
Standards of Conduct

336.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Yolo County Probation Department and are expected of all sworn and non-sworn employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions. However, they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this Manual, as well as the operative memorandum of understanding, County Code section 2-6-47 and any additional guidance on conduct that may be disseminated by this Department or an employee's Supervisors. 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.

336.2 DISCIPLINE 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 acts 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 or her position.

336.3 GENERAL STANDARDS

Employees shall conduct themselves, whether on or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. This policy is not intended to cover every possible type of misconduct.

336.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. The following lists are not intended to cover every possible type of misconduct and do not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Department service:

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336.4.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any County or Department policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Department or County manuals.
- (b) Disobedience of any legal directive or order issued by any Department Supervisor, Manager or their designee.
- (c) Violation of federal, state, local or administrative laws, rules or regulations. Employees shall report to their immediate Supervisor any off-duty arrest/detention or incident or allegation of criminal conduct, no later than the following workday. The Supervisor shall notify the Chief Probation Officer via the Chain of Command. Employees shall also report to their 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.

336.4.2 ETHICS

- (a) Using or disclosing one's status as an employee of the Yolo County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non--department business or activity.
- (b) 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.
- (c) 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).
- (d) Acceptance of fees, gifts or money contrary to the rules of this Department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

336.4.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

336.4.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on--duty or through the use of one's official capacity.

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- (b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the employee knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Department.

336.4.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

336.4.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the employee's position with this Department.
 - (a) Employees of this Department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law. (Pen. Code § 293.)
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief Probation Officer or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Yolo County Probation Department badge, uniform, identification card or Department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

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336.4.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of Supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department Human Resources Officer or designee within 10 days of any change in residence address, emergency contact telephone numbers or marital status.

336.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.
- (b) The falsification of any Department records, Department related records, schedules and/or public record or making misleading entries or statements with the intent to deceive. The willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record or public record.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a Supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department -related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency and discipline of this Department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on Department premises.
 - 2. At any work site, while on--duty or while in uniform, or while using any Department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct Supervisor is exempt from this prohibition.
- (g) Improper political activity including:

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1. Unauthorized attendance while on--duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or, on Department property except as expressly authorized by County policy, the memorandum of understanding, or the Chief Probation Officer.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Chief Probation Officer.
- (i) Any act on- or off- duty that brings discredit to this Department.

336.4.9 CONDUCT

- (a) Failure of any employee to promptly and fully report activities on his or her part or the part of any other employee where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any employee of this Department or the County.
- (g) Unreasonable and unwarranted use of obscene, indecent, profane or derogatory language while on--duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty, that adversely affects the employees relationship with this Department.
- (i) Unauthorized possession of, loss of, or damage to Department property or the property of others, or endangering said property through carelessness or maliciousness.
- (j) Attempted or actual theft of Department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Department property or the property of another person.
- (k) Activity that is incompatible with an employees conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract, which includes fraud in securing the appointment or hire.
- (l) Any other on- or off--duty conduct which any employee knows or reasonably should know is unbecoming an employee of this Department, is contrary to good order,

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efficiency or morale, or tends to reflect unfavorably upon this Department or its employees.

336.4.10 SAFETY

- (a) Failure to observe or violating Department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Unsafe handling of a firearm which includes loading or unloading firearms in an unsafe manner either on or off-duty.
- (d) Unsafe handling of weapons other than firearms either on or off-duty.
- (e) Carrying, while on-duty, any firearm that is not authorized by the Chief Probation Officer or designee.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

336.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment.
- (c) Unauthorized possession of any illegal drug or non-prescribed medication while on duty.

336.5 SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of an employee to his or her immediate Supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or be indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a Supervisor toward any employee for malicious or other improper purpose.

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(e) Failure of a Supervisor to take immediate and appropriate action to ensure that employees adhere to the policies and procedures of the Department and the actions of all personnel to comply with all laws.

336.6 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No employee is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the employee from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected employee shall ask the issuing Supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, employees who are presented with a lawful order that is in conflict with a previous lawful order, Department policy or other directive shall respectfully inform the issuing Supervisor of the conflict. The issuing Supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting lawful order after having given the issuing Supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.