Child abuse or neglect does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

Child protective agency - A police or sheriff's department, a county probation department or a county social services department. This section does not include school district police or security department.

330.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Penal Code § 11165.7, this Department is defined as a "mandated reporter". All employees of the Department are responsible for the proper reporting of suspected child abuse or neglect.

Pursuant to Penal Code § 11166, any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse or neglect shall immediately or as as is practicably possible report the suspected child abuse to the Yolo County Child Protective Services and the local police agency with jurisdiction if appropriate. A written follow up report shall be prepared and sent, faxed, or electronically transmitted to the Yolo County Child Protective Services agency within 36 hours of receiving the information concerning the incident.

Transportation of Clients

331.1 POLICY

As part of the field supervision process and detention services, probation staff has the responsibility of transporting probationers who have been taken into custody or who are required to appear in Court. Probation staff should carefully plan the circumstances of the transportation including an assessment of potential problems when dealing with unstable or dangerous probationers, securing an appropriate county vehicle and acquiring assistance if needed. Unless it is absolutely unavoidable, probation staff shall not transport alone or transport probationers of the opposite sex. Arrangements must be made for the assistance for another staff member or from another law enforcement agency. Officers from the Juvenile Detention Facility Transportation Unit, will comply with established policies as set by the Superintendent of the Juvenile Detention Facility.

- (a) Persons under arrest and being transported while in custody shall be handcuffed and searched for weapons and contraband per departmental policy. Prior to placing the arrestee into the County vehicle, the back seat area should be searched thoroughly. Once the vehicle is searched, the arrestee shall be placed in the back seat of the vehicle on the right hand side with the seat belt fastened on the arrestee.
- (b) Whenever possible, field officers should secure a caged car for transportation. If one is not available, a non-caged car may be used; however, another probation staff must sit in the back seat next to the adult/minor probationer. If a radio is available, local law enforcement dispatch must be contacted and apprised of the arrest and the transport destination. When transporting an arrestee, always call in your starting point, mileage and your ending mileage.
- (c) Staff shall not use their own personal vehicles to transport clients.

Probationers as Informants

333.1 POLICY

The Yolo County Probation Department will cooperate with the District Attorney's Office and other local law enforcement agencies regarding the use of probationers as confidential informants under the following guidelines:

- (a) A probationer who requests or is requested to act as a confidential informant will be screened by a Probation Program Manager and/or designee for appropriateness. The law enforcement agency who intends to use a probationer as an informant should provide the following information: **1) Scope of involvement, 2) Duration of Activity, 3) Out of area travel requirements**
- (b) If the law enforcement agency uses a probationer as a confidential informant, all documents pertaining to the probationer's role as an informant will be kept in a separate, locked, confidential file and retained under the control of the supervisor of the appropriate unit.
- (c) Under no circumstances will Probation staff make informal agreements with probationers for their use as informants in order to hold in abeyance a violation of probation.
- (d) Should a probationer who is acting as a confidential informant commit a significant violation of probation, the Unit supervisor will confer with the District Attorney's Office regarding the appropriate action to take.
- (e) Juveniles are not to be used as informants under any circumstances.

Sensitive/High Profile Cases

335.1 POLICY

Any case involving celebrities, well known members of the community, departmental employees or their families, or other cases which have attracted special public attention are to be reviewed for classification as a sensitive case. Any time a case reaches the Department and by its nature appears to any employee to be a "sensitive case," this information shall be reported to the appropriate Probation Program Manager via the appropriate supervisor.

The Probation Department shall provide services to sensitive cases, the Court and the community consistent with the treatment of other cases, while making every effort to insure that no favoritism or bias enters into the casework. These cases shall not receive any special treatment or consideration with regard to casework decisions made by the Probation Department regarding any aspect of the case.

If necessary, to avoid charges of bias or any questions of ethics, a Probation Program Manager may determine that preparation of a juvenile dispositional report or an adult pre-sentence investigation report dealing with an employee, any member of an employee's family, or any other person with what might be perceived to be close ties to this Department should be transferred to another county. Arrangements are to be made by the assigned Unit supervisor after discussion with the Chief Probation Officer or his/her designee.

Employee On/Off Duty Conduct & Discipline

340.1 PURPOSE AND SCOPE

To provide employees of this Department with guidelines for their conduct in that they may participate in meeting the goals and expectations of this Department in serving the community. This policy shall apply to all sworn and non-sworn members of this Department (including managers, supervisors and all part-time employees). This policy is intended for internal use only and shall not be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action, up to and including termination.

340.2 ON/OFF DUTY CONDUCT POLICY

The continued employment of every employee of this Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this Department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient Department service:

340.3.1 ATTENDANCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and be fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within ten (10) working days of any change in residence address, home/contact phone number, or marital status.

340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) 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.
- (c) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

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- (d) Loss of department property, or the unauthorized possession of, damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
- (e) Failure of any employee to promptly and fully report activities on his/her own part or the negligent behavior of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (f) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (g) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (h) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief Probation Officer or a designee.
- (i) Taking action to obtain a restraining order against a person or persons encountered in the line of duty without prior notification of the Chief Probation Officer, except in circumstances where initiated by the District Attorney's Office.
- (j) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Department.
- (k) Unwelcome solicitation of a personal or sexual relationship while on-duty or off-duty or through the use of the employees official capacity.
- (l) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (m) Deliberate, regular, or continuous personal associations or dealings with persons whom the employee knows to be under criminal investigation or indictment, who are on probation or parole, are detainees or inmates of a correctional institution, or who have a reputation in the community or the Department for involvement in felonious or other criminal behavior. (In the event that a direct family member is described in this section, the employee shall advise his/her supervisor/manager to avoid any conflict or disciplinary action).

340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

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- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (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 instructions of supervisors.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (e) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (f) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof. (This includes postings on social media).
- (g) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof. (This includes postings on social media).
- (h) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, email, book, paper or document, including but not limited to electronic files and documents.
- (i) Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the employee or any unauthorized person.
- (j) The unauthorized use of any badge, uniform, identification card or other Department equipment or property for personal gain or any other improper purpose.
- (k) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (l) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor or manager. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained therein.
- (m) Work-related dishonesty, including attempted or actual theft of Department property, services or the property of others, or the unauthorized removal or possession of Department property or the property of another person.
- (n) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off-duty.
- (o) Failure to disclose or misrepresenting material facts, or the making of 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.

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- (p) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.
- (q) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a Department member knew or reasonably should have known 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 the Department.
- (r) Offer or acceptance of a bribe or gratuity.
- (s) Misappropriation or misuse of public funds.
- (t) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive force.
- (u) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Department premises; at any work site; while on-duty or while in uniform; or while using any Department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (v) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department. (See Section 340.3.2 (n) for clarification.)
- (w) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing himself/herself as a member of this Department. .
- (x) Violating any misdemeanor or felony statute. employees shall report to the immediate supervisor any off-duty arrest/detention or incident or allegation of criminal conduct, which could result in criminal prosecution no later than the following workday. The supervisor shall immediately notify the Chief Probation Officer via the Chain of Command. Employees shall also report to the immediate supervisor any official contact with law enforcement, whether on or off-duty, that could reasonably be expected to reflect poorly on the Department but that may not result in any formal action against the employee by the involved law enforcement agency. The supervisor shall immediately notify the Chief Probation Officer via the Chain of Command.
- (y) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department.
- (z) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (aa) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ab) 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.
- (ac) Submitting any personal petition, letter, or recommendation regarding leniency, pardon, probation, parole, or any other form of criminal case disposition, as a representative of the Department, without authorization from the Chief Probation Officer or his/her designee.

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340.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within Department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within twenty-four 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (e) Any violation of departmental safety standards or safe working practices.

340.3.7 SECURITY

- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take immediate and appropriate corrective action to ensure that employees adhere to the policies and procedures of this Department and the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in coordination with Yolo County Human Resources. All investigations will also comply with the provisions of applicable Memorandum of Understandings and the Public Safety Officers Procedural Bill of Rights Act. Pursuant to Section 3304(d) of the Government Code, the investigation shall be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 PROBATION PROGRAM MANAGER/SUPERVISOR RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Probation Program Manager of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Probation Program Manager may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief Probation Officer, the Probation Program Manager may return the entire investigation to the assigned supervisor or designee for further investigation or action

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- (b) When forwarding any written recommendation to the Chief Probation Officer, the Probation Program Manager shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

340.5.2 RESPONSIBILITIES OF THE CHIEF PROBATION OFFICER

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials.

The Chief Probation Officer may modify any recommendation and/or may return the file to the Probation Manager for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Chief Probation Officer shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief Probation Officer shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A separate recommendation of proposed discipline for each charge.
- (c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief Probation Officer in recommending the proposed discipline.
- (d) An opportunity to respond orally or in writing to the Chief Probation Officer within five days of receiving the *Skelly* notice.
 1. Upon a showing of good cause by the employee, the Chief Probation Officer may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

340.6 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 prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This *Skelly* 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 *Skelly* 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.

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- (d) In the event that the Chief Probation Officer elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (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.
- (f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief Probation Officer shall consider all information received in regard to the recommended discipline. Once the Chief Probation Officer determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

340.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief Probation Officer's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
- (c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

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- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
- (f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file
- (g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief Probation Officer

Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system, or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Yolo County Probation Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, "smart phones", tablets, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or

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related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the express authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE

Employees 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 computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

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It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason, and/or share passwords with other employees.

Critical Incident Reports

343.1 POLICY

Incident reports should be filled out by staff effecting arrests on duty, or involved in incidents considered unusual, a possible subject to litigation, or a focus of the media. Examples of incidents that would require an incident report are:

- A citizen stating he/she would be pursuing legal action against the Department.
- Searches resulting in arrest, seized property, injury, or damage.
- Forced entry.
- Any use of force.
- When an officer points a firearm at any person. Note: An incident report is not required when "clearing a residence".
- Exposure to communicable disease.
- Traffic accident
- Rendering first aid to an injured person.
- Damage to personal property while performing routine duties.

Critical Incident Reports will be filed with the immediate Supervisor by the end of the next work day following the incident.

The supervisor will make appropriate review and comments and will forward the report to their supervisor within 24 hours of the receipt of the Critical Incident Report.

News Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer; however, in situations not warranting immediate notice to the Chief Probation Officer and in situations where the Chief Probation Officer has given prior approval, Probation Managers, Shift Supervisors and designated Chief Probation Officer's Designee(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the Chief Probation Officer, Assistant Chief Probation Officer, Probation Program Manager, or designee. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief Probation Officer.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Chief Probation Officer's Designee or other designated spokesperson.
 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests

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for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief Probation Officer and the express consent of the person in custody.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of Yolo County Superior Court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information (See Policy Manual § 1026)
 - 1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012).
- (c) Criminal history information.
- (d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (e) Information pertaining to pending litigation involving this department.
- (f) Information obtained in confidence.
- (g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
- (h) Representative of local bargaining units are not prohibited from making contact with the media or making statements regarding labor relations. (Government Code § 3500).

Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees 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. Employees are expected to cooperate with the prosecution and with any requests by the Court to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Shift Supervisor of his/her absence. It shall then

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be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Yolo County Probation Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.6 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 OVERTIME APPEARANCES

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

348.4 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.4.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.4.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

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348.5 COURTHOUSE DECORUM

Employees shall observe all rules of the Court in which they are appearing, refrain from eating or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.6 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief Probation Officer, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Assistant Chief Probation Officer and/or Probation Program Managers for approval. When an authorized employee of an outside agency requests the assistance of this Department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer will assist, and will notify their supervisor as soon as possible.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor for his/her approval. Any potential overtime required in the course of providing mutual aid shall be approved by the unit supervisor or designee.

Major Incident Notification

358.1 PURPOSE AND SCOPE

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

358.2 POLICY

The Yolo 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.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

A major incident is a situation where the media show a strong interest, which is also to the Chief Probation Officer, Assistant Chief Probation Officer, and the affected Probation Program Manager. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- In-custody deaths
- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Arrest of a department employee

358.4 ASSISTANT CHIEF PROBATION OFFICER/PROBATION PROGRAM MANAGER RESPONSIBILITY

The Assistant Chief Probation Officer and/or Probation Program Manager or designee, is responsible for making the appropriate notifications. They shall make reasonable attempts to obtain as much information on the incident as possible before notification. They shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home/cell telephone number first and then by any other available contact numbers.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.2, the Chief Probation Officer shall be notified along with the affected Manager and/or supervisor.

Child Safety Policy

380.1 PURPOSE AND SCOPE

The Yolo County Probation Department recognizes that children who are subjected to traumatic events, such as the arrest of a parent or guardian, may experience negative emotional effects that can last throughout the lifetime of the individual. After such an event the child may not receive the appropriate care, which can lead to further emotional or physical trauma. This policy is intended to provide guidelines for officers to take reasonable steps to minimize the impact to the child when it becomes necessary to take action involving the child's parent or guardian (Penal Code § 833.2(a)).

380.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Yolo County Probation Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 PROCEDURES DURING AN ARREST

When encountering an arrest situation officers should make reasonable attempts to determine if the arrestee is responsible for minor dependent children. In some cases this is obvious, such as when children are present. However, officers should inquire if the person has any other dependent minor children who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- (a) Inquire about and confirm the location of any dependent minor children.
- (b) Look for evidence of children. Officers should be mindful that some arrestees may conceal the fact that they have dependent children for fear their children may be taken from them.
- (c) Inquire of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a dependent child.

Whenever possible, officers should take reasonable steps to accomplish the arrest of a parent or guardian out of the presence of his/her child. Removing children from the scene in advance of the arrest will generally ensure the best outcome for the child.

Whenever it is safe to do so, officers should allow the parent to assure children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the children that both parent and children will receive appropriate care.

380.2.1 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, dependent minor children.

Officers should allow the arrestee reasonable time to arrange for care of minor children. Temporary placement of the child with family or friends may be appropriate. However, any

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decision should give priority to a child-care solution that is in the best interest of the child. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.
 2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- (b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- (c) Notify Child Protective Services if appropriate.
- (d) Notify the Probation Program Manager and Unit Supervisor of the disposition of minor children.

If children are at school or at a 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 parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

380.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)). Phone calls deemed necessary to arrange for care of any minor dependent child shall be coordinated with detention staff at the time of booking.

380.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

380.3 CHILD PROTECTIVE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children, the handling officer should consider taking children into protective custody and placing them with the appropriate county child protective service or other department-approved social service (Welfare and Institutions Code § 305).

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

380.4 TRAINING

The Training Officer is responsible to ensure that all personnel of this department who may be involved in arrests affecting children participate, on a timely basis, in an STC

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approved course on effective child safety when a parent or guardian is arrested (Penal Code § 13517.7).

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Chapter 4 - FIELD OPERATIONS

*****DRAFT*****

Racial/Bias-Based Profiling

402.1 PURPOSE AND SCOPE

The Yolo County Probation Department strives to provide community corrections services and law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group(s) because of their race, ethnicity or nationality, religion, gender, sexual orientation, or disability.

402.2 DEFINITION

Racial/Bias based profiling, for purposes of this section, is the practice of detaining a suspect (probationer) based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped (Penal Code § 13519.4(e)).

402.3 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by the Yolo County Probation Department (13519.4(f)).

- (a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
 - 1). To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
 - 2). Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
 - 3). While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Yolo County Probation Department will investigate all complaints of alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this Department's "Employee's On/Off Duty Conduct/Disciplinary Policy".

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance.
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the Yolo County Environmental Health Department. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Unit Supervisor and/or designee. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to an incident report.

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Hazardous Material Response

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel and/or Safety Officer. Safety items not maintained by the Department may be obtained through the Fire Department.

Immigration Violations

428.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for Department action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of 8 USC § 1304; 8 USC § 1324; 8 USC § 1325 and 8 USC § 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS

The Yolo County Probation Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as assistance with a probation search or request for mutual aid, during the federal operation, if approved by the Probation Program Manager.

Members of this Department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary

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basis or for officer safety. Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity or is in violation of probation.

Foot Pursuit Policy

458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel 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 a suspect is rarely more important than the safety of the public and department personnel.

458.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. 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 criminal activity shall not serve as the sole 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 potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment 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 pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with other law enforcement assisting.
- (c) Apprehension at another time when the identity and location of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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Foot Pursuit Policy

458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory
- (b) When the officer is acting alone.
- (c) When 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 suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with Dispatch or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (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.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspects apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 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 suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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Foot Pursuit Policy

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 broadcast the following information as soon as it becomes practicable and available:

- (a) Probation Officer/Detention Officer identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

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 pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment 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.

458.4.2 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.

458.5 REPORTING

The initiating officer shall complete the appropriate incident reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) The means and methods used to apprehend the suspect.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Chapter 7 - Equipment

*****DRAFT*****

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Probation Manager, which shall include the results of his/her review and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer who will then forward the claim to the Purchasing Department for approval.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

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Department Owned and Personal Property

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Probation Manager.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile phones, Personal Digital Assistants (PDA), and other such wireless two-way communication and/or portable Internet access devices.

702.2 PRIVACY POLICY

Any employee utilizing any computer, internet service, phone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service.

702.3 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCD's are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

Unless an employee is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace. Employees are not to utilize Department-issued PCD's off duty for work related matters unless specifically authorized by the Supervisor and/or designee.

702.4 PERSONALLY OWNED PCD

Employees may carry their owned PCD while on-duty subject to the following conditions:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

702.5 USE OF PERSONAL COMMUNICATION DEVICES

PCD's, whether provided by the Department or personally-owned, should only be used by on-duty employees for legitimate department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impractical or not feasible. PCD's however, should not be used to replace regular radio communications.

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- (a) PCD's may not be used to conduct personal business while on duty except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours, emergencies, etc.). While employee's may use personally owned PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the communication will not be seen or heard by members of the public.
- (b) Extended or frequent use of department-issued PCD's or personally owned PCD's while on duty for personal use is prohibited and may be subject to discipline.

702.6 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, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.1.1 PREVENTATIVE MAINTENANCE

Department vehicles are to be serviced for preventative maintenance as scheduled by Fleet Management.

It is the Unit Supervisor's responsibility to ensure that Department vehicles assigned to his/her unit are up to date with the preventative maintenance schedule.

704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the Unit Supervisor to ensure it's repair.

704.3 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving Department vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location(s).

704.4 WASHING OF VEHICLES

All Yolo County Probation vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. Unit Supervisors shall make arrangements to have vehicles washed through the Alternative Sentencing Program, utilizing their work program.

Employees using a vehicle shall remove any trash or debris at the end of their use. Confidential material or contraband should never be left in the vehicle at the end of shift.

Vehicle Use

706.1 PURPOSE & SCOPE

The Department utilizes County owned motor vehicles in a variety of applications operated by Department personnel. In order to maintain a system of accountability and ensure County owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. This policy is established to support the existing Yolo County vehicle policy regarding County owned vehicles.

706.2 GENERAL INFORMATION

- (a) The use of county vehicles shall be related to official County business and work activities.
- (b) County and privately owned vehicles being operated for county business shall be operated in accordance with all safety and legal requirements of the county, State and/or any other jurisdiction in which they are operated.
- (c) Use of a county vehicle must have prior approval of the Unit Supervisor.
- (d) Overnight use of a county vehicle must have prior approval of the Unit Supervisor.
- (e) Transportation of any person(s) not connected with county business is prohibited in county vehicles unless otherwise expressly permitted by applicable law, or unless prior specific authorization is given by the Department head or his/her designee.

706.3 USE OF COUNTY VEHICLES

All county employees, when using county vehicles, shall:

- (a) Possess a valid California Driver's license or license valid in California for the type of vehicle to be operated.
- (b) Operate county vehicles in a safe, responsible and courteous manner consistent with the intended use of the vehicle.

706.4 USE OF PRIVATE VEHICLES

The use of privately owned vehicles for official county business shall be allowed and encouraged when such use is determined to be in the best interest of the county.

706.4.1 PREREQUISITES

Prerequisites for Authorization include:

- (a) Prior authorization of his/her Department head and/or designee.
- (b) A current driver's license valid in California.
- (c) Public liability/property damage insurance with policy limits not less than those set forth in California Vehicles Sections 16450 et. seq.

706.4.2 REIMBURSEMENT CLAIMS

Employees or volunteers authorized to use their private vehicles for county business can claim reimbursement to the extent authorized by either the applicable provisions of the County's Personnel, Policies, and Practices Resolution, the applicable provisions of any

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memorandum of understanding, and at the established mileage rates as established by Yolo County.

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Chapter 8 - PROBATION RECORDS

*****DRAFT*****

Records Release and Security

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

- (a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure 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 Chief Probation Officer or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).
- (b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Administration Probation Manager for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 ADULT PROBATION FILES

Adult Probation Files (Records) constitute a part of the records of the Court and shall at all times be open to the inspection of the Court or any person appointed by the Court for that purpose, as well as all magistrates, otherwise ordered by the Court (Penal Code § 1203.10).

810.3.2 ADULT PROBATION REPORTS

Adult Probation reports filed by the Probation Officer with the Court may be inspected or copied as follows:

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- (a) By any person, from the date judgment is pronounced or probation granted, up to and including 60 days from the date judgment is pronounced or probation is granted, whichever is earlier.
- (b) By any person, at any time, by order of the Court, upon filing a petition by such person.
- (c) By the general public, if the Court upon its own motion orders that a report shall be open or that the contents of the report shall be disclosed.
- (d) By any person authorized or required by law to inspect or receive copies of the report.

Any copies requested by the general public under the above provisions shall be obtained from the Court Clerk and shall not be provided by the Probation Officer.

810.3.3 JUVENILE PROBATION RECORDS

Juvenile Probation records, including all petitions filed, reports of the Probation Officer, and all other documents contained in the file that are submitted to the Court may be inspected but not copied by the following:

- (a) Court personnel.
- (b) The minor who is subject of the proceedings.
- (c) The minor's parents or guardian.
- (d) The attorneys for those parties.
- (e) Any other person as may be designated by the Welfare and Institutions Code.
- (f) District Attorney in conducting a criminal investigation.
- (g) Child Protective Services in conducting dependency proceedings.
- (h) School officials pursuant to the provisions of Welfare and Institutions Code § 827(b)(1) through Welfare and Institutions Code § 827(e).

810.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 3303(e)).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief Probation Officer or as required by law (Government Code § 3300(e)).

810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k); Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

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Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor 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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

810.7 RELEASE OF INFORMATION TO CRIME VICTIMS

Crime Victims have a constitutional right to be included in the Court process as their case is being adjudicated. Probation Officers have certain statutory obligations in felony cases to notify victims of their right to appear at Sentencing Hearings, their right to make a statement to the Court, the right to restitution and/or civil recovery for losses, and the right to review the recommendation of the Probation Officer. All efforts are to be made to coordinate with the District Attorney's Victim Witness program to secure services as deemed appropriate.

Given the general rights of Crime Victims, there is an inherent right to certain information relating to the offense and its adjudication. Thus, Crime Victims may be furnished the address of probationers if their interest is to pursue civil litigation. The Probation Officer should carefully screen such requests. The Crime Victim may be furnished with dispositional information regarding a case if it has impact on restitution or any potential danger that they may face.

810.8 RELEASE OF INFORMATION DURING FIELD CONTACTS

During the course of supervising a probationer, especially while making field contacts, the sworn staff may interact with friends, neighbors, or employers of the probationer. During such incidental contact, it may be necessary for the Probation Officer to identify oneself, leading by implication to the conclusion that the subject of the inquiry is a probationer. The mere fact that an individual is subject to probation jurisdiction is not protected in the same manner as Criminal Offender Record Information. Such incidental revelation is therefore permissible, and should be handled with discretion.

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The key element for sworn staff working in the field, is to properly identify themselves and the scope of their duties in making the field contact. In this context, the release of information would be limited to the establishment of probation jurisdiction and not for a specific release of Criminal Offender Record Information.

810.9 RELEASE OF INFORMATION DURING TELEPHONE CALLS

Confidential information should not be released via the telephone unless the identity of the caller has been established and they meet the criteria of both the need to know and the right to know. When a routine telephone inquiry begins with an open ended request such as "May I speak to John Doe's Probation Officer?" or "Is John Doe on probation?". Such requests should be transferred to a sworn officer who must carefully scrutinize, and verify, the circumstances of the caller to determine if they are authorized to receive any confidential information. If not authorized, no such information will be released.

This does not preclude the officer from receiving information from the caller regarding a probationer. It is important that the sworn officer take the call seriously even if the caller does not want to be identified. The officer is to document the information received and then check it out. This may include conducting a search in the field (or Juvenile Detention Facility if appropriate), drug testing a probationer, interviewing witnesses, etc. Much information regarding the behavior of the probationer is often made available by the public, and confidentiality is not an issue as long as the officer only receives information and does not discuss the case with the caller.

810.10 RELEASE OF INFORMATION - DUTY TO WARN

Under general tort law, an individual who has a special custodial relationship or control of another person owes a duty of care to any third part or the public in general who may be endangered by a breach of this duty of care. A sworn officer of this Department has this type of relationship to a probationer under his/her care, custody, or control.

This duty to warn would occur when a threat of harm is directed toward a specific victim. In *Tarasoff v. Regents of the University of California*, the California Supreme Court held that a psychotherapist owed a duty to the victim of a patient's direct threat to her, in spite of the confidential relationship between a psychotherapist and patient. In *Thompson v County of Alameda*, this principle of a duty to warn when there is a specific victim was reiterated.

810.11 RELEASE OF INFORMATION WITH A SIGNED WAIVER

If a probationer or former probationer has signed a waiver specifically designated to release their Criminal Record and/or probation status to a specific person or entity **and** the release would assist in furthering the rehabilitation of the probationer, the Criminal History Information may be released.

A military recruiter is not an authorized release entity according to the Attorney General; thus a signed release is required to furnish such information.

An employment, job training, or educational program is not necessarily an authorized release entity according to the Attorney General; thus a signed release is required to furnish such information.

Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS

Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any YCPD documents containing a list of prior arrests.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER

The assigned CLETS Officer is the designated Criminal Record Security Officer for the Yolo County Probation Department. This officer is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The CLETS Officer will resolve specific questions that arise regarding authorized recipients of CORI.

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Criminal Offender Record Information (CORI)

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) CLETS Officer
- (b) Probation Manager assigned to the Juvenile Unit
- (c) Probation Manager assigned to the Adult Unit
- (d) Probation Manager assigned to the Juvenile Detention Facility (Superintendent or designee)
- (e) Personnel specifically designated in writing by Chief Probation Officer

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

CUSTODIAN OF CRIMINAL RECORDS:

The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Chief Probation Officer may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administration will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.7 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The assigned training officer and/or designee shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.8 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information

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Criminal Offender Record Information (CORI)

in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

Destruction of Probation Files

820.1 POLICY

Probation files generally are to be destroyed five years after the Probation Department has closed its interest in the case.

The authority for the destruction of Probation files are as follows:

- Adult files - Penal Code § 1203.7(c) and Penal Code § 1203.10 - "...Five years after termination of probation in any case subject to this section, the probation officer may destroy any records and papers in his or her possession relating to such case."
- Juvenile files - Welfare and Institutions Code § 826(a) - "After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the probation officer may destroy all records and papers in the proceedings concerning the minor."

820.2 EXCEPTION

The exception to this policy is that probation files containing any information regarding sex offenses will be maintained by the Probation Department. Due to the serious nature of sex offenses, these files are kept for a period of ten years, for the purpose of retaining information for possible future investigations.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Yolo County shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the Yolo County Department of Human Resources.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

All peace officer candidates must meet the minimum standards described in California Government Code § 1031 in addition to the employment standards established by this department.

1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Yolo County Department of Human Resources maintains standards for all positions.

Evaluation of Employees Policy

1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement. The performance evaluation is also utilized for setting goals, encouraging professional development, and highlighting accomplishments.

1002.2 POLICY

The Yolo County Probation Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to four (4) types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor prior to the anniversary of the employee's date of hire except for employees who have been promoted. When an employee is promoted, the Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have lapsed since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special/Promotion - This evaluation may be utilized to provide expectations and goals for any employee that is promoted, to reinforce expectations and set goals. The Special/Probation Evaluation may also highlight future training and direction that will serve to ensure the newly promoted employee will be successful.

Performance Improvement Plan - A PIP evaluation may be completed when an employee's performance is deemed substandard. A PIP may be initiated by the employee's immediate supervisor at the direction of the Chief Probation Officer or his/her designee. Generally, the PIP evaluation is "targeted" to a single area, and is a tool used to demonstrate the area and/or areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, re-training, etc.). The PIP shall be completed in compliance with the guidelines pursuant to Human Resources Policy, and attached to a Performance Evaluation form, with employees allowed to respond/rebut in writing within 30 days.

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Evaluation of Employees Policy

1002.3.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

HIGHLY EFFECTIVE (3):

Work performance has exceeded expectations of the position due to exceptional quality in essential areas of responsibility, the completion of major goals, and/or an exceptional or unique contribution in support of the unity and/or department. Contributions are marked by distinction and excellence and result in a significant move forward in meeting organizational objectives. Projects and responsibilities are completed in a timely manner with little need for supervisory intervention and frequently include consideration and resolution of unanticipated impacts. Employee exhibits strong leadership qualities in addition to personal initiative and insight.

EFFECTIVE (2):

Work performance fully achieves major expectations. Employee possesses a competence derived from experience and training with a full depth and breadth of role knowledge, initiative, resourcefulness and good judgment are consistently demonstrated. Employee makes solid, reliable and meaningful contributions to the unit, department and organization. Work performance consistently fulfills expectations given the employee's tenure in the position and often may exceed them. Employee meets goals set for the evaluation period. Employee is perceived by peers, managers, clients and other customers as collaborative, skilled and reliable. The majority of employee ratings will fall in this category.

IMPROVEMENT EXPECTED/REQUIRED (1):

Performance meets minimal expectations in most areas but does not fully meet expectations or is inconsistent on one or more job requirements and/or responsibilities or in the achievement of goals. Employee may be learning the required role knowledge but not yet fully performing all requirements and duties of the position. Employee may be demonstrating a lack of effort or competency in a particular aspect of the job. Employee carries an adequate workload but requires close supervision to sustain proficiency. A training/development plan (action plan) to improve performance must be outlined and monitored, with opportunities, measures and timelines for improvement established.

Space for written comments is provided for each category of performance, to allow the rater specific feedback for the employee. This allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked **IMPROVEMENT EXPECTED/REQUIRED** or **HIGHLY EFFECTIVE** shall be substantiated in the rater's comments.

PER MOU:

Where a merit step increase is delayed or denied because of an overall rating of "Improvement Expected/Required" on a timely performance evaluation, the denial of the merit step increase shall be able to be grieved to the Department Head in accordance with the grievance procedures set forth in this MOU. In no event, however, shall the delay or denial of a merit step increase be appealable beyond Formal Level 3.

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Evaluation of Employees Policy

1002.4 EXPECTATIONS

Employees shall be evaluated in accordance with personnel rules and regulations adopted by the County. Probationary employees are expected to be evaluated every three (3) months and non-probationary employees annually. Nothing shall preclude Special/PIP evaluations for purposes of monitoring performance improvement or to support off-cycle step advancement or promotion.

Annual evaluations must be completed not less than thirty (30) days prior to the employee's anniversary date to be considered timely for purposes of delay or denial of a merit step increase.

1002.5 EVALUATION INTERVIEW

The supervisor will ensure that the performance evaluation is prepared and completed in compliance with the Yolo County Policies and Procedures related to performance evaluations. When the supervisor has completed the evaluation (after being reviewed/approved by their supervisor), the supervisor shall make arrangements for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Although an employee's signature only acknowledges receipt of the evaluation, an employee may decline to sign that evaluation. At no time after the employee has reviewed and signed his/her performance evaluation shall the final evaluation be altered. The final evaluation may not be altered, even if the employee refuses to sign or acknowledge receipt.

An employee covered under the Public Safety Officers Procedural Bill of Rights Act shall have thirty (30) calendar days from receipt of the final evaluation to respond/rebut his/her performance evaluation. All other Department employees shall have ten (10) calendar days from receipt of the final evaluation to respond/rebut it.

1002.6 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file at the Yolo County Human Resources, a copy shall be placed in the Department's personnel file for the tenure of the employee's employment, and a copy shall be given to the employee. If an employee files a written response/rebuttal to his/her final evaluation, a copy of the response/rebuttal shall be attached to each copy of the performance evaluation in each file.

Promotional Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Yolo County Probation Department.

1004.1.1 GENERAL REQUIREMENTS

Employees will be evaluated for promotions based on factors which include, but are not limited to the following:

- (a) Present a professional, neat appearance.
- (b) Demonstrate the following traits:
 - 1. Emotional stability and maturity
 - 2. Honesty
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner
 - 9. Special skills and abilities
 - 10. Overall performance with the Department
 - 11. Overall experience
 - 12. Overall communication skills

Promotions are made by administration, which considers all of the above, including all applicable MOU provisions. Upon the selection for promotion, the employee(s) will be contacted to verify acceptance of the position. All candidates will be contacted and advised of the decision. Whenever possible, this contact will be made via telephone and/or in person, prior to the formal announcement of the promotion.

1004.2 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Yolo County Human Resources Department.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California Penal Code § 29805 prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm. Pursuant to the Federal Domestic Violence Gun Control Act (18 USC § 921(a) and 18 USC § 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition. Because such offenses may include any conviction involving 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), employees shall promptly report any and all convictions of such nature.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. While this federal restriction does not apply to temporary restraining orders (18 USC § 922(d)(8)), California Family Code § 6389 does prohibit any individual from lawfully possessing a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders). As such, employees shall promptly notify the Department if they become the subject of any temporary, emergency or permanent domestic restraining order.

1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE

All employees of this Department and all retired sworn officers with a CCW endorsement shall promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

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Any employee whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined for the underline associated conduct. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Alcohol and Drug Use

1012.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Yolo County Probation Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES

The Yolo County Probation Department is a Drug Free Workplace as required by federal statute. Employees shall not possess, use, store or bring into any Department facility or vehicle, alcoholic beverages or controlled substances as enumerated in Sections 11054 through 11058 of the Health and Safety Code except when prescribed by a licensed physician or dentist.

- (a) Employees shall not be under the influence of alcohol and/or controlled substances, which would impair their job performance, upon arrival or return to duty.
- (b) Employees shall not consume intoxicating beverages while on duty. This includes training days.

1012.2.1 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action. Any exception to this policy will be at the discretion of the Chief Probation Officer and/or designee.

1012.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary Employee Assistance Program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.4 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis,

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shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- (a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
- (b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
- (c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- (d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

- (a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.
- (b) The exposure occurred without the benefit of applicable exposure controls required by this policy.
- (c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

1016.2.1 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Department's Safety Coordinator. The Safety Coordinator shall be responsible for the following:

- (a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
- (b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.

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- (c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
- (d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
- (e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
- (f) Maintaining an up-to-date list of probation staff requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.
- (g) Reviewing and updating the Safety Coordinator annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the Safety Coordinator and any affected employees to ensure that the proper exposure control procedures are followed.

1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended).
- Safety glasses or goggles.
- Rescue mask with a one-way valve.
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommended).

The protective equipment is to be kept in each probation vehicle; inspected at the start of each shift and replaced immediately upon returning to the office if used or damaged during the workday, or as otherwise needed.

1016.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment.

1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's

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disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the office and/or facility shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping

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is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or probation vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, phone, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

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Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer. The Safety Coordinator will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible. Said vehicles will be taken out of commission until decontaminated.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA

The Safety Coordinator shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Name and social security number of the employee(s) exposed.

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- (b) Date and time of incident.
- (c) Location of incident.
- (d) What potentially infectious materials were involved.
- (e) Source of material or person.
- (f) Current location of material or person.
- (g) Work being done during exposure.
- (h) How the incident occurred or was caused.
- (i) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the Safety Coordinator is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The Safety Coordinator shall ensure that all records and reports are kept in the strictest confidence.

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The Safety Coordinator shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee'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.

1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the Safety Coordinator to ensure that the proper testing and reporting occur. These methods are:

- (a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.
- (b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).
- (c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).
- (d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Yolo County Probation Department qualifies as a crime victim (Penal Code § 1524.1).

1016.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the Safety Coordinator should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The Safety Coordinator should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the Safety Coordinator should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

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1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the Safety Coordinator should take the following steps:

- (a) Comply 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.
- (b) Take 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).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the Safety Coordinator is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the Safety Coordinator should seek consent or a court order in the same manner as for a non-arrestee.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Yolo County Probation Department facilities or vehicles.

1018.2 POLICY

Smoking and other use of tobacco products is not permitted inside Department facilities or any Department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside Department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

Employees in uniform are also prohibited from smoking or using tobacco products while in public view.

Employee Assistance Program

1019.1 POLICY

When staff appear in need of assistance with their own mental health and/or emotional issues, use the following guidelines:

- (a) If the condition is acute (suicidal, violent, etc.) call 911 immediately and request Mental Health services to evaluate the staff person. Note: Do not accept an "over the phone" assessment.
- (b) If the staff person's condition is not acute and he/she is under the care of a provider for mental health services, help that person make arrangements for service even if it means transporting the staff to the service provider.

1019.1.1 EMPLOYEE ASSISTANCE PROGRAM

Supervisors and Managers should refer staff to the Employee Assistance Program when it appears that an employee is in need of assistance. The types of issues the Employee Assistance Program can address include but are not limited to the following:

- Marital and family problems
- Alcohol abuse
- Drug dependency
- Credit concerns
- Stress issues
- Emotional problems

In the event that a referral of a staff is made to either Mental Health Services or the Employee's Assistance Program, you are to notify the Chief Probation Officer or designee via chain of command. Information received shall remain confidential pursuant to HIPPA.

Bomb Threat

1021.1 PURPOSE AND SCOPE

This procedure applies fully to **any and all threats** received, including those that may extend beyond our department buildings or employees.

This policy and all employee actions shall be governed by the overriding concern for safety and security.

Each employee shall keep the County adopted "Threatening Call Checklist" readily available at his/her workstation at all times. Copies can be found on the Probation Departments "S-Drive", under "Threatening Call Checklist."

1021.1.1 RESPONSIBILITY

It is the responsibility of all staff to respond to a bomb threat received by them. Primary responsibilities in such an event include:

- Gather as much information as possible concerning the potential threat.
- Immediately notify his/her supervisor, or the next higher staff person available, of the potential danger.
- Call **911** to inform emergency responders of the threat.
- Decide whether to implement the Department's Emergency Evacuation Plan.

1021.1.2 GATHERING INFORMATION AND EVACUATION

Procedures for gathering information about the threat:

(a) When receiving threatening information the employee should gather as much information as possible concerning the potential threat. Should the information come via a phone call, the following procedure shall be followed:

- Refer to the "Threatening Call Checklist" found on the Departmental "S-Drive".
- Keep the caller on the line as long as possible. Ask the caller to repeat the message. If possible, write down every word spoken by the person making the call.
- If the caller does not indicate the location of the bomb or the time or possible detonation, the employee should ask the caller to provide this information.
- It may be advisable to inform the caller that the building is occupied and the detonation of a bomb could result in death or serious injury to many innocent people.
- Pay particular attention to any strange or peculiar background noises, such as motors running, background music and the type of music, and any other noises which might give even a remote clue as to the place from which the call is being made.
- Listen closely to the voice (male/female), voice quality, accents and speech impediments.

b. During the time the above information is being gathered, an attempt should be made to simultaneously inform the immediate supervisor, or any supervisor in the immediate area.

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- c. Once the information has been received and communicated to the supervisor/manager, steps shall be taken to immediately notify the Chief Probation Officer and/or any manager.
- d. Senior Management/supervisory personnel shall then coordinate to evacuate the building, using the evacuation procedures.
- e. It is also the responsibility of managers or designees to ensure that all personnel have been notified and the building has been evacuated.

Law enforcement personnel will coordinate search procedures with probation employee assistance, if needed. The most senior staff person at the the time of evacuation will assign probation employees as needed to assist in the search. The building shall not be reoccupied for any purposes whatsoever until an "all-clear" has been issued by law enforcement.

In the event that no management/supervisory personnel are in the building or can be contacted, the person receiving the emergency or threatening information shall, as soon as possible, have the building evacuated and call **911** to notify emergency responders of the threat and status of the building's evacuation. Once the building has been evacuated, efforts shall continue to be made to contact a probation manager/supervisor.

specialized assignments may be required of employees, depending on the scope and duration of the emergency.

1021.1.3 DESIGNATED OUTSIDE GATHERING LOCATION

The designated meeting place shall be:

- Employee parking lot on E. Gibson Road northwest side of the main office building (Bomb Threats for the main field office).
- Employee parking lot on E. Gibson Road northwest side of the main office building (Bomb Threats for the Juvenile Detention Facility) for non-sworn staff. Minors and detention staff within the facility will meet in the outside recreation area outside the facility.
- Employee parking lot outside the West Sac. Regional Office.

1021.1.4 RECOVERY

The following guidelines are to be applied once it is determined that the Probation office/facility is safe to re-enter:

- (a) **Return to Building** - The Manager or senior staff, in coordination with emergency responders, will verify structural and other safety-related concerns prior to re-entry. If re-entry is impossible due to safety concerns, the Chief Probation Officer will communicate with the County Administrative Officer to designate an alternative work site. No re-entry to any building shall occur until the appropriate responding emergency agency has given the Chief Probation Officer or designee full clearance to do so.
- (b) **Clean-up and Restoration** - Clean-up and restoration will be coordinated by County General Services Department, with such assistance as can be provided by the Probation Department.
- (c) **Business Interruption** - Business will be resumed at the earliest convenience, either at the regular site or an alternate location.

Seat Belts

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this Department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Employees should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1022.3 TRANSPORTING PRISONERS

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS

No employee shall operate a Department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seated position in which the seat belt is inoperable.

No employee shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts.

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Employees 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.

Transfer and Assignment Policy

1028.1 PURPOSE AND SCOPE

Any assignment of staff to any specific workload is made to meet the needs of the Department and is subject to the direction and approval of the Chief Probation Officer. Assignment decisions are made by management after consideration of:

- Workload trends
- Existing vacancies
- Employee's special training
- Seniority and time in current assignment
- Performance in current or other assignments
- Employee's preference for an assignment
- Needs of the Court, clients, and/or community
- Employee's preference for work location
- Relationships with clients and co-workers

1028.2 TRANSFER/ASSIGNMENT REQUESTS

An employee must perform at a level that meets standards and expectations before a transfer or reassignment request shall be granted. Except for disciplinary transfers an employee's preference for a work assignment shall not be denied for punitive reasons. At no time shall the Department make a transfer decision to retaliate against an employee, pursuant to County policy and applicable MOU.

Every effort will be made to notify an employee in writing, via the chain of command, that he/she is being reassigned prior to that information being shared with the rest of the staff.

Workload or special events may create the need for a temporary or detached assignment of an employee either within the Department or outside of it, and the same criteria discussed above will be considered in these decisions. No employee shall be permanently transferred or reassigned between work sites and/or shifts without ten (10) working days prior written notice, or as specified in applicable MOU's. No employee shall be temporarily transferred or reassigned without notice of at least five (5) day prior to said transfer, except in case of emergency where written notice will be provided as soon as practicable. An employee who is interested in voluntarily transferring to another division in the Department shall not be eligible for a transfer while in a "probationary" status for his/her current position.

A request for a transfer shall only be considered and approved when such transfer best meets the needs of the Department. In determining whether to approve a transfer request, management will consider the criteria listed above, and all transfers shall require the final approval of the Chief Probation Officer.

Employees requesting to transfer and/or be reassigned may make a formal request at any time. However, the Department will officially accept transfer/reassignment requests during the first month of each calendar year (each January), to help plan and determine departmental needs for the upcoming year.

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For each division opening, the Department will first consider voluntary transfer requests meeting the eligibility criteria listed above. If there is not employee interested in a transfer to an opening in another division, the vacancy will be filled via that division's eligibility list or a new recruitment.

These provisions regarding transfer or reassignment of staff shall be strictly adhered to unless the Chief Probation Officer determines it is detrimental to the operation of the Department.

1028.3 CROSS TRAINING

Upon staff receiving notice of assignment change, every effort will be made to provide a minimum of five (5) days of cross training, between the incumbent previously in that assignment and the staff person new to that assignment. Should the new assignment require additional training due to the complex nature of that assignment, the immediate supervisor will ensure that the additional training is provided. Should the incumbent be unable to provide such cross training, a Senior Deputy Probation Officer from that unit will provide the cross training to ensure success within that new assignment.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Jury Duty

1037.1 POLICY

Any permanent employee who is summoned for jury duty in any Court during scheduled working hours shall be considered to be on duty, and there shall be no loss of salary. Any fees received by the employee shall be paid/transferred to the Yolo County Auditor, with the exception of travel pay, which may be kept by the employee.

- (a) Upon receiving a summons for jury duty, the employee will advise the supervisor as soon as possible of the date and time.
- (b) If the employee is excused from jury duty before the end of regular working hours, he/she will report back to work and resume normal duties.

Military Leave

1039.1 POLICY

In compliance with the provisions of Section 395.01 of the Military and Veterans Code, Yolo County Probation Department employees are entitled to receive up to 30 days paid Military Leave per fiscal year for active National Guard or Reserve duty. Additional paid military leave may be provided pursuant to appropriate MOU's.

Probation Department employees who are members of the National Guard or Reserves must notify their supervisor in advance of their training schedule so that the required time off may be scheduled.

Outside Employment

1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief Probation Officer prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL

No member of this Department may engage in any outside employment without first obtaining prior written approval or "permit" of the Chief Probation Officer. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an "Notification of Outside Employment" application form (located on the Department's shared "S-Drive"), which shall be submitted to the employee's immediate supervisor. All initial applications will then be forwarded through channels to the Chief Probation Officer for consideration, and determination will be provided to the employee no less than thirty (30) days of request. All annual and/or renewal requests for continued outside employment may be submitted to the Chief Probation Officer by written memo and/or email, and determination will be provided to the employee no less than ten (10) days of request.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application form, the permission for outside employment will be valid through the end of the calendar year in which the request was approved. Any employee seeking to renew an outside employment request shall submit a new Notification of Outside Employment application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied pursuant to Government Code § 1126, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

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1040.2.1 APPEAL OF DENIAL, REVOKED, OR SUSPENSION OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied by the Department, the employee may file a written notice of appeal to the Chief Probation Officer within ten days of the date of denial. Written response to all appeals shall be provided to the employee within 10 working days of receipt.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief Probation Officer may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this Department may engage in any outside

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or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief Probation Officer in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department, pursuant to applicable MOU provisions.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The officer(s) shall wear the Departmental uniform/identification.
 2. The officer(s) shall be subject to the rules and regulations of this Department.
 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. Outside security services shall not be subject to the collective bargaining process.
 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief Probation Officer.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 ADDITIONAL RESTRICTIONS

Members of this Department shall not engage in any of the following types of outside employment or activity:

- (a) Any employment or activity or in any location that might bring discredit to the Department, place the Department in a derogatory position, reduce the effectiveness of the employee in his/her position within the Probation Department, or place the employee of the Department in a "Conflict of Interest" situation.
- (b) Any employment or activity requiring membership, affiliation or allegiance to any cause or course of conduct that is inconsistent with the objectives of the Department, or would cause the employee not to discharge his/her proper duties, or would take away his/her loyalty to the Department, or cause the employee to perform against public interests.
- (c) Any employment or activity where the manufacture, transportation or sale of alcoholic beverages is the principle business.
- (d) Any employment or activity in a card room or other legalized gambling establishment.

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- (e) Any employment or activity as an investigator where the member may avail him/herself to the access of criminal records, policy information, files or correspondence.
- (f) Any employment or activity where the member is acting as a bill collector, private detective or investigator, private security officer, or bouncer.
- (g) Serving of any "civil process" (i.e. summons, subpoenas, orders, etc.).

1040.3.4 LIMITATION ON HOURS

No member shall work at an outside job or activity in excess of four (4) hours per day during regular work days and twelve (12) hours per day during regular days off. The total number of hours permitted during each pay period shall not exceed 48. The above shall apply to the current schedule of work.

1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126), should the appearance of conflict exist. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief Probation Officer through proper channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief Probation Officer any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the

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outside employment along with any related doctor's orders, and make a recommendation to the Chief Probation Officer whether such outside employment should continue.

In the event the Chief Probation Officer determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Yolo County Probation Department, a request (in writing) may be made to the Chief Probation Officer to restore the permit.

1040.7 DUTY AS A DEPARTMENT EMPLOYEE

In all cases of outside employment or activity, the primary duty, obligation, and responsibility of the employee is to the Yolo County Probation Department.

Threats/Potential Danger to Employees and Others

1043.1 PURPOSE AND SCOPE

Employee safety is a major concern. It should be clearly understood that employees are not expected, during the performance of their duties, to place themselves in any situation, that presents an unreasonable degree of danger to their lives or health.

Employees shall utilize reasonable methods to minimize, reduce, or avoid danger to themselves and others. They are encouraged to seek assistance from other employees or outside agencies as appropriate. Employees are to plan and apply reasonable care and caution in all potentially dangerous situations, and use good judgment in balancing the requirements of job performance and safety issues.

1043.2 THREATS TO THE EMPLOYEE

An employee shall notify his/her immediate supervisor if, as a result of employment with the Yolo County Probation Department, the employee is assaulted, attacked or threatened, or any member of the employee's family is assaulted, attacked or threatened.

Should such an incident occur, every effort shall be made to prevent further or prolonged attack or injury. Serious threats and assaults shall be reported to law enforcement. The employee shall cooperate with the Department to develop a long-range plan to minimize/eliminate the danger.

1043.3 THREATS TO OTHERS

When any employee in the course of his/her duties becomes aware of a serious threat against the life, safety, or property of another person, that employee shall immediately report the information to his/her direct supervisor or designee.

When any employee becomes aware of such a threat, any potential victim shall be given immediate and adequate notice of the impending danger in accordance with department policies.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

Employees of the Yolo County Probation Department, regardless of their function or assignment, represent the professional standard and image of this department to the public and to other agencies. The appearance of departmental employees must be in good taste and reflect favorably on this Department.

Although no absolute criteria can be set forth to prescribe professional dress or appearance, employees should be aware of the need to present a neat, well-groomed, and professional image to the public, Criminal Justice Partners, other County departments, and the Courts. Our professional image should reflect Probation staff as positive role models to clients, the public, and other agencies.

1044.2 GENERAL GUIDELINES

The following guidelines are provided to assist employees in maintaining a professional appearance while performing the various duties that members of this Department may be assigned.

1044.2.1 OFFICE ATTIRE

During working/duty hours all employees, sworn and non-sworn, shall wear clothing appropriate for conducting business in a professional atmosphere. Probation Officers shall wear attire that quickly transitions to court attire for unanticipated court appearances.

1044.2.2 COURT ATTIRE

Court appearances require Probation employees to wear appropriate business attire: slacks, dress shoes, sport coat, dress shirt and tie for men; dress, skirt, slacks, and blouse, professional pantsuits, dress gaucho pants, and dress shoes (which includes open toe shoes) for women.

1044.2.3 JUVENILE DETENTION FACILITY

Employees assigned to work at juvenile detention facilities are staff is required to wear uniforms with identification apparel, as issued or authorized by their particular institution during duty hours at the facility or while engaged in official Department business.

Unacceptable attire for institutional staff is specifically detailed in the Yolo County Detention Facility "Dress Guidelines" as outlined in Article 3, Section 1324g, Section D. It is the responsibility of the immediate Supervisor or Manager to monitor his/her employees to ensure that appearance specified in policy, procedures, directives, and guidelines outlined in Article 3, Section 1324g, Section D.

All Detention Officers assigned to the Alternative Sentencing Program/Transportation Unit, unless specifically exempted by the Probation Department, shall own and maintain in good order, a complete set of regulation uniforms. Officers assigned to this unit shall wear their uniforms while on duty.

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1044.2.4 CASUAL DAYS

Fridays are designated as casual days for all Department employees with the exception of institutional staff members, who must dress in uniform or designated attire for safety and security reasons. All office employees, with the exception of those officers who must appear in court, may elect to wear appropriate casual wear on Fridays. If employees participate in casual day, they will be expected to maintain a neat appearance. Casual wear does not include any articles of clothing listed under Section 1044.2.6 (inappropriate attire).

1044.2.5 TRAINING DAYS

Training days are considered on-duty hours. Office, field, or institutional attire may be worn and must be appropriate to the training site. Casual Day attire may be worn if appropriate to the training.

1044.2.6 INAPPROPRIATE ATTIRE

Unacceptable clothing that distracts from a professional work environment is not permitted. Examples of such clothing include, but are not limited to, revealing clothes, shorts, Capri pants, extremely short shirts, sandals, flip-flops, shirts with slogans that can be reasonably construed as obscene, suggestive, vulgar or demeaning, shirts that advertise alcohol, tobacco, or drugs, sweat pants (except during UOF/MAB training or other types of physically demanding training), and clothes that are ragged, torn, or worn out.

Due to the fact that non-sworn office staff do not have the same physically demanding job duties as sworn staff and do not have direct contact with probationers, non-sworn staff are allowed to wear "dress capri pants" and "dress sandals". This exception assumes that non-sworn staff will continue to present a professional appearance, and is subject to review and approval of the Chief Probation Officer.

Blue denim jeans are only appropriate attire for employees who are scheduled to work the majority of their work day in the field, casual days, and for institutional staff. However, in lieu of blue denim jeans while in the field, employees may also wear "dickies", khaki's, or utility pants.

1044.2.7 EXCEPTIONS TO THIS POLICY

The Office of the Chief or any Manager may temporarily exempt an employee from the minimum dress standard while performing a specific short-term task, for specific medical reasons, or for training.

1044.2.8 NON-COMPLIANCE

Any employee not in compliance with the Department dress standards may be directed to change into appropriate attire and may be subjected to disciplinary action. If an employee must be absent from the workplace to change clothing, the employee shall not be compensated during such absence.

1044.3 TATTOOS

While on-duty, while wearing Department logo clothing or while representing the Department in any official capacity, an employee shall make every reasonable effort to conceal his/her tattoos or other body art. Staff are allowed to have existing tattoos exposed while at UOF/MAB training. At no time while on-duty or while representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos include, but are not limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

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1044.4 BODY PIERCINGS

While on duty, while wearing Department Department logo clothing, or while representing the Department in any official capacity, no visible objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin on any body part, or any part of the face, mouth or tongue, except earrings may be worn. Any non-conforming piercing shall be removed, and may be covered, or replaced with a clear, plastic spacer. If an employee has a question about how this policy applies to him/her, the matter should be immediately discussed with the employee's immediate supervisor for consideration and determination.

1044.4.1 WEARING OF DEPARTMENT UNIFORM/IDENTIFICATION APPAREL OFF-DUTY

No member of this department shall appear publicly in uniform in an "off-duty" status unless an emergency exists or he/she has specific prior approval from a Supervisor and/or Manager.

Personnel who elect to wear their uniform/identification apparel (official departmental logo) to and from work shall attempt to wear an outer garment at all times, which conforms to the following:

- (a) The outer garment shall cover any distinguishable parts of the uniform/identification apparel that identifies the wearer as a member of this Department.
- (b) The outer garment shall not be a portion of the uniform/identification apparel.
- (c) The outer garment shall not bear any insignias particular to this Department.

However, to preclude public criticism, personnel electing to wear their uniform/identification apparel to and from work shall use discretion and good judgment in making prolonged or excessive stops at public establishments.

No member of this Department shall authorize or permit any other person to wear his/her uniform/identification apparel at any time or for any purpose whatsoever.

Nepotism and Conflicting Relationships

1050.1 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.

1050.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee 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 employee to an uninvolved supervisor.

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2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, Departmental trainers will not be assigned to train relatives. Departmental trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) In order to avoid actual or perceived conflicts of interest, members of this Department shall refrain from developing or maintaining personal or financial relationships with 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, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, probationer, juvenile offender, known gang member, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolvement, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolvement, immediate supervisor. In the event that no uninvolvement supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolvement employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer of such actual or potential violations through the chain of command.

Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees 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 Yolo County Probation Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Yolo County Probation Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Yolo County Probation Department or its employees.

- (a) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Yolo County Probation Department and tends to

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compromise or damage the mission, function, reputation or professionalism of the Yolo County Probation Department or its employees.

- (b) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (c) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (d) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Yolo County Probation Department.
- (e) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.
- (f) 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 Yolo County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief Probation Officer, employees may not represent the Yolo County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Yolo County Probation Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Yolo County Probation Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a

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recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees 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).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, My Space) that is accessed, transmitted, received or reviewed on any Department technology system (e.g. desktop, laptop, smart phone, tablet, etc).

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. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over Department networks are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any Department system or device, or any such information placed into any Department storage area or device. This includes records of all key strokes or web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a Department computer or network.

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