

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

Sworn employees of this Department shall be considered peace officers pursuant to Penal Code section 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 the officer's respective employment and for the purpose of carrying out the primary function of the officer's employment.

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

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

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

100.2.1 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Pen. Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the officer.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

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100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 POLICY

It is the policy of the Yolo County Probation Department to limit its employees to only exercise the authority granted to them by law.

While this Department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This Department does not tolerate the abuse of law enforcement authority.