

San Joaquin County Probation Department

Probation Manual

PROBATION CODE OF ETHICS

The San Joaquin County Probation Department subscribes to the following Code of Ethics, which are derived from the American Probation and Parole Association (APPA).

- I will render professional service to the justice system and the community at large in effecting the social adjustment of the client.
- I will uphold the law with dignity, displaying an awareness of my responsibility to clients while recognizing the right of the public to be safeguarded from criminal activity.
- I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.
- I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office.
- I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.
- I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.
- I will encourage policy, procedures, and personnel practices, which will enable others to conduct themselves in accordance with the values, goals, and objectives of the San Joaquin County Probation Department
- I recognize my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of the San Joaquin County Probation Department.
- I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

San Joaquin County Probation Department

Probation Manual

DEPARTMENT VALUES

In support of our Mission/Vision Statements, we have a shared set of values. We value:

- (a) **EXCELLENCE:** We are dedicated to providing the highest level of professional service to the courts, the community and our clients. Accountability is a vital component of all we do.
- (b) **IMPORTANCE OF THE INDIVIDUAL:** We treat all people in a dignified, respectful, and courteous manner. We appreciate the cultural diversity of co-workers and clients.
- (c) **TEAM CONCEPT:** We are committed to working in an atmosphere that promotes service, productivity, efficiency, and fairness formed on a foundation of creative teamwork.
- (d) **ETHICAL CONDUCT:** We believe in ethical behavior in our interaction with others and are committed to providing, fair, consistent, and honest treatment to all people.
- (e) **PROFESSIONALISM:** We act with competence, integrity, and objectivity as we do the work of our agency. We create an atmosphere of mutual respect and trust among staff as well as between staff and management, while providing opportunities for personal and professional growth.
- (f) **THE IMPORTANCE OF COMMUNITY:** We are aware of our responsibilities to the individual and the community and invite public involvement and support to plan and deliver effective programs.
- (g) **SAFE AND HEALTHY ENVIRONMENT:** We are committed to providing a safe and secure work and living environment for staff and clients.

THESE SHARED VALUES ARE REFLECTED IN OUR ACTIONS AND COMMUNICATED TO CO-WORKERS, CLIENTS AND THE COMMUNITY.

San Joaquin County Probation Department

Probation Manual

MISSION STATEMENT

The San Joaquin County Probation Department is committed to increasing public safety, supporting victims, and reducing recidivism through client accountability and support; thereby making our community safer and stronger. We are dedicated to inspiring positive change by delivering proven evidence-based practices, which assist clients in identifying a path to productive life choices.

Supporting a safer, stronger community.

San Joaquin County Probation Department

Probation Manual

DEPARTMENT VISION

By supporting a safer, stronger community, we will:

- Protect and Serve:
- Victims of crime.
- The courts and other judicial agencies.
- The community at large.

Encourage and Promote:

- Staff to help one another achieve a common goal.
- Individual responsibility for creating a work environment that is safe, productive and harmonious.
- Recognition of exceptional staff.
- Clients to work toward self and community improvement.
- A positive department image through assertive public relations and community involvement.

Provide and Maintain:

- A working environment that is free of discrimination and harassment.
- Consistent and equitable treatment of all employees.
- Sanctions which hold clients accountable and assist with behavior change.
- Rewards and incentives to promote positive behavior change.
- Comprehensive orientation and training which enhances the employee's job performance.
- Equitable and manageable workloads that are dictated by the type of services rendered.
- Integrated juvenile and adult teams working in community based cooperatives.
- Collaborative partnerships to provide comprehensive services to clients.

San Joaquin County Probation Department

Probation Manual

Table of Contents

Probation Code of Ethics.	1
Department Values.	2
Mission Statement.	3
Department Vision.	4
Chapter 1 - Probation Role and Authority.	8
100 - Probation Authority.	9
101 - Chief Probation Officer.	10
102 - Oath of Office.	11
103 - Policy Manual.	12
Chapter 2 - Organization and Administration.	15
200 - Organizational Structure and Responsibility.	16
201 - General Orders.	18
202 - Emergency Plan.	19
203 - Training.	21
204 - Electronic Mail.	26
205 - Administrative Communications.	28
206 - Supervision Staffing Levels.	30
207 - Retiree Concealed Firearms.	31
Chapter 3 - General Operations.	36
300 - Use of Force.	37
301 - Use of Force Review Boards.	48
302 - Officer-Involved Shootings and Deaths.	51
303 - Firearms.	57
304 - Handcuffing and Restraints.	64
305 - Control Devices.	68
306 - Conducted Energy Devices.	70
307 - Search and Seizure.	76
308 - Canines.	78
309 - Mandatory Reporting.	85
310 - Discriminatory Harassment.	89
311 - Victim and Witness Assistance.	95
312 - Information Technology Use.	97
313 - Department Use of Social Media.	101
314 - Report Preparation.	104
315 - Media Relations.	109
316 - Part-Time Officers.	111
317 - Mutual Aid Request.	114
318 - Major Incident Notification.	116

San Joaquin County Probation Department

Probation Manual

319 - Limited English Proficiency Services.	118
320 - Communications with Persons with Disabilities.	124
321 - Biological Samples.	131
322 - Child and Dependent Adult Safety.	133
323 - Service Animals.	136
324 - Volunteers and Student Interns.	139
325 - Community Relations.	146
328 - Visitors.	149
Chapter 4 - Intake, Orientation, and Supervision.	150
400 - Initial Assessment to Probation Services.	151
401 - Risk and Needs Assessments.	154
402 - Supervision of Probationers.	156
404 - Drug and Alcohol Testing.	162
405 - Modification of Conditions of Supervision.	165
406 - Violations.	167
407 - Subpoenas and Court Appearances.	170
408 - Interstate Transfer of Supervision.	173
409 - Interstate Transfer of Supervision of Juveniles.	175
411 - Prison Rape Elimination Act.	177
412 - Bias-Based Supervision.	181
414 - Client Reporting.	183
Chapter 5 - Field and Special Operations.	184
500 - Crime Scene Integrity and Investigation.	185
501 - Hazardous Material Response.	188
502 - Hostage and Barricade Incidents.	190
503 - Response to Bomb Threat Calls.	192
504 - Crisis Intervention Incidents.	197
505 - Civil Commitments.	202
506 - Immigration Violations.	207
507 - Field Training.	209
508 - Public Recording of Probation Activity.	213
509 - Medical Aid and Response.	215
510 - Suspicious Activity Reporting.	219
511 - Task Force.	221
512 - Transporting Persons in Custody.	223
Chapter 6 - Equipment.	226
600 - Department-Owned and Personal Property.	227
601 - Personal Communication Devices.	229
602 - Vehicle Use, Safety, and Maintenance.	233
603 - Traffic Accident Review Board.	239
604 - Body Armor.	241
605 - Vehicle Emergency Lights.	243
606 - Tactical Radios.	244

San Joaquin County Probation Department

Probation Manual

Chapter 7 - Support Services.	246
700 - Property.	247
701 - Records Maintenance, Confidentiality, and Release.	250
702 - Protected Information.	258
Chapter 8 - Personnel.	262
800 - Recruitment and Selection.	263
801 - Standards of Conduct.	268
802 - Performance Evaluations.	275
804 - Grievances.	279
805 - Anti-Retaliation.	281
806 - Reporting of Arrests, Convictions, and Court Orders.	285
807 - Drug- and Alcohol-Free Workplace.	287
808 - Sick Leave.	290
809 - Communicable and Airborne Diseases.	292
810 - Smoking and Tobacco Use.	297
812 - Seat Belts.	298
814 - Request for Change of Assignment.	300
815 - Fitness for Duty.	301
816 - Lactation Breaks.	304
817 - Payroll Records.	306
818 - Overtime Compensation.	307
819 - Work-Related Illness and Injury Reporting.	309
820 - Personal Appearance Standards.	312
821 - Uniforms and Business Attire.	315
822 - Conflict of Interest.	320
823 - Badges, Patches, and Identification.	322
824 - Temporary Modified-Duty Assignments.	324
826 - Speech, Expression, and Social Networking.	327
827 - Illness and Injury Prevention.	331
828 - Line-of-Duty Deaths.	337
829 - Leave of Absence.	342
Attachments.	344
2583 - Rest Periods.pdf.	345
1903 - County Employee Responsibility in a Civil Disaster.pdf.	346
1910 - Employee Preparedness Program.pdf.	347
2591 - Disaster Service Worker Program.pdf.	348
COVID-19 IIPP ADDENDUM.pdf.	349

Chapter 1 - Probation Role and Authority

Probation Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

This department does not tolerate abuse of authority.

100.3 OFFICER AUTHORITY

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

100.4 ARREST AND OTHER POWERS

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Probation Officer

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department, as a condition of employment, shall be nominated by the County Juvenile Justice Commission and appointed by the presiding judge (Government Code § 27770).

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the San Joaquin 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 department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The San Joaquin County Probation Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

SJCPD - The San Joaquin County Probation Department.

Department - The San Joaquin County Probation Department.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Policy Manual

Employee - Any person employed by the Department.

Manual - The San Joaquin County Probation Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

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

- Full- and part-time employees
- Volunteers and interns

Officer - Those sworn employees of the San Joaquin County Probation Department who engage in the supervision of probationers.

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

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

POST - The Commission on Peace Officer Standards and Training.

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

Shall or will - Indicates a mandatory action.

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

STC - Standards and Training for Corrections.

Supervisor - A person in a position of authority that may include directing the work of other members, the authority to adjust grievances, and responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other members. The supervisory exercise of authority may not be merely routine or clerical in nature, but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead, or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

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

103.5 ISSUING THE POLICY MANUAL

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Policy Manual

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

For additional information see: sjcvmwebapp2.sjgov.net/manuals/default.aspx

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

The Assistant Deputy Chief will ensure that members under the Assistant Deputy Chief's command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Assistant Deputy Chief, who will consider the recommendations and forward them to the Administrative Team staff as appropriate.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 POLICY

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

200.3 DIVISIONS

The Chief Probation Officer is responsible for administering and managing the San Joaquin County Probation Department. These are the divisions in the Department:

- Field and Court
- Administrative Services
- Detention Services

200.3.1 FIELD AND COURT DIVISION

The Field and Court Division is commanded by an assigned manager, whose primary responsibility is to provide general management, direction, and control for the Field and Court services. The Field and Court Division consists of members tasked with supervision of clients, probation assistants, the day reporting center, general management, direction and control for youth and adults, and specialized operations.

200.3.2 ADMINISTRATIVE DIVISION

The Administrative Services Division is commanded by an assigned manager, whose primary responsibility is to provide general management, direction, and control for Administrative Services. The Administrative Services Division consists of technical and administrative services.

200.3.3 INSTITUTIONS OPERATIONS

The Detention Services Division is commanded by an assigned manager, whose primary responsibility is to provide general management, direction, and control for Detention Services. The Detention Services Division consists of detention and commitment housing, and electronic monitoring.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief Probation Officer exercises command over all members of the San Joaquin County Probation Department. During planned absences, the Assistant Chief Probation Officer will serve

San Joaquin County Probation Department

Probation Manual

Probation Manual

Organizational Structure and Responsibility

as the acting Chief Probation Officer. Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is:

- (a) Administrative Services Deputy Chief Probation Officer
- (b) Field and Court Deputy Chief Probation Officer
- (c) Detention Services Deputy Chief Probation Officer

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

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

201.3 PROTOCOL

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

The Chief Probation Officer or the authorized designee shall ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 DEPUTY CHIEFS

Deputy Chiefs shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Assistant Chief Probation Officer.

201.4.2 ASSISTANT CHIEF PROBATION OFFICER

The Assistant Chief Probation Officer shall review proposed policy modifications, and will review with the Chief Probation Officer.

201.4.3 CHIEF PROBATION OFFICERS

Only the Chief Probation Officer or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

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

Emergency Plan

202.1 PURPOSE AND SCOPE

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

The purpose of the emergency plan is to ensure department members are able to identify and respond to actual and potential risks in a timely and safe manner. These risks can be, but are not limited to, Shelter-In-Place due to interior or exterior threats, active shooter, bomb threats, fire, electrical outage, or other natural disasters. With the establishment of a written plan for each department building.

202.2 POLICY

The San Joaquin County Probation Department will prepare for large-scale emergencies within and outside its jurisdiction through planning and mutual cooperation with other agencies.

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

202.2.1 SAN JOAQUIN COUNTY PROBATION DEPARTMENT CODE/ORDINANCES

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

The basic authority requiring the Department to establish an emergency plan and fire prevention plan is found in California Administrative Code (General Industry Safety Orders, Title 8 §3220 and § 3221)

The Department Emergency Plan also incorporates the objectives of the Employee Preparedness Program. (San Joaquin County Administrative Manual § 1910)

See attached: 1910 - Employee Preparedness Program

202.3 ACTIVATING THE EMERGENCY PLAN

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

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

202.3.1 RECALL OF PERSONNEL

In the event the Emergency Plan is activated, all employees of the San Joaquin County Probation Department are subject to immediate recall to service. Employees also may be subject to recall

San Joaquin County Probation Department

Probation Manual

Probation Manual

Emergency Plan

during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the highest-ranking on-duty supervisor.

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

See attached:

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202.4 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Plan are available in the Division Secretary's and Administrator's offices, and in each unit. All supervisors should familiarize themselves with the Emergency Plan and the roles members will play in the event of an emergency. The Chief Probation Officer should ensure that department members are familiar with the roles they will play in the event of an emergency.

202.5 EMERGENCY PLAN REVIEW

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

Supervisor Responsibilities:

To meet the responsibilities and requirements of the Emergency Plan, supervisors should:

- (a) Advise members of their responsibilities:
 1. Upon their initial hire or extra-departmental job change
 2. Whenever the member's responsibilities or designated actions change
 3. Whenever the plan changes

202.6 TRAINING

The Department should provide annual training on the Emergency Plan for all supervisors and other appropriate personnel. All personnel should review the Emergency Plan. Training should incorporate a full or partial exercise, tabletop exercise, or command discussion in order to ensure a safer work environment for all personnel.

202.7 PROCEDURE LINKS

EMERGENCY PLAN

Training

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

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

203.3 OBJECTIVES

The objectives of the training program are to:

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

203.4 PROFESSIONAL STANDARDS UNIT SUPERVISOR

The Professional Standards Unit Supervisor is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Professional Standards Unit Supervisor should review the training plan annually.

203.4.1 TRAINING RESTRICTION

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

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Training

203.5.1 GOVERNMENT-MANDATED TRAINING

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

- (a) State-mandated minimum training for officers requires completion of the following:
 - 1. Annual STC in-service training shall be selected by the Professional Standards Unit Supervisor based on agency or individual needs (15 CCR 184):
 - (a) 40 hours of academic in-service training (Supervisors and probation officers only).
 - (b) 24 hours of academic in-service training (Detention officers only).
 - 2. No less than the minimum number of hours as established by the STC Probation Officer Core and Juvenile Detention Officer Core Course Manual (Penal Code § 832):
 - (a) Agency specific training
 - (b) California justice system
 - (c) Current trends and practices
 - (d) Risk factors
 - (e) Juvenile detention decisions
 - (f) Information gathering
 - (g) Court reports and presentations
 - (h) Orientation, case planning, and supervision
 - (i) Supervision issues
 - (j) Priority setting
 - (k) Personal safety
 - (l) Use of force
 - (m) Restraints and searching
 - (n) Transportation
 - (o) Physical conditioning
 - (p) CPR
 - (q) First aid
 - (r) Peace officer Standards and Training (POST) required training (Penal Code § 832)
- (b) Any other mandated training (e.g., National Incident Management System) as determined by the San Joaquin County Probation Department.

203.6 IN-HOUSE INSTRUCTOR PROGRAM

All members are encouraged to participate in the In-House Instructor Program.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Training

The department uses members as trainers in various ongoing, as well as short-term project specific trainings.

Administration will determine the appropriate number of instructors that will be certified to teach each subject matter in the In-House Instructor Program.

Instructors shall attend required updates to maintain their certification.

203.6.1 SELECTION PROCESS

The selection of In-House Instructors will be at the discretion of the Chief Probation Officer or the authorized designee.

For the selection process of In-House Instructors, please see the Training procedure for further guidance.

203.7 SAFETY AND TRAINING COMMITTEE

The Administrative Services Deputy Chief Probation Officer may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Safety and Training Committee should comprise at least three members, with the senior-ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities related to post-incident evaluation and assessing related training needs. The Administrative Services Deputy Chief Probation Officer has the discretion to remove or replace members of the committee.

The Safety and Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Safety and Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Safety and Training Committee should convene on a regular basis, as determined by the Administrative Services Deputy Chief Probation Officer, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Administrative Services Deputy Chief Probation Officer. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Administrative Services Deputy Chief Probation Officer will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Administrative Services Deputy Chief Probation Officer shall be submitted to the appropriate administrator and supervisor for review.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Training

203.8 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity (requires documentation by healthcare provider).
- (b) All members unable to attend training as scheduled shall notify their supervisors as soon as practicable, but no later than one hour prior to the start of training, and shall:
 - 1. Document the absence in a memorandum to the supervisor.
 - 2. Arrange through the supervisor or Professional Standards Unit Supervisor to attend the required training on an alternate date.

203.9 DAILY TRAINING BULLETINS

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

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Professional Standards Unit Supervisor. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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

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

203.10 TRAINING RECORDS

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Training

203.11 PROCEDURE LINKS

TRAINING

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 POLICY

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

204.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

204.4 RESTRICTIONS ON USE OF EMAIL

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

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

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in the member's chain of command.

The Chief Probation Officer or designee may approve the use of the Department e-mail system by a bargaining unit representative consistent with County policy and the applicable MOU.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. Members who believe a password has become known to another person shall change the password immediately.

Members are to view their email daily during their scheduled shift and respond as warranted. Members who anticipate being out of the office for one day or more should initiate an out of office notification, advising of their return date and who to contact in their absence.

204.5 EMAIL RECORD MANAGEMENT

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Electronic Mail

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

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 POLICY

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

205.3 MEMORANDUMS

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

205.4 CORRESPONDENCE

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

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

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

205.4.1 CORRESPONDENCE WITH OTHER COUNTY AGENCIES

All correspondence with the Board of Supervisors and Administrator's Office requires approval of the Chief Probation Officer, or in their absence, the Assistant Chief Probation Officer.

All correspondence with County Counsel must be reviewed and approved with the appropriate Assistant Deputy Chief Probation Officer, who in turn will be responsible for advising the Deputy Chief Probation Officer, Assistant Chief Probation Officer, and the Chief Probation Officer via the chain of command.

205.5 SURVEYS

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Administrative Communications

205.6 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief Probation Officer or the authorized designee (see the General Orders Policy).

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

This policy establishes guidelines to ensure that proper supervision is available to meet the needs of the Department and members.

206.2 POLICY

The San Joaquin County Probation Department will ensure proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs.

206.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Assistant Deputy Chiefs for each unit. The supervision staffing levels should support proper supervision, compliance with any memorandum of understanding, and activity levels to meet the needs of members and the goals of the Department.

206.3.1 ACTING SUPERVISORS

To accommodate training and other unforeseen circumstances, another qualified member may be used as an acting supervisor in place of a regularly assigned supervisor. The selection will be in compliance with the applicable memorandum of understanding, including work above class provisions.

206.4 PROCEDURE LINKS

SUPERVISION STAFFING LEVELS

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of San Joaquin County Probation Department identification cards to qualified former or retired law enforcement officers under the Law Enforcement Officers Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

207.2 POLICY

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

207.3 LEOSA

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

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a peace officer for an aggregate 10 years or more or, if employed as a peace officer for fewer than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by the County.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department in which the officer acknowledges disqualification to receive a firearms qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA CARD FORMAT

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

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

207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies the individual as having been employed as a peace officer, and one of the following:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

1. An indication from the person's former probation agency that the person has, within the past year, been tested or otherwise found by the agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty peace officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by California law or entity on private property if such prohibition is permitted by California law.

207.4 CALIFORNIA IDENTIFICATION CARD

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

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

207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

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

207.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

207.5 FORMER OFFICER RESPONSIBILITIES

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

207.5.1 RESPONSIBILITIES UNDER LEOSA

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

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that the individual is not prohibited by law from receiving or possessing a firearm.

207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Not engage in conduct that compromises public safety.

207.6 DENIAL, SUSPENSION, OR REVOCATION

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

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first-class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. Failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or the retiree's employee organization, and one selected jointly (Penal Code § 26320).
 1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege" (Penal Code § 26325(b)).
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Probation Officer or the authorized designee as soon

San Joaquin County Probation Department

Probation Manual

Probation Manual

Retiree Concealed Firearms

as practicable. The Administrative Services Deputy Chief Probation Officer should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:

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

207.7 FIREARM QUALIFICATIONS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, members authorized to use force are expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

Imminent - A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, alone is insufficient as an imminent threat. An imminent threat is one that from appearances must be instantly confronted and addressed. (Penal Code § 835a).

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.2 POLICY

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

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

The San Joaquin County Probation Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force in the performance of their duties requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 FAIR AND UNBIASED USE OF FORCE

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

300.2.2 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286(a)(4)) to prevent the use of unreasonable force.

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

300.2.3 FAILURE TO INTERCEDE

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

300.2.4 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.3 USE OF FORCE

Officers authorized by the Chief Probation Officer to use force in arresting a probationer or preventing a probationer from escaping custody shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

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. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

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

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

- (p) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the individual or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

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

When force is used to seize evidence, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Joaquin County Probation Department for this specific purpose.

300.3.6 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE

Officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband (see the Medical Aid and Response Policy).

300.3.7 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.9 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or preexisting medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

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

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

- (a) Officers may use deadly force to protect themselves or others from what they reasonably believe is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

300.4.2 DISPLAYING OF FIREARMS

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

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

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

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER device or control device.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6 MEDICAL CONSIDERATIONS

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

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

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

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

Individuals 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. Contacts involving these persons should be considered medical emergencies. Officers who observe such behavior shall request medical assistance as soon as practicable and have medical personnel stage nearby as needed (see the Medical Aid and Response Policy).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

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 ASSISTANT DEPUTY CHIEF RESPONSIBILITY

The Assistant Deputy Chief shall review each use of force by Department personnel to ensure compliance with this policy. The Assistant Deputy Chief is expected to:

- (a) Determine if there is any indication that the individual may pursue civil litigation. If there is an indication of potential civil litigation, the Assistant Deputy Chief should complete and route a notification of a potential claim through the appropriate channels.
- (b) Evaluate the circumstances surrounding the incident and consult with the Deputy Chief to initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.8 USE OF FORCE COMPLAINTS

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

300.9 TRAINING

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

Subject to available resources, the Professional Standards Unit Supervisor should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

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

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

300.10 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by officers.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force

300.14 PROCEDURE LINKS

USE OF FORCE REPORTING

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the San Joaquin County Probation Department to review the use of force by its members.

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 the evaluation of the use of force.

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member'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 member will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer or the authorized designee may exercise discretion and choose not to place a member in an administrative assignment.

301.4 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 person.

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

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

The Chief Probation Officer or the authorized designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Assistant Deputy Chief or supervisor of the involved member to notify the Chief Probation Officer of any incidents requiring board review. The involved member's Assistant Deputy Chief or supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Chief Probation Officer or the authorized designee should staff the Use of Force Review Board with five individuals from the following, as appropriate:

- Representatives of each Division
- Staff representative from the involved member's chain of command
- Professional Standards Unit Supervisor

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force Review Boards

- Non-administrative supervisor
- A peer officer/department member
- A probation officer from an outside agency, as appropriate
- Department instructor for the type of weapon, device, or technique used

The senior-ranking staff representative who is not in the same Division as the involved member will serve as chairperson.

301.4.2 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 member to appear. The involved member 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 or the authorized designee 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 involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

The review shall be based on those facts that are 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 involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with San Joaquin County Probation Department disciplinary procedures, the Personnel Complaints Policy, the current memorandum of understanding, and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be

San Joaquin County Probation Department

Probation Manual

Probation Manual

Use of Force Review Boards

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 member's actions were within policy and procedure, and determine whether any additional actions, investigations, or reviews are appropriate. Those findings will be forwarded to the involved member's Assistant Deputy Chief for review and appropriate action. If the Chief Probation Officer concludes that discipline should be considered, a disciplinary process will be initiated.

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

301.5 PROCEDURE LINKS

USE OF FORCE REVIEW BOARD PROCEDURES

Officer-Involved Shootings and Deaths

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 TYPES OF INVESTIGATIONS

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

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

302.3.1 CRIMINAL INVESTIGATIONS

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

302.3.2 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the San Joaquin County Probation Department should conduct an administrative and civil investigation of each incident.

302.4 INVESTIGATION PROCESS

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

302.4.1 OFFICER RESPONSIBILITIES

The officer should, as appropriate:

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

302.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the San Joaquin County Probation Department supervisor should ensure completion of the duties outlined above, and:

- (a) If a law enforcement investigator has not arrived, attempt to obtain a public safety statement from any uninvolved officers.
 1. If there are no uninvolved officers who can provide a public safety statement, the supervisor should attempt to obtain the statement from one involved officer.
- (b) Each involved San Joaquin County Probation Department officer should be given an order not to discuss the incident with other involved officers or San Joaquin County Probation Department members pending further direction from a supervisor.
- (c) As soon as practicable, in coordination with the supervisor of the law enforcement investigator in charge of the criminal investigation, request that involved officers are transported (separately, if feasible) to a suitable location for further instruction.
 1. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure the officer is provided with appropriate security, which may include issuing a temporary replacement weapon to the officer.

302.4.3 NOTIFICATIONS

The supervisor is responsible for initiating notification through the Chain of Command to the following persons as soon as practicable:

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

302.4.4 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or authorized designee shall be present throughout the critical incident response.

The Chief Probation Officer or authorized designee may assign one or more managers or supervisors to assist them throughout the critical incident response with recordkeeping, communications, and investigation of the incident.

302.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

- (a) Any request for legal representation will be accommodated.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Involved San Joaquin County Probation Department officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report. Group discussions will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist should be provided by the Department to each involved San Joaquin County Probation Department officer. A licensed psychotherapist may also be provided to any other affected San Joaquin County Probation Department members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

302.5 CRIMINAL INVESTIGATION

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

Criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) San Joaquin County Probation Department supervisors or investigators should not participate directly in any voluntary interview of San Joaquin County Probation Department officers. This will not prohibit such personnel from monitoring interviews.
- (b) Any voluntary statement provided by an involved officer will be made available for any related investigation. However, no compelled statement will be provided to any criminal investigators without the consent of the officer.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

302.5.1 REPORTS BY INVOLVED SAN JOAQUIN COUNTY PROBATION DEPARTMENT OFFICERS

If suspect(s) in an officer-involved shooting remain outstanding or subject to prosecution for related offenses, the 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.

Any written reports about the incident should be limited to the report completed by the criminal investigators. If the department orders an involved officer to write a report, the officer is entitled to consult with legal counsel before completing any such criminal report.

302.6 ADMINISTRATIVE INVESTIGATIONS

In addition to all other investigations associated with the incident, the department will conduct an internal administrative investigation of involved officers to determine compliance with department policy. This investigation will be conducted under the supervision of the Chief Probation Officer or the authorized designee and will be considered a peace officer personnel file that will be kept confidential to the extent allowed by law.

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

- (a) Any involved officer may be requested or compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer provides a voluntary statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of the involved officer.
 1. If further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed (Government Code § 3303(i)).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. The officer should be given *Lybarger* admonition and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used against the officer in a criminal proceeding.
5. The assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

302.7 AUDIO AND VIDEO RECORDINGS

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

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

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

302.8 DEBRIEFING

The San Joaquin County Probation Department shall conduct both a critical incident stress debriefing and a tactical debriefing.

302.8.1 CRITICAL INCIDENT STRESS DEBRIEFING

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

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

Attendance at the debriefing should only include those members of the Department directly involved in the incident. Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed

San Joaquin County Probation Department

Probation Manual

Probation Manual

Officer-Involved Shootings and Deaths

to all other members of the Department, including supervisory personnel and personnel assigned to conduct administrative investigations of this incident.

302.8.2 TACTICAL DEBRIEFING

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

302.9 MEDIA RELATIONS

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

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

302.10 REPORTING

If the death, or shooting, of an individual occurs in any incident involving an officer of the San Joaquin County Probation Department and qualifies to be reported to the state, the Chief Probation Officer will ensure the Assistant Chief Probation Officer is provided with enough information to meet the reporting requirements (Government Code § 12525.2; Government Code § 12525).

302.11 PROCEDURE LINKS

OFFICER-INVOLVED SHOOTING AND DEATHS PROCEDURES

Firearms

303.1 PURPOSE AND SCOPE

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

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

This policy only applies to those officers who are authorized by law and the Chief Probation Officer to carry firearms.

303.2 POLICY

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

303.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Officers may carry firearms consistent with the written authorization of the Chief Probation Officer identifying when a firearm may be carried and any limitations.

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

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

303.3.1 FIREARMS

The authorized department-issued firearm is the Glock Model G45 9mm. The following additional firearms are approved for on-duty use by authorized officers:

- Glock 17 Gen 3 9 mm

303.3.2 AUTHORIZED SECONDARY FIREARM

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm and ammunition shall be the responsibility of the officer unless the firearm and ammunition are provided by the Department.
- (d) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (e) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief Probation Officer or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (h) Officers shall provide written notice of the make, model, color, serial number, and caliber of a secondary firearm to the Rangemaster, who will maintain a list of the information.

303.3.3 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 firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

303.4 EQUIPMENT

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

303.4.1 REPAIRS OR MODIFICATIONS

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

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

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

303.4.2 HOLSTERS

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

303.4.3 TACTICAL LIGHTS

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

303.5 SAFE HANDLING, INSPECTION, AND STORAGE

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

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range, posted on site, and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Officers shall not clean, repair, load, or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Officers may store any firearm or other weapon on department premises in the department designated gun lockers. No one shall carry firearms into a custodial facility when securing or processing an arrestee, but shall instead place all firearms in a secured location.
- (e) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

303.5.1 INSPECTION AND STORAGE

Firearms shall be inspected regularly and upon access or possession by another person. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in gun lockers at the beginning of the shift and removed at the end of shift. Department-owned firearms and authorized secondary firearms shall be stored in gun lockers. Firearms may remain loaded if they are secured in an appropriate holster.

303.5.2 STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Officers should be

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

303.5.3 STORAGE IN VEHICLES

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

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

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

303.5.4 ALCOHOL AND DRUGS

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

303.6 FIREARMS TRAINING AND QUALIFICATIONS

All officers who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. All officers will qualify at least quarterly with their duty firearms. Officers will also qualify with secondary firearms at least quarterly. Training and qualifications must be on an approved range course (Penal Code § 830.5).

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

303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- (b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for:
 1. Unauthorized range make-up.
 2. Failure to meet minimum standards or qualify after remedial training.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

Officers who repeatedly fail to meet minimum standards firearms training or qualification will have their authorization to carry revoked and may be subject to disciplinary action.

303.7 FIREARMS DISCHARGE

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

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

- (a) If on-duty at the time of the incident, the officer shall file a written report with the Assistant Deputy Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the officer shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

303.7.1 DESTRUCTION OF ANIMALS

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

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

303.7.2 WARNING AND OTHER SHOTS

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

303.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All officers attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all officers attending the range and will submit the roster to the Professional Standards Unit Supervisor after each range date. Failure of any officer to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

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

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

The Rangemaster shall complete and submit to the Professional Standards Unit Supervisor documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the Department, a list of each officer who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Administrative Services Deputy Chief Probation Officer.

For further guidance see the Training Policy.

303.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their San Joaquin County Probation Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature, and the signature of the Chief Probation Officer or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The San Joaquin County Probation Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Joaquin County Probation Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief Probation Officer authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed,

San Joaquin County Probation Department

Probation Manual

Probation Manual

Firearms

detail the itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of the officer's assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on the officer's person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative, or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

303.10 PROCEDURE LINKS **FIREARMS PROCEDURES**

Handcuffing and Restraints

304.1 PURPOSE AND SCOPE

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

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

304.2 POLICY

The San Joaquin 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.

304.3 USE OF RESTRAINTS

Only members who have successfully completed San Joaquin County Probation Department-approved training and Arrest, Search, and Seizure training on the use of restraint devices described in this policy are authorized to use these devices (Penal Code § 832).

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

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

304.3.1 RESTRAINT OF DETAINEES

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

304.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the client, officers, or others.

304.3.3 RESTRAINT OF JUVENILES

A youth younger than 14 years of age should not be restrained unless the youth is suspected of a dangerous felony or when the officer reasonably suspects that the youth may resist, attempt escape, self-injure, injure the officer, or damage property.

304.3.4 NOTIFICATIONS

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

304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

304.5 APPLICATION OF SPIT HOODS

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

304.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from the person's own actions (e.g., hitting head against the interior of the agency vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at the windows of the vehicle).

304.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be laid face-down for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraints. The officer should ensure that the person does not roll onto and remain prone in a face-down position.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

304.8 REQUIRED DOCUMENTATION

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

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

- (a) How handcuffs were applied (e.g., double locked and gapped).
- (b) The amount of time the person was restrained.
- (c) How the person was transported and the position of the person during transport.
- (d) Observations of the person's behavior and any signs of physiological problems.
- (e) Any known or suspected drug use or other medical problems.

304.9 TRAINING

Subject to available resources, the Professional Standards Unit Supervisor should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

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

Control Devices

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

305.4 RESPONSIBILITIES

305.4.1 FIELD TRAINING OFFICER RESPONSIBILITIES

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

Every control device will be periodically inspected by the Field Training Officer or the designated instructor for a particular control device. The inspection shall be documented.

305.4.2 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated, or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Field Training Officer for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Control Devices

305.5 OLEORESIN CAPSICUM GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray may be considered for use to bring under control an individual engaging in, or about to engage in, violent behavior. OC spray should not be used against individuals who do not reasonably appear to present a risk to the safety of department members or the public.

305.5.1 TREATMENT FOR EXPOSURE

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

305.6 POST-APPLICATION NOTICE

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

305.7 TRAINING FOR CONTROL DEVICES

The Professional Standards Unit Supervisor or the authorized designee shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

305.8 REPORTING USE OF CONTROL DEVICES

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

Conducted Energy Devices

306.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER device.

306.2 POLICY

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

306.3 ISSUANCE AND CARRYING TASER DEVICES

(Penal Code § 13660) Only members who have been authorized by the Chief Probation Officer and who have successfully completed department-approved training may be issued and may carry the TASER device.

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

Officers shall only use the TASER device and cartridges that have been issued by the Department. Officers who have been issued the TASER device shall carry the device in an approved manner.

Members carrying the TASER device should perform a functionality test prior to every shift.

Officers who carry both a duty weapon and TASER device shall carry the TASER device in a reactive-side holster on the side opposite the duty weapon. (Penal Code § 13660)

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from a duty weapon and any other device.
- (b) Officers shall carry two cartridges, loaded in the device when carrying the TASER.
- (c) Officers shall be responsible for ensuring that the issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the TASER device at the same time unless transitioning between weapons.

306.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device)

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conducted Energy Devices

or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should not be intentionally directed into anyone's eyes.

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

306.5 USE OF THE TASER DEVICE

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

306.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

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

Mere flight, without other known circumstances or factors, is not good cause for using the TASER device.

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

306.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should be avoided unless the totality of the circumstances indicates that other options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conducted Energy Devices

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

306.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest, and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

306.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one TASER device at a time against a single individual.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the TASER device, including:

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

306.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, officers shall notify a supervisor any time the TASER device has been discharged. Confetti tags should be collected and the expended cartridge/s, along with both probes and wire, should be submitted into evidence. The cartridge/s serial number/s should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. Photographs of the probe site should be taken if practical.

306.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or likely would be ineffective.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conducted Energy Devices

306.5.7 OFF-DUTY CONSIDERATIONS

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

When not at or in transit to or from work or practice, Tasers may be stored in a department gun locker or should be secured in a locked container secured in a safe location within the officer's dwelling.

306.6 DOCUMENTATION

Officers shall document all TASER device discharges in the appropriate report and the TASER device report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

306.6.1 TASER DEVICE REPORT FORM

Items that shall be included in the TASER device report form are:

- (a) The type and brand of TASER device and cartridge/s and cartridge/s serial number.
- (b) Date, time, and location of the incident.
- (c) Whether any display, laser, or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject/s suffered any injuries.
- (l) Whether any officers suffered any injuries.

The Professional Standards Unit Supervisor should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Professional Standards Unit Supervisor should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

306.6.2 REPORTS

The officers should include the following in their report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conducted Energy Devices

- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

306.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

306.8 ADMINISTRATIVE RESPONSIBILITIES

The Administrative Deputy Chief or authorized designee should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a Taser Instructor and saved with the related report.

306.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conducted Energy Devices

carried the TASER device as a part of their assignments for a period of six months or more shall be recertified by a qualified TASER device instructor prior to again carrying or using the device.

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

The Chief Probation Officer, supervisors, and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Professional Standards Unit Supervisor is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Professional Standards Unit Supervisor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration after applying the TASER device.

Search and Seizure

307.1 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 San Joaquin County Probation Department personnel to consider when dealing with search and seizure issues.

307.2 POLICY

It is the policy of the San Joaquin County Probation Department to respect the fundamental privacy rights of individuals. Officers of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

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

307.3 SEARCHES GENERALLY

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

Examples of probation supervision activities that are exceptions to the general warrant requirement include but are not limited to searches pursuant to:

- Authorization under the terms or conditions of a person's release or supervision.
- Valid consent.
- Incident to a lawful arrest.
- Vehicle searches under certain circumstances.
- Exigent circumstances.

Each officer of this Department is expected to act in each situation according to current training and the officer's familiarity with clearly established rights as determined by case law.

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

307.4 SEARCH PROTOCOL

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

- (a) Officers of this department will strive to conduct searches professionally 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.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Search and Seizure

- (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) An attempt shall be made to obtain keys, combinations, or access codes when a search of locked property is anticipated, unless there are exigent circumstances.
- (e) For safety purposes, the officer shall gather all occupants of the residence into a centralized location prior to the search by conducting a protective sweep to ensure no other occupants are within the dwelling.
- (f) Forcible entry is prohibited unless there are life-threatening circumstances. Should forcible entry be necessary, officers shall advise law enforcement prior to making entry. "Knock and notice" is required. After knocking, give notice of authority and purpose, and allow reasonable opportunity for response before entering the property.
- (g) A cover officer should be positioned to ensure safety and should not be involved in the search.

307.4.1 SEARCH OF A PERSON

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, these guidelines should be followed:

- (a) Another officer or a supervisor should witness the search.

307.5 DOCUMENTATION

Officers are responsible for documenting any search in the appropriate Probation Case Management System and ensuring that any required reports are sufficient, including, at a minimum, documentation of:

- 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. See Property Policy for additional guidance
- 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 and case management notes to ensure the reports/notes are accurate, that actions are properly documented, and that current legal requirements and department policy have been met.

Canines

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the officer to function primarily in assist or cover assignments. They may be assigned to other functions, such as routine field operations, based on the current operational needs.

Canine teams generally should not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Assistant Deputy Chief.

308.4 CANINE COORDINATOR

The canine coordinator shall be directly responsible to the Assistant Deputy Chief or the authorized designee.

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

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

308.5 REQUESTS FOR CANINE TEAMS

Members are encouraged to request the use of a canine. Requests for a canine team from department units shall be reviewed by the Canine Handler and approved by the Canine Coordinator.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

308.5.1 AGENCY REQUEST

All requests for canine assistance from agencies must be approved by the Canine Handler, Canine Coordinator, and the Assistant Deputy Chief and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment the handler deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

308.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols.

308.6 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an individual, a supervisor shall be promptly notified and the injuries documented in a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

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

308.7 CONTROLLED SUBSTANCE DETECTION

A canine trained in controlled substance detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for controlled substance during a search warrant service.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

- (c) Obtaining a search warrant by using the controlled substance-detection trained canine in support of probable cause.

A controlled substance-detection trained canine will not be used to search a person for controlled substances unless the canine is trained to passively indicate the presence of controlled substances.

308.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation with 5 years of field experience.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot-high fence with locking gates).
- (c) Having a garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the County limits.
- (e) Agreeing to be assigned to the position for a minimum of at least three years.

308.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under the handler's control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the San Joaquin County Probation Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes and their canine vehicles, to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the San Joaquin County Probation Department at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Assistant Deputy Chief.
- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Assistant Deputy Chief.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made. If the Canine Handler is unable to perform duties, the Canine Coordinator will temporarily reassign responsibility for care of the canine.

308.9.1 CANINE IN PUBLIC AREAS

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

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains habitable for the canine.

308.10 HANDLER COMPENSATION

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

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding with the San Joaquin County Probation Department (29 USC § 207).

308.11 CANINE INJURY AND MEDICAL CARE

If a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Assistant Deputy Chief as soon as practicable and appropriately documented.

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

308.12 RETIREMENT OF CANINE

- (a) The determination of a canine's suitability for retirement shall be made by the Canine Coordinator and administration, in conjunction with the Canine Handler, a canine trainer, and a veterinarian. Some factors to be considered are:
 - 1. The present performance and level of the canine.
 - 2. The length of time which the canine can be expected to remain serviceable.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

3. The canine's health.
 - (b) If the determination has been made to retire a canine from service, the Canine Handler then assigned to the canine will be given the opportunity to assume ownership and liability of the canine.
 - (c) If the assigned Canine Handler does not desire to assume ownership of the canine, and the canine had a previous Canine Handler, that handler should be given the opportunity to assume ownership.
 - (d) Ownership of the canine may be transferred to another party if the above-mentioned alternatives are not available. It is preferable the considered party have canine handling experience.
 - (e) The transfer of ownership of the canine does not include any equipment other than the installed kennel at the handler's residence, unless approved by the Chief Probation Officer or designee.
 - (f) Upon assuming ownership of the canine, the new owner will sign the San Joaquin County Transfer of Ownership Form: Agreement to Relinquish Departmental Canine.
 - (g) The Canine Handler or new owner will present, with the release form, a personal check payable to San Joaquin County in the amount of one dollar (\$1.00).
 - (h) The canine will become the sole responsibility of the purchasing party, and that party will thereafter assume all liability for the actions of the canine.
 - (i) The County and Probation Department will have no responsibility for the care and maintenance of the canine once ownership has been transferred from the County.
 - (j) The County will provide for the burial of all active-duty probation canines. Canines will be interred.

308.13 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current minimum POST guidelines. Cross-trained canine teams or those canine teams trained exclusively for the detection of controlled substances and/or weapons also shall also be trained and certified to meet current POST guidelines, nationally recognized standards, or other recognized and approved certification standards established for their particular skills.

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

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator and the Assistant Deputy Chief.

308.13.1 CONTINUED TRAINING

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

- (a) Canine teams should receive 16 hours of training monthly as defined by POST guidelines in addition to training identified in the current contract with the San Joaquin County Probation Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor may train to a standard not reviewed and approved by the department.

308.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

308.13.3 TRAINING RECORDS

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

308.13.4 TRAINING AIDS

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

308.13.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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

308.13.6 CONTROLLED SUBSTANCE PROCEDURES

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Canines

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times except during training. The locked cases shall be secured in the trunk of the canine handler's assigned vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Office or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

308.13.7 DEPARTMENT CONTROLLED SUBSTANCE STORAGE PROCEDURES

- (a) Controlled substances will be stored in a locked, secure container at all times when not in use.
- (b) Only the Canine Handler and Canine Coordinator or Assistant Deputy Chief will have access to the locked container.
- (c) Upon initially receiving court-ordered controlled substances, the Canine Handler and Canine Coordinator will document the quantities/weight of each controlled substance.
- (d) In the event training-controlled substances are spilled or lost, the Canine Handler will attempt to have the situation witnessed by another individual.
- (e) The Canine Handler will attempt to photograph any evidence resulting from training-controlled substances being spilled or lost.
- (f) The Canine Handler will submit a written report to the Canine Coordinator documenting the loss or spillage of training-controlled substances.
- (g) Training controlled substances will be returned to the appropriate agency for destruction when they are no longer needed.

Mandatory Reporting

309.1 PURPOSE AND SCOPE

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

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

309.2 POLICY

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

309.3 CHILD ABUSE

309.3.1 NOTIFICATION

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

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

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

- (a) A report of general neglect by a person who has the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision, and where there is no physical injury to the child.
- (b) A report of a positive toxicology screen at the time of the delivery of an infant, unless there is an indication of maternal substance abuse.

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code § 11166.1; Penal Code § 11166.2).

For purposes of notification, abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code

San Joaquin County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

§ 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer.

309.3.2 NOTIFICATION PROCEDURE

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

- (a) When the member is making an initial notification:
 1. Notification shall be made immediately, or as soon as practicable, by telephone.
 2. A report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident. See California Department of Justice Child Abuse Report for Mandated Child Abuse Reporter: Suspected Child Abuse Report
- (b) When the San Joaquin County Probation Department is making notification:
 1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
 2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
 3. For cases involving the commercial sexual exploitation of a youth who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over the case.
 4. For cases involving a youth who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children.
 5. The member will submit the completed report to supervisor for review. The supervisor will forward the report to the Office Secretary of the respective division for content management purposes.

309.3.3 EMERGENCY REMOVAL

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

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the youth's health or safety.
- (d) Is left unattended, posing an immediate threat to the youth's health or safety.
 1. Officers shall attempt to contact the parent or guardian to take custody of the unattended youth.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

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

309.4 ELDER AND ADULT DEPENDENT ABUSE

309.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the San Joaquin County Human Services Agency when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

For purposes of notification, a dependent adult is an individual between 18 and 64 years of age who has physical or mental limitations that restrict the ability to carry out normal activities or to protect the individual's rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23). An elder adult is an individual residing in this state who is age 65 or older (Welfare and Institutions Code § 15610.27).

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

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

309.4.2 NOTIFICATION PROCEDURE

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

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission. See Suspected Dependent/Elder Abuse Report Form.
- (b) A written report shall be forwarded within two working days.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Mandatory Reporting

309.5 DOCUMENTATION

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

309.6 CONFIDENTIALITY OF REPORTS

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

Discriminatory Harassment

310.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law (Government Code § 12940(k); 2 CCR 11023). This policy is in conjunction with San Joaquin County Civil Service Rule 20.

310.2 POLICY

The San Joaquin County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

310.3 DEFINITIONS

Definitions related to this policy include:

310.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, creed, color, ancestry, ethnicity, national origin, medical condition, physical or mental disability, political affiliation or belief, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law and San Joaquin County Civil Service Rule 20.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Discriminatory Harassment

310.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

310.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

310.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

310.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set

San Joaquin County Probation Department

Probation Manual

Probation Manual

Discriminatory Harassment

forth in this policy. At any time, members may report such violations directly to the Department EEO Coordinator.

Supervisors and managers receiving information regarding alleged violations of this policy shall immediately notify the Department EEO Coordinator and inform the employee of the County EEO process and refer them to the Department EEO Coordinator.

310.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Department EEO Coordinator, County EEO Division, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

310.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notifying the Department EEO Coordinator in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

310.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

310.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and follow the San Joaquin County Rule 20 process.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Discriminatory Harassment

310.5.1 SUPERVISOR RESOLUTION

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

310.5.2 INFORMAL COMPLAINT PROCESS

The intent of the informal complaint process is to provide for early intervention and resolution of discrimination complaints in an informal manner or through a mediation process at the departmental level.

Prior to the filing of a formal complaint, an employee alleging discrimination in violation of San Joaquin County Civil Service Rule 20 shall report the discrimination to the Department EEO Coordinator. Complaints must be reported within 60 days of the date the alleged discrimination occurred. A job applicant alleging discrimination under San Joaquin County Civil Service Rule 20 shall report the discrimination to the County Equal Employment Opportunity Office within 60 days of the date the alleged discrimination occurred.

See Civil Service Rule 20 for additional guidance.

310.5.3 FORMAL COMPLAINT PROCESS

If the complaint cannot be satisfactorily resolved through the San Joaquin County Civil Service Rule 20 informal complaint process, a formal complaint may be filed in accordance with San Joaquin County Civil Service Rule 20.

Should an investigation be initiated by the San Joaquin County Equal Employment Opportunity Office, all results of the investigation will be provided to the Chief Probation Officer

310.5.4 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

310.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief Probation Officer. The outcome of all reports shall be:

- (a) Approved by the Chief Probation Officer, and/or the San Joaquin County Equal Employment Opportunity Office depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Discriminatory Harassment

310.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation.

310.7 WORKING CONDITIONS

The Chief Probation Officer or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

310.8 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The members shall certify by signing the appropriate forms that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive biannual training on the requirements of this policy and shall certify by signing appropriate forms that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

310.8.1 STATE-REQUIRED TRAINING

The Professional Standards Unit Supervisor should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

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

310.8.2 TRAINING RECORDS

The Professional Standards Unit shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of five years (2 CCR 11024).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Discriminatory Harassment

310.8.3 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment, and transgender rights in a prominent and accessible location for members (Government Code § 12950).

For further guidance see San Joaquin County Civil Service Rule 20.

Victim and Witness Assistance

311.1 PURPOSE AND SCOPE

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

311.2 POLICY

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

311.3 RESPONSIBILITIES

Officer responsibilities include the following:

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

311.4 VICTIM SAFETY

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct the person to the proper written department material or available victim resources.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Victim and Witness Assistance

311.5 VICTIM INFORMATION

Written victim information materials should include the following:

- (a) Victims' rights provided in Penal Code § 1191.1 and Penal Code § 1191.2, including:
 1. Their right to attend all sentencing or disposition proceedings.
 2. Adequate notice of all sentencing or disposition proceedings.
 3. Information concerning the victim's right to civil recovery against the offender.
 4. The requirement that the court order restitution for the victim.
 5. The victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment.
 6. The victim's responsibility to furnish the probation department, district attorney, and court with information relevant to any losses.
 7. The victim's opportunity to be compensated from the Restitution Fund if eligible. This information shall be in the form of written material prepared by the Judicial Council in consultation with the California Victim Compensation Board, shall include the relevant sections of the Penal Code, and shall be provided to each victim for whom the probation officer has a current mailing address.

311.6 WITNESSES

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

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

311.7 DUTY TO WARN

Employees must take appropriate measures to protect identifiable potential victims from harm, injury, or suffering due to the actions of a client. Caution must be used to assure, as much as possible, protection of the client's constitutional rights.

311.8 PROCEDURE LINKS

DUTY TO WARN

Information Technology Use

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software, and systems.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the San Joaquin County Probation Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

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

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

312.2 POLICY

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

All information technology resources furnished by the County and all computer information created using County information technology resources are the property of the County and are to be used only for County business.

312.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any Department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a

San Joaquin County Probation Department

Probation Manual

Probation Manual

Information Technology Use

database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct or employee violation of applicable laws and regulations, provided that the social media is used solely for purposes of that investigation or a related proceeding. (Labor Code § 980).

312.4 RESTRICTED USE

Members shall not access computers, devices, software, or systems without prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisor.

Members shall not use another person's access passwords, login information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

Members will be provided with the appropriate level of access to perform their job-related duties.

312.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any computer. Members shall not install personal copies of any software on any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief Probation Officer or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

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

312.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall be accessed only by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or

San Joaquin County Probation Department

Probation Manual

Probation Manual

Information Technology Use

department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

312.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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

312.4.4 OFF-DUTY USE

Members shall use only technology resources provided by the Department while on-duty unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

312.5 PROTECTION OF SYSTEMS AND FILES

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

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, login information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

312.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Information Technology Use

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

312.7 PROCEDURE LINKS **INFORMATION TECHNOLOGY USE**

Department Use of Social Media

313.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a compliance monitoring (see the Compliance Monitoring Policy).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

313.2 POLICY

The San Joaquin County Probation Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all people.

313.3 AUTHORIZED USERS

Only members authorized by the Chief Probation Officer or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief Probation Officer may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the Social Media Committee.

313.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Department Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, seismic events, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

313.4.1 INCIDENT-SPECIFIC USE

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

313.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the San Joaquin County Probation Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, probationers, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that the member believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

313.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Department Use of Social Media

313.6 MONITORING CONTENT

The Chief Probation Officer will appoint the chair of the Social Media Committee to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

313.7 RETENTION OF RECORDS

The Executive Secretary or authorized designee should establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

313.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on department sites.

Report Preparation

314.1 PURPOSE AND SCOPE

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

314.2 POLICY

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

314.3 EXPEDITIOUS REPORTING

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

314.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. Members are responsible for completing and submitting all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action where the client remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard, or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

314.4.1 HANDWRITTEN OR TYPED REPORTS

County, state, and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for department consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Report Preparation

314.4.2 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

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

314.5 ADULT REQUIRED REPORTING

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

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

314.5.1 REPORTS TO THE COURT

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

- (a) A pretrial diversion report, if requested by the court, as to the suitability of a person for pretrial diversion (Penal Code § 1000.1(5)(b)).
- (b) A diversion report, if requested by the court, as to the suitability of a developmentally disabled person for diversion (Penal Code § 1001.22).
- (c) A presentence report for adult probationers upon referral of a felony conviction from the court (Penal Code § 1203).
 - 1. The report should include a recommendation of whether the probationer should be granted probation and recommended conditions of probation, if granted (Penal Code § 1203).
 - 2. The report should be consistent with the requirements of Penal Code 1203(a) and Court Rule 4.411.5 (Penal Code §1203).
- (d) A conduct and worktime credit estimate to be filed with the court at the time of sentencing (Penal Code § 1191.3).
 - 1. The estimate shall also be provided to the victim.
- (e) A domestic violence report if a probationer has been granted probation for a violation of the domestic violence code (Penal Code § 1203.097(b)).
 - 1. The report should include recommendations of an appropriate batterer's program for the probationer.

314.5.2 CRIMINAL ACTIVITY AND VIOLATION CONDUCT

When a member becomes aware of any activity where a crime or violation of probation or supervised release has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in an incident or arrest report includes:

- (a) All arrests.
- (b) All felony crimes.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Report Preparation

- (c) Non-felony criminal incidents involving threats or stalking behavior.
- (d) Situations covered by the Use of Force Policy.
- (e) All misdemeanor crimes where the victim desires a report.
- (f) All violations of probation or supervised release.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method.

314.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Non-criminal activity to be documented includes:

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

314.5.4 MISCELLANEOUS INJURIES

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

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

314.6 JUVENILE REPORTING

Officers may be required to complete reports relating to juvenile probationers in any of the following scenarios. Officers should complete reports consistent with the appropriate department forms and

San Joaquin County Probation Department

Probation Manual

Probation Manual

Report Preparation

reporting methods, unless otherwise approved by a supervisor. The reports referenced herein are not intended to be all-inclusive.

314.6.1 SOCIAL HISTORY REPORT

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

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

314.6.2 FAMILY FINDER

When a youth is detained and it is believed they are at risk of being removed from their home, within 30 days, an investigation shall be conducted in order to locate all adult relatives, including adult relatives suggested by the parents or suggestions from the youth about relatives. The probation officer shall contact all adult relatives who are located, except when that relative's history of family or domestic violence makes notification inappropriate, within 30 days of the date on which the youth is detained. The adult relatives should be told the following (Welfare and Institutions Code § 628).

- (a) The youth has been removed from the custody of their parents or guardians.
- (b) An explanation of the various options to participate in the care and placement of the youth and support for the youth's family, including any options that may be lost by failing to respond. The notice shall provide information about providing care for the youth, how to become a foster family home, approved relative or non-relative extended family member, or resource family home, and additional services and support that are available in out-of-home placements. The notice shall also include other information as mandated by federal, state, and local regulations and ordinances. (Welfare and Institutions Code § 628).
- (c) All possible adult relatives discovered through the Family Find process shall be included in the social history report.
- (d) The Juvenile Investigations officer shall consider all potential relatives found through the Family Find process as possible placement alternatives before making an out-of-home placement recommendation.

314.6.3 ADDITIONAL REPORTS

Officers should also:

- (a) Prepare and file periodic reports and special reports, as appropriate, with the Department of Youth and Community Restoration pursuant to the requirements of, and

San Joaquin County Probation Department

Probation Manual

Probation Manual

Report Preparation

on forms provided by, the Department of Youth and Community Restoration (Welfare and Institutions Code § 284).

- (b) Make periodic reports to the Attorney General pursuant to the requirements of the Attorney General (Welfare and Institutions Code § 285).
- (c) Prepare and file with the court written reports and recommendations as requested by the court with regard to custody, status, or welfare of a minor. Reports shall be prepared consistent with the requirements of Welfare and Institutions Code § 281.

314.7 ANY COUNTY PERSONNEL OR PROPERTY

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

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

See Department-Owned and Personal Property, Work-Related Illness and Injury Reporting, and Vehicle Use, Safety and Maintenance for additional guidance.

314.8 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

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

314.8.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and are submitted to Central Support Services for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports not yet submitted to Central Support Services may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

315.1 PURPOSE AND SCOPE

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

315.2 POLICY

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

315.3 RESPONSIBILITIES

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

315.4 PROVIDING ADVANCE INFORMATION

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

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

315.5 MEDIA REQUESTS

Any media request for information or access to department members shall be referred to the Public Information Officer, or if unavailable, to the Chief Probation Officer or the authorized designee. Prior to releasing any information to the media, members shall consider the following:

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Media Relations

prior approval of the Chief Probation Officer. Under these circumstances the member should direct the media to the agency handling the incident.

315.6 RELEASE OF INFORMATION

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

315.7 CONFIDENTIAL OR RESTRICTED INFORMATION

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

315.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may be released to the media upon the consent of the involved officer or upon a lawful request. The identified officer will be notified, prior to release of their identity.

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

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

Part-Time Officers

316.1 PURPOSE AND SCOPE

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

316.1.1 DEFINITIONS

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

316.2 POLICY

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

The Department shall not use the services of part-time officers in any manner that violates applicable labor and employment laws or memorandum of understanding. The use of part-time officers will comply with the applicable memorandum of understanding.

316.3 RECRUITMENT AND SELECTION

The San Joaquin County Probation Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time officers before appointment.

316.3.1 APPOINTMENT

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

316.4 IDENTIFICATION AND UNIFORMS

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

316.5 AUTHORITY

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Part-Time Officers

316.6 COMPENSATION

Compensation for part-time officers is provided as follows:

- (a) Part-time officers shall work the schedule assigned by the Chief Probation Officer or the authorized designee.
- (b) Part-time officers are issued uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time officers shall be returned to this Department upon separation.

316.7 PERSONNEL WORKING PART TIME

Qualified regular Department personnel, when authorized, may also serve as part-time officers, subject to state and federal regulations governing overtime. Administration should consult with the Human Resources Division prior to allowing regular department personnel to serve in a part-time officer capacity (29 CFR 553.30).

316.8 COMPLIANCE

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

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

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

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

316.9 CONCEALED FIREARMS

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

316.10 FIELD TRAINING

All part-time officers shall complete the same department-specified field training as regular full-time officers, as described in the Field Training Policy.

316.11 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this Department provided they are under the direct or indirect supervision of a supervisor or officer-in-charge.

316.11.1 EVALUATIONS

While in training, part-time officers should be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until the officer has satisfactorily completed training.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Part-Time Officers

316.11.2 INVESTIGATIONS AND COMPLAINTS

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

Mutual Aid Request

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting mutual aid or assistance or responding to a request for mutual aid or assistance from another law enforcement agency.

317.2 POLICY

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

317.3 ASSISTING OUTSIDE AGENCIES

Generally, requests from another law enforcement agency for any type of assistance should be routed to the appropriate Assistant Deputy Chief for approval. In some instances, a memorandum of understanding or other established protocol may eliminate the need for approval of individual requests.

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

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

317.3.1 EMERGENCY ASSISTANCE

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

Officers responding to a request for assistance as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

For non-emergency use of emergency vehicle lighting, see the Vehicle Emergency Lights Policy.

317.4 REQUESTING OUTSIDE ASSISTANCE

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Mutual Aid Request

317.5 REPORTING REQUIREMENTS

Incidents of outside assistance shall be documented in the appropriate case management system, reports, forms, or as directed by the supervisor.

317.6 SHARED EQUIPMENT AND SUPPLIES

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

The plan should include:

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

Copies of the plan should be provided to the Assistant Deputy Chiefs to ensure use of the equipment and supplies complies with the sharing agreements.

The Professional Standards Unit Supervisor shall ensure appropriate members have received the required training on the plan.

Major Incident Notification

318.1 PURPOSE AND SCOPE

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

318.2 POLICY

The San Joaquin County Probation Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed. Additional information regarding media inquiries is addressed in the Media Relations policy.

318.3 CRITERIA FOR NOTIFICATION

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

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths, or other deaths related to probation activity
- Crimes or other behavior by probationers of unusual violence, or circumstances that may involve hostages, barricaded persons, home invasions, armed robbery, or sexual assaults involving probationers
- In-custody deaths or in-custody serious injuries related to probationers
- Traffic accidents with fatalities or severe injuries involving department members or probationers
- Significant injury to or death of a member of the Department, whether on- or off-duty
- Arrest of a member of the Department
- Equipment failures, utility failures, and incidents that may affect staffing or pose a threat to basic probation services
- Any other incident that has attracted or is likely to attract significant media attention

318.4 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief Probation Officer or the authorized designee is responsible for making the appropriate notifications. The Deputy Chief Probation Officer or the authorized designee shall make reasonable attempts to obtain as much information on the incident as possible before notification and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol that should be posted in a readily available location.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Major Incident Notification

318.4.1 CHIEF PROBATION OFFICER NOTIFICATION

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

318.4.2 MEDIA RELATIONS

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

Limited English Proficiency Services

319.1 PURPOSE AND SCOPE

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

319.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the San Joaquin County Probation Department, designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

319.2 POLICY

It is the policy of the San Joaquin County Probation Department to reasonably ensure that LEP individuals have meaningful access to probation services, programs, and activities while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights, or programs based on national origin or any other protected interest or right.

319.3 LEP COORDINATOR

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Limited English Proficiency Services

- (a) Coordinating and implementing all aspects of the San Joaquin County Probation Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each division. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by this department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing the department's efforts in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

319.4 TYPES OF LEP ASSISTANCE AVAILABLE

San Joaquin County Probation Department members should never refuse service to an LEP individual requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will use all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Limited English Proficiency Services

Department-provided LEP services may include but are not limited to the assistance methods described in this policy.

319.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

319.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals representative of the community being served.

319.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established County procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members who provide LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interviews, taking statements, collecting evidence, or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments who have been identified by the County as having the requisite skills and competence may be requested.

319.8 AUTHORIZED INTERPRETERS

Any person designated by the Department that is authorized to act as an interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the County that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Limited English Proficiency Services

- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

319.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- (a) Qualified bilingual members of this department or personnel from other County departments.
- (b) Individuals employed exclusively to perform interpretation services.
- (c) Contracted in-person interpreters, such as state or federal court interpreters, among others.
- (d) Interpreters from other agencies who have been qualified as interpreters by this Department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

319.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted above), and have been approved by the Department to communicate with LEP individuals.

When qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called on when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

319.9 CONTACT AND REPORTING

Whenever any member of this department is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services used and whether the individual elected to use services provided by the Department or some other identified source.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Limited English Proficiency Services

319.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The San Joaquin County Probation Department will take reasonable steps and will work with the Human Resources Division to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

319.11 FIELD SUPERVISION

Field supervision will generally include such contacts as home, school, or work visits and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and use the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

319.12 INVESTIGATIVE INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for revocation of probation or supervised release, or arrest, or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and clients. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to clients in their primary language by an authorized interpreter or, if the clients is literate, by providing a translated *Miranda* warning card.

An LEP individual's bilingual friends, family members, children, neighbors, or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview a LEP individual.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Limited English Proficiency Services

319.13 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with a LEP individual during a complaint investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

319.14 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional probation duties. This department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

319.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

Communications with Persons with Disabilities

320.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include but are not limited to using gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

320.2 POLICY

It is the policy of the San Joaquin County Probation Department to reasonably ensure that people with disabilities, including victims, witnesses, and clients, have equal access to probation services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

320.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

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

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

- (a) Working with the County ADA coordinator regarding the San Joaquin County Probation Department's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports or new procedures or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs, and activities.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

- (d) Ensuring that a list of qualified interpreter services is maintained and available to each member of the department. The list should include information regarding:
 - 1. Contact information.
 - 2. Availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas indicating that auxiliary aids are available free of charge to individuals with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs, and activities.

320.4 FACTORS TO CONSIDER

Because the nature of any probation contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs, and activities. These factors may include but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. That an individual appears to be nodding in agreement does not always mean the individual completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the probation contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

320.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various probation encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the involved communication.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing, or has impaired speech must be handcuffed while in the custody of the Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

320.6 TYPES OF ASSISTANCE AVAILABLE

Department members shall never refuse an available service to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services, or they may choose to provide their own.

Department-provided auxiliary aids or services may include but are not limited to the assistance methods described in this policy.

320.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

320.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, or client) if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to probation matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide an interpreter (28 CFR 35.160).

320.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking, attorney contacts), members must also provide those who are deaf, are hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

320.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

320.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect/probationer/person on supervised release).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

320.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

320.13 FIELD SUPERVISION

Field supervision will generally include such contacts as home, work, or school visits, street contacts, community encounters, and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity, and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

320.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such giving directions to a location or for urgent situations such as responding to a violation of probation in progress, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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

320.14 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind, or have other disabilities. In the interest of the client's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information should be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communications with Persons with Disabilities

320.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

320.16 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

Supervisors shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision, or are blind.

Biological Samples

321.1 PURPOSE AND SCOPE

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

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

321.2 POLICY

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

321.3 INDIVIDUALS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

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

- (a) Probationers
- (b) Individuals subject to post-release community supervision
- (c) Individuals subject to mandatory supervision pursuant to Penal Code § 1170(h)(5)

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

321.4 PROCEDURE

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Biological Samples

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

321.5 USE OF FORCE TO OBTAIN SAMPLES

If a client refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to the use of force. Force will not be used in the collection of samples except as authorized by court order.

Methods to consider when seeking voluntary compliance include:

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

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

321.6 BLOOD SAMPLES

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

- (a) The California DOJ requests a blood sample and the subject consents.
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298).

Child and Dependent Adult Safety

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

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

322.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The San Joaquin County Probation Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

322.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the probationer has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

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

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

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

322.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Child and Dependent Adult Safety

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases, the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the person knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Adult Protective Services, if appropriate.
- (e) Notify the supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

322.3.2 DOCUMENTATION AFTER ARREST

- (a) For all arrests where children are present or living in the household, the reporting officer should document, in the appropriate case management system, the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where, and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers

San Joaquin County Probation Department

Probation Manual

Probation Manual

Child and Dependent Adult Safety

7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting officer should document, in the appropriate case management system, the following information:
1. Name
 2. Sex
 3. Age
 4. Whether the person reasonably appears able to engage in self-care
 5. Disposition or placement information if the person is unable to engage in self-care

322.3.3 SUPPORT AND COUNSELING REFERRAL

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

322.3.4 SELF-SURRENDER

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

322.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

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

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

322.5 TRAINING

The Professional Standards Unit Supervisor is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian, or caregiver is arrested.

Service Animals

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

323.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

323.2 POLICY

It is the policy of the San Joaquin County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

323.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Service Animals

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

323.4 MEMBER RESPONSIBILITIES

Service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the San Joaquin County Probation Department affords to all members of the public (28 CFR 35.136).

323.4.1 INQUIRY

If it is apparent or if a member knows that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

323.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

323.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, [an officer/an agent] may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Service Animals

323.4.4 AFTER AN ARREST

Whenever an arrest is made, an officer should take all reasonable steps to ensure the safety of the arrestee's service animal should they be separated. The officer should allow the arrestee reasonable time to arrange for care. If unable to find care for the service animal, the officer should call local Animal Services Center.

Volunteers and Student Interns

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for San Joaquin County Probation Department volunteers and student interns to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks. This policy does not apply to student mentors, whose use is addressed in the Community Relations Policy.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Student intern - A college, university, or graduate student gaining practical experience in a chosen field while performing services for the Department under supervision.

Volunteer - An individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, student interns, and persons providing administrative support.

324.2 POLICY

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

324.3 ELIGIBILITY

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

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

324.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The San Joaquin County Probation Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this department.

324.4.1 RECRUITMENT

Volunteers and student interns should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in Probation and an ability to assist the Department in serving the public.

A complete description of the volunteer's or intern's duties and schedule will be provided. All department members should understand that the recruitment of volunteers and student interns is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer or student intern until such time as there is an effective use of volunteer and student intern resources.

324.4.2 SELECTION

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

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

324.4.3 APPOINTMENT

Service as a volunteer or student intern with the Department shall begin with an official notice of acceptance or appointment by the Chief Probation Officer or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer/student intern coordinator. No volunteers or student interns should begin any assignment until they have been officially accepted for that position and have completed all required screening and paperwork. At the time of final acceptance, each volunteer or student intern should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers and student interns shall receive a copy of the orientation materials and shall be required to sign a volunteer or student intern agreement. Volunteers and student interns should be placed only in assignments or programs consistent with their knowledge, skills, and abilities and the needs of the Department.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

324.5 IDENTIFICATION

As representatives of the Department, volunteers and student interns are responsible for presenting a professional image to the community. Volunteers and student interns shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will be provided for each volunteer and student intern. Identification cards worn by volunteers and student interns shall be different and distinct from those worn by officers or other members of this department.

Volunteers and student interns will be issued San Joaquin County Probation Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard San Joaquin County Probation Department identification cards, except that "Volunteer" or "Student Intern" will be indicated on the cards.

324.6 VOLUNTEER/STUDENT INTERN COORDINATOR

The volunteer/student intern coordinator shall be appointed by and directly responsible to the authorized designee.

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

The volunteer/student intern coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and student interns and their activities.

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

- (a) Recruiting, selecting, and training qualified volunteers and student interns.
- (b) Conducting volunteer meetings.
- (c) Maintaining records for each volunteer and student intern.
- (d) Tracking and evaluating the contribution of student interns.
- (e) Maintaining a record of volunteer and student intern schedules and work hours.
- (f) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (g) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (h) Maintaining a liaison with colleges and universities that provide student interns to promote the intern program with both students and the educational institution.
- (i) Maintaining volunteer and student intern orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers and student interns.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

An evaluation of the overall use of volunteers and student interns will be conducted on an annual basis by the coordinator.

324.7 DUTIES AND RESPONSIBILITIES

Volunteers assist department personnel as needed. Volunteers usually will augment the Division, to which the volunteer is assigned, but volunteers may be assigned to other areas within the Department as needed. Volunteers should be placed only in assignments or programs consistent with their knowledge, skills, and abilities and the needs of the Department. Student interns should be assigned to areas that meet the needs of both their educational program and the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

324.7.1 COMPLIANCE

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

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

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

324.8 TASK-SPECIFIC TRAINING

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

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

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

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

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

324.8.1 VOLUNTEER AND STUDENT INTERN TRAINING MATERIALS

Each new volunteer and student intern may be issued training materials. The materials outline the subject matter and skills necessary to function as a volunteer or student intern with the San Joaquin

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

County Probation Department. The volunteer and student intern shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

324.9 SUPERVISION

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

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

- (a) Take the time to introduce volunteers and student interns to members on all levels.
- (b) Ensure volunteers and student interns have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers and student interns an assignment or task that will use their skills and abilities.
- (d) Ensure the work for student interns meets the needs of their educational program, while also meeting the needs of the Department.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the San Joaquin County Probation Department.

324.9.1 EVALUATIONS

Student interns may need separate evaluations as a requirement of their educational program.

324.9.2 FITNESS FOR DUTY

No volunteer or student intern shall report for work or be at work when the individual's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

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

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

324.10 INFORMATION ACCESS

With appropriate security clearance, a volunteer or student intern may have access to or be in the vicinity of criminal histories, investigative files, or information portals. Unless otherwise directed

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

by a supervisor, the duties of the position, or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to be fingerprinted and have the fingerprints submitted to the California Department of Justice to obtain clearance. Volunteers or student interns working this type of assignment will receive training in data practices. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer or student intern is grounds for immediate dismissal and possible criminal prosecution.

Volunteers and student interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel. Student interns should receive training on the type of information or material allowed in reports or articles prepared for their educational program.

324.10.1 RADIO AND MOBILE DIGITAL COMMUNICATION USAGE

Volunteers and student interns shall successfully complete state and federal database access training and radio procedures training prior to using probation radios or Mobile Data Terminals and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers and student interns whenever necessary.

324.11 EQUIPMENT

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

324.12 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer is the subject of a personnel complaint or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy. If a student intern is the subject of or is involved in an internal investigation, the coordinator of the educational program that sponsors the intern should be notified.

Volunteers and student interns are considered at-will and may be removed from service at the discretion of the Chief Probation Officer, with or without cause. Volunteers and student interns shall have no property interest in their continued appointments.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Volunteers and Student Interns

324.12.1 EXIT INTERVIEWS

The volunteer coordinator may conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department. Student intern exit interviews should solicit the intern's suggestions for improving the internship and learning opportunities with the Department.

Community Relations

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Suspicious Activity Reporting Policy.

325.2 POLICY

It is the policy of the San Joaquin County Probation Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making available relevant policy and operations information to the community in a transparent manner.

325.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

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

325.4 COMMUNITY RELATIONS COORDINATOR

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

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Community Relations

1. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
 - (d) Working with the Deputy Chief of Field and Court Services to develop field activities that allow officers the time to participate in community engagement activities.
 - (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
 - (f) Attending San Joaquin County Board of Supervisors and other community meetings to obtain information on community relations needs.
 - (g) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

325.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Probation-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Student and life skills mentoring.

325.6 INFORMATION SHARING

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

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

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

325.7 PROBATION DEPARTMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general probation department operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to schools and community organizations.
- (d) Student internships and mentorship at the Department.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Community Relations

Instructional information should include direction on how community members should interact with officers during contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

325.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member is younger than 18.

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

325.9 TRANSPARENCY

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

325.10 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial, and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Probation supervision and problem-solving principles.
- (e) Probation actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Visitors

328.1 POLICY

The purpose of this policy is to aid the San Joaquin County Probation Department in ensuring the safety of all visitors in the case of an emergency situation, while also protecting the safety and security of all probation staff by readily identifying all visitors allowed access to the secured areas in the Department.

328.2 SECURITY AND SAFETY

Metal detectors are provided to enhance safety in our working environment and to prevent items that may pose a threat or danger from being brought into non-public areas of the Department. All members of the public shall be screened through the metal detectors and searched with applicable screening process and laws.

Chapter 4 - Intake, Orientation, and Supervision

Initial Assessment to Probation Services

400.1 PURPOSE AND SCOPE

This policy establishes guidelines for the San Joaquin County Probation Department's initial assessment.

400.2 POLICY

The San Joaquin County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate supervision of probationers.

400.3 ADULT ASSESSMENT TO SUPERVISION

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

The Assessment Unit responsibilities should include but are not limited to:

- (a) Performing an initial assessment interview or interviews:
 1. The initial interview should be completed within 72 hours, or earlier if required by a court order, after the probationer's release from custody or initial report to the San Joaquin County Probation Department.
- (b) Documenting relevant information about the probationer, such as:
 1. Personal information including name, address, and contact information
 2. Current employment and relevant employment history
 3. Family information
 4. Criminal history
 5. Any substance abuse, mental health, and treatment information
 6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
- (c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the probationer as set forth in the Risk and Needs Assessments Policy.
- (d) Providing the probationer with an overview of what to expect while being supervised and any of the following as applicable:
 1. An orientation handbook or other applicable orientation materials
 2. A copy of court-ordered conditions of supervision
 3. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
 4. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)

San Joaquin County Probation Department

Probation Manual

Probation Manual

Initial Assessment to Probation Services

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

400.4 JUVENILE INTAKE TO SERVICES

400.4.1 JUVENILE INTAKE OFFICERS

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

400.4.2 OUT-OF-CUSTODY JUVENILE INTAKE

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

The intake program should include but is not limited to:

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Initial Assessment to Probation Services

3. Explanations of any financial obligations, such as a victim's request for restitution

400.4.3 IN-CUSTODY JUVENILE INTAKE

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

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

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

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

Risk and Needs Assessments

401.1 PURPOSE AND SCOPE

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

401.2 POLICY

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

401.3 AGENCY RNA SELECTION

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

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

401.4 OFFICER RESPONSIBILITIES

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

Only department-approved RNAs should be used.

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

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

401.4.1 STATE REQUIREMENTS

Officers should submit SARATSO results to the Department of Justice as provided in Penal Code § 290.09.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Risk and Needs Assessments

401.5 TRAINING

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

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

401.5.1 SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS

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

Supervision of Probationers

402.1 PURPOSE AND SCOPE

This policy establishes guidelines for the supervision of probationers to ensure officers utilize Evidence Based Practices for Community Supervision, by assigning clients to an appropriate level of supervision, developing an appropriate case management plan for each client, and implementing a balanced approach to monitor clients in the community.

This policy does not address modifications and violations of court orders, risk and needs assessments, and intake, which are addressed in other policies.

402.1.1 DEFINITIONS

Definitions related to this policy include:

Case Plan - A written, structured tool that directs the individual and the officer toward targeted activities and outcomes.

Case Management - The purpose of case management standards is to incorporate the department's mission and vision into the effective practices that are goal driven, performance based, and outcome-focused. Case management focuses on accountability, community safety, skill development, and compliance with court orders. In a collaborative process, there may be overlapping roles. The Primary Case Manager for each client will conduct assessments, engage with clients, their support group and providers for case planning purposes, respond to behavior in a consistent, predictable manner, and make referrals to services in an effort to protect community safety, reduce recidivism, and hold clients accountable.

Evidence Based Practices (EBP) for Community Supervision - Approaches and interventions that have been scientifically tested in controlled studies and proven effective with at least one client subgroup. EBP implies that there is a definable outcome(s); it is measurable; and it is defined according to practical realities (recidivism, victim satisfaction, etc.). They are also designed for standardized use so when they are replicated with fidelity similar outcomes can be expected.

The eight guiding principles for EBP in Community Supervision are:

- (a) Formally assess offenders with a validated tool that identifies risk and needs,
- (b) Utilize engagement skills to determine what motivates a person to make changes,
- (c) Carefully target anti-social factors for intervention while being mindful of Risk Need/Responsivity principles:
 1. Risk principle: Prioritize supervision and treatment resources for higher risk clients.
 2. Need principle: Target interventions to assessed criminogenic needs.
 3. Responsivity principle: Be responsive to temperament, learning style, motivation, culture gender and proximity when identifying treatment or intervention programs in the Case Plan.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Supervision of Probationers

4. Dosage: Appropriate amount based on risk level.
5. Assist clients in developing pro-social skills by building cognitive behavioral competencies,
6. Increase positive reinforcement,
7. Engage ongoing support in their communities,
8. Track outcomes of intervention efforts,
9. Provide feedback to the client on assessment results and progress under supervision.

Field Contact - Involve face to face contact with a client at their place of residence, school, community-based organization, law enforcement agency, employer, treatment provider, or placement provider.

Initial Client Review: Other information or insight about a client that is available or known to the officer including things like past performance under supervision, provider progress reports, acceptance of responsibility, and level of engagement.

Risk Based Supervision - An evidenced-based approach that utilizes an actuarial risk and needs assessment tool to determine which clients are supervised and at what level (High, Medium or Low). In line with the Risk/Need/Responsivity principles, clients assessed as a higher risk to community safety are supervised more intensively, receiving more resources and interventions to address their criminogenic needs, while low risk clients run the risk of recidivating more frequently when supervised intensively.

Supervision- An activity the officer engages in to assist clients toward behavior change and accountability. Contact with clients is an opportunity for the officers to develop a relationship with the client and/or other members of the household. The interpersonal relationship with a client is the essence of supervision. Supervision includes, but is not limited to, conducting field observation, home contacts, office contacts, employment contacts, routine checks, telephone checks, field contacts to referral services and programs, location monitoring, social media reviews, or any other type of visual or digital tracking of clients. Field assignments and/or units are designated as such by the Chief Probation Officer.

Risk Based Supervision - An evidenced-based approach that utilizes an actuarial risk and needs assessment tool to determine which clients are supervised and at what level (High, Medium or Low). In line with the Risk/Need/Responsivity principles, clients assessed as a higher risk to community safety are supervised more intensively, receiving more resources and interventions to address their criminogenic needs, while low risk clients run the risk of recidivating more frequently when supervised intensively.

Reward and Sanctions - A risk-based Rewards and Sanctions program is an evidence-based intervention where supervising rewards and sanctions are applied in response to specific client behaviors. Rewards and Sanctions are tools to assist officers in the supervision objective of

San Joaquin County Probation Department

Probation Manual

Probation Manual

Supervision of Probationers

behavior change. Optimally, desired behavior should be rewarded at least four times more often than negative behavior is sanctioned.

402.2 POLICY

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

402.3 ASSESSMENT TOOLS

In line with the first principle of EBP, all clients referred to probation are assessed using department approved tools. See Risk and Needs Assessment Policy for further guidance.

Additional assessments and screenings to meet the needs of clients may be conducted. Please refer to the unit manuals for your service areas for additional instruction on assessment processes.

402.4 RISK BASED SUPERVISION

Regardless of assessed risk level, officers will use a balanced approach to enhance case management efforts when addressing a client's risk and needs. Consistent with the previously stated objectives of supervision, officers will act to support long term behavior change in a client in an effort to reduce or end their involvement in the criminal justice system. Using EBPs, and a balanced approach, officers provide referrals for treatment services to address the client's assessed criminogenic needs while also adhering to the department's mission to protect community safety.

402.5 LEVELS OF SUPERVISION

This risk/intervention dynamic is the foundation upon which the department assigns clients to supervision levels. Supervision level options include High, Moderate, and Low. The highest risk score from applicable department approved assessments will largely determine the level of supervision. For example, if the COM PASSTRONG-R score nets an overall "low" level of risk, but the ODARA indicates a "high" level of risk, the case should be referred for High Risk supervision. Please refer to your unit manuals for for additional instruction on cut points for risk assessments.

402.6 ASSIGNMENT TO SUPERVISION LEVEL

The assessment tool is an essential element of EBP and will be given significant weight in the overall evaluation of all cases when determining supervision level but is not intended to replace officer judgment. All assessment results will be considered along with other factors including informal assessment, the social profile of a case (for example: media cases, high liability clients like drunken driving or sexual offending), and other information available from community partners and/or treatment professionals. Probation officers will consider all facts of the case when making a decision to assign a level of supervision.

When all available information is evaluated, its sum might support raising the supervision level to protect community safety and ensure clients receive the proper level of community intervention and services. An officer will request an override or deviate upwards from the supervision level

San Joaquin County Probation Department

Probation Manual

Probation Manual

Supervision of Probationers

indicated by the assessed risk scores by bringing the case to their supervisor's attention for approval. In the case of an override, the client will be supervised according to the standards of the higher supervision level, not the assessed risk level. Clients will never be initially supervised at a level lower than their assessed risk indicates. Supervision level may be reduced below the assessed risk level after a minimum period of supervision consistent with meeting case plan objectives and with supervisor approval. Supervision level will be reduced or increased based upon client behavior, attention to case plan objectives, and supervisor approval. Refer to your unit manuals, program guidelines, and supervisor to ensure your recommended level of supervision is appropriate.

402.7 TRANSFERS WHILE UNDER SUPERVISION

The supervision of cases will be transferred between units, officers, and regions based on a variety of factors, including but not limited to, program criteria, Court status, and physical address. For specific transfer requirements and timelines, refer to your unit manual.

402.8 CASE PLANNING

All case-carrying officers will engage clients to conduct case planning as appropriate. Case plans will include goals that are individualized, client-driven, and aimed at intervening with the most significant criminogenic needs. Using the department approved general assessments, officers will determine the severity and origin of the client's criminogenic needs and the potential impact of addressing identified needs with the overarching goal of recidivism reduction. Clients will be formally reassessed at least every six months or when there is a significant change in the person's life. Officers will also consider the results of supplemental assessment tools or screens as they may provide additional insight for working effectively with a client. When engaging the client to develop a case plan strategy, officers will consider the available support system including family members, friends, mentors, faith based advisers, and other pro-social individuals. When appropriate, all field supervision officers will generate case plans that include client-driven tasks and referrals to services based on their criminogenic needs. Officers will only refer to service providers approved by the supervisor or the department.

402.9 CASE PLAN DRIVEN CONTACTS

The goals, tasks and referrals of the individualized case plan will guide interactions with clients. The officers's discussions and actions with a client during planned contacts will rely on the case plan, focusing on progress and/or lack of success. Officers will engage with service providers and be familiar with the nature of client's participation in community based interventions. Prior to any planned contact, the officer should review the case plan, provider feedback, and chronological entries.

402.9.1 MINIMUM CONTACT STANDARDS

Members should follow the face-to-face contact frequency standards listed below:

Assessed Risk	Adult Field Services	Juvenile Field Services	High	At least two contacts in the field per month
			Moderate	At least one contact

San Joaquin County Probation Department

Probation Manual

Probation Manual

Supervision of Probationers

in the field per monthAt least one contact in the field per monthLowAs warrantedAs warranted

The location and frequency of contacts is subject to case plan implementation and supervisor oversight, taking into consideration case dynamics. Specific programs may require more frequent contacts. Refer to your unit manuals, program guidelines, and supervisor to ensure you are familiar with expectations for your assignment.

When conducting field supervision, home visits should be conducted in teams of least two officers.

Officers in designated specialty assignments or task forces shall act within the scope of their duties as authorized by the Chief Probation Officer or the authorized designee.

402.10 MONITORING PLAN

Officers should establish a monitoring plan for each client and document in the appropriate Probation Case Management system. The monitoring plan should identify types and frequency of monitoring. Officers should limit monitoring to that which is reasonably necessary to accomplish the intended verification or corroboration.

Officers should consider the following when establishing the monitoring plan:

- (a) The terms of the court order
- (b) The case plan
- (c) Required or recommended referrals to community-based resources and services
- (d) The results of any risk assessment, including the likelihood of the client to reoffend
- (e) The purpose of the monitoring (e.g., address or employment verification, unauthorized travel check, curfew check, suspected criminal associations)

Officers should not implement any specific form of monitoring that is not authorized by the client's supervision, court, judicial officer, or releasing authority order, state law, and department procedure. Officers should obtain supervisor approval if modification of the court, judicial officer, or releasing authority order or a warrant reasonably appears necessary.

402.11 TARGETED INTERVENTIONS

Clients will be provided cognitive behavioral training (CBT) as part of targeted interventions. Employees will refer clients to an intervention that targets one of the top three criminogenic needs.

402.12 REWARDS AND SANCTIONS

All officers will use Rewards and Sanctions-based approach in supervising clients. As clients show progress towards case plan goals, officers will consider providing a reward based response. As officers encounter or discover non-compliance, officers will respond either through the issuance of an administrative sanction or a formal revocation, as case dynamics indicate. Responses to non-compliance should not be more intrusive or restrictive than necessary. Refer to your division manuals for further guidance on implementation of the approved Rewards and Sanctions Matrix.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Supervision of Probationers

402.13 SHARING INFORMATION

In support of case management efforts, case-carrying officers will should collaborate with service providers involved in the case plan to increase client engagement, evaluate progress, and coordinate priorities. Officers should secure release of information documents to facilitate this exchange of information with partners and service providers. The disclosure will list the Probation Department and the program/agency as the parties in the release of information documents, not the specific officer or counselor. If you are unsure about providing information to another party please screen the circumstances with your supervisor.

402.14 PROCEDURES

SUPERVISION

Drug and Alcohol Testing

404.1 PURPOSE AND SCOPE

This purpose of this policy is to establish guidelines regarding drug and alcohol testing of probationers under department supervision.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Adulterated specimen - A specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Diluted specimen - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Specimen - Urine or other body fluid or substance used for analysis.

404.2 POLICY

It is the policy of the San Joaquin County Probation Department to conduct drug and alcohol testing of probationers to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

404.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should develop and maintain procedures for the administration of drug and alcohol tests, including but not limited to:

- (a) Criteria for identifying probationers subject to random, scheduled, and for cause testing. The criteria should include consideration of:
 - 1. Conditions of supervision.
 - 2. Probationer factors such as history, current use, and behavior.
 - 3. Drug and alcohol assessments.
 - 4. Risk and needs assessments.
 - 5. Officer observations.
 - 6. Third-party information, where confirmed if necessary.
- (b) Types of unauthorized substances tested.
- (c) Specimen collection and testing procedures, including:
 - 1. Identification of approved testing locations.
 - 2. Approved testing methods.
 - 3. Compliance with the department's exposure control plan and any applicable occupational safety requirements (see the Communicable Diseases policy).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Drug and Alcohol Testing

4. Supervision of the probationer being tested during the collection of a urine specimen by officers of the same sex as the probationer being tested, or of the same sex with which the probationer identifies.
 5. Use of approved testing equipment or devices.
 6. Collection of all specimens in an area free of agents or adulterants to avoid cross contamination or dilution of specimens.
 7. Security procedures to prevent tampering with a specimen.
 8. Establishment of methods to verify that the person appearing for testing is the probationer subject to testing.
 9. Establishment of processes, including time frames, for a probationer to submit a specimen once a specimen has been requested.
- (d) Procedures for documenting the handling of specimens from the point of collection to disposal (chain of custody).

404.3.1 THIRD-PARTY TESTING

The Chief Probation Officer or the authorized designee should work with community-based service providers (e.g., drug and/or alcohol treatment facilities) to develop procedures for notifying the supervising officer when a probationer submits a positive, adulterated, or diluted specimen, or refuses to submit a specimen to the community provider. Those procedures should include but not be limited to:

- (a) The time frame in which the provider must notify the supervising officer.
- (b) The type of communication required (e.g., email, phone).
- (c) The immediate action taken by the provider in response to the specimen, if any.

The Chief Probation Officer or authorized designee should establish any other required minimum data elements that are to be included in drug treatment progress reports from the community-based service providers.

404.3.2 NOTIFICATIONS

The supervising officer shall notify the drug treatment facility of a court order requiring drug testing within seven days of receiving the order (Penal Code § 1210.1). A copy of the probationer's treatment progress reports, received from the drug treatment facility, should be provided to the court every 90 days, or as the court directs (Penal Code § 1210.1).

404.4 COLLECTION AND TESTING GENERALLY

Employees who have been trained in department procedures for collecting specimens may collect specimens consistent with the probationer's case management plan, a court order, the random screening protocol, or as otherwise specified in department procedure.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Drug and Alcohol Testing

404.4.1 RESPONSIVE ACTION

When a probationer admits to the use of an unauthorized substance, refuses to submit a specimen when required, tests positive for an unauthorized substance, or provides an adulterated or diluted specimen, the supervising officer should consider whether:

- (a) Confirmation testing is appropriate.
- (b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.
- (c) With supervisor approval, modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate and proceed pursuant to the Modification of Conditions of Supervision Policy.
- (d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.
- (e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each probationer's individual needs, as long as the action complies with court mandates.

If a probationer tests positive, admits use, or refuses to provide a sample and the officer reasonably suspects the probationer arrived at the testing location or intends to leave the testing location by operation of a motor vehicle while impaired, the officer should proceed according to the Violations Policy.

404.4.2 CONFIRMATION TESTS

Supervising officers should perform testing of a probationer despite an admission of use.

When a specimen tests positive or is adulterated or diluted, regardless of any admission of use, reasonable efforts should be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

- (a) Administration of additional on-site screening.
- (b) Verification of medical prescriptions or medical marijuana identification card if use is approved by the court or conditions of the probationer's supervision.
- (c) Submission of an appropriate specimen, following the established chain of custody, to an approved toxicology laboratory for confirmation testing.

404.5 TRAINING

Employees should receive training on this policy and related procedures.

404.6 PROCEDURE LINKS

DRUG AND ALCOHOL TESTING

Modification of Conditions of Supervision

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

405.2 POLICY

It is the policy of this department that officers will communicate with the courts and the probationer to modify conditions of supervision.

405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or San Joaquin County Probation Department.

If court approval is not required and the modification would decrease the level of supervision, officers should obtain supervisor approval prior to the modification.

405.4 MODIFICATIONS

When an officer determines modification of a probationer's conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and document the reason(s) for the proposed modification.
- Notify the probationer of the proposed modification and ask whether the probationer will agree to the modification, when applicable.
- If the probationer is a youth, proceed with the Modification Hearing subsection (even if the probationer agrees to the modification).

An agreement by the probationer to the modification may be in writing and witnessed by a supervisor and a third-party officer or staff member.

405.4.1 NON-APPEARANCE MODIFICATION HEARING

If the probationer agrees to the modification and the court has expressly authorized modifications without a hearing, the officer should (Penal Code §1203.2; Penal Code § 3455):

- (a) Obtain a written waiver of the hearing from the probationer.
- (b) Submit to the court a copy of the modification along with the rationale for the modification and the probationer's agreement and waiver of hearing.

Prior to submission of court documents, the officer shall notify the probationer of the right to an attorney, and if indigent, the right to a court-appointed attorney (Penal Code § 1203.2). If a probationer waives the right to an attorney, the officer should obtain a signature from the individual on the written waiver. If the probationer consults with an attorney and thereafter agrees

San Joaquin County Probation Department

Probation Manual

Probation Manual

Modification of Conditions of Supervision

to the modification and waiver of personal appearance at the hearing, the officer should obtain a signature from the attorney as to the agreement (Penal Code § 1203.2; Penal Code § 3455).

405.4.2 APPEARANCE MODIFICATION HEARING

If the probationer does not waive a court hearing or a hearing is required under the circumstances, the officer should:

- (a) Arrange to have a court date set.
- (b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 778).
- (c) Notify the probationer of the hearing date.
 1. Notice should be in writing signed by the probationer and the method of notice, or reason why notice was not given, should be documented.
 2. Officers filing a petition to juvenile court to modify or set aside a condition of probation should serve a copy of the petition on the District Attorney, the youth's attorney of record, or, if there is no counsel of record, to youth and the parents or guardians (Welfare and Institutions Code § 778; Welfare and Institutions Code § 776).

405.5 CASE PLAN

Officers should review any resulting modifications with the probationer.

The case plan should be modified as appropriate. See the Supervision of Probationers Policy.

405.6 DOCUMENTATION

Documents associated with modifications of conditions of supervision, including any waivers and approvals, should be filed in the probationer's case file and retained in accordance with the Records Maintenance and Release Policy.

Violations

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for responding to and reporting violations of conditions of supervision.

406.2 POLICY

It is the policy of this department to respond to potential violation behavior with due diligence.

406.3 INVESTIGATIONS

Officers should begin an investigation into reported or suspected violation behavior within a reasonable time. Investigations into possible violations involving behavior reasonably believed to implicate a specific threat to public safety or to the safety of the probationer or another person should be given priority.

Suspected violations that may constitute additional criminal behavior should be documented sufficiently for presentation to outside agencies, such as local law enforcement for follow-up or the District Attorney for filing of additional charges. See the Report Preparation Policy.

All investigations should be documented, including whether the case was submitted to the court and/or the District Attorney and any reasons it was not.

406.4 PROCESSING VIOLATIONS

If as a result of an investigation, the officer reasonably believes violation proceedings are appropriate, the officer should make reasonable efforts to bring the matter before the court as soon as reasonably practicable.

406.4.1 REQUIRED VIOLATION REPORTING

Officers shall report any violation or breach of conditions imposed by the court to the court of jurisdiction (Penal Code § 1203.7; Penal Code § 1203.12).

Officers who receive written notification that a probationer has been imprisoned for another offense shall submit a report to the court no later than 30 days after receiving notification of the imprisonment. Officers who otherwise discover that a probationer is incarcerated on another offense should make reasonable efforts to notify the court of the information discovered (Penal Code § 1203.2a).

406.4.2 DISCRETIONARY VIOLATION REPORTING

Officers should consult with a supervisor or designee in cases where they reasonably believe that despite violation behavior compliance with conditions may be achieved without court intervention. If modification of conditions is appropriate, officers should proceed in accordance with the Modification of Conditions of Supervision Policy.

Officers who determine that intermediate sanctions are not appropriate for an individual who violated conditions of supervision on post-release community supervision (PRCS) pursuant to

San Joaquin County Probation Department

Probation Manual

Probation Manual

Violations

Penal Code § 3450 et seq. should submit a petition to the court to revoke or terminate PRCS, if appropriate, or proceed with the Modifications of Conditions of Supervision Policy (Penal Code § 3455).

406.4.3 FLASH INCARCERATION

Officers shall obtain supervisor approval prior to the imposition of flash incarceration. Officers shall notify the court, sheriff's office, District Attorney, and public defender as soon as practicable once a decision has been made to impose flash incarceration on probationer (Penal Code § 1203.35). If a probationer does not agree to accept a recommended period of flash incarceration, the officer should report the violation to the court, if appropriate, or proceed with the Modification of Conditions of Supervision Policy, if applicable (Penal Code § 1203.35).

406.4.4 ADDITIONAL REQUIREMENTS FOR INDIVIDUALS ON POST-RELEASE COMMUNITY SUPERVISION

Officers should investigate suspected violation behavior of individuals on PRCS pursuant to Penal Code § 3450 et seq. and process violations per the Investigations and Processing Violations sections of this policy.

Officers who have a reasonable belief that an individual on PRCS has violated a condition of supervision should obtain supervisor approval prior to the implementation of flash incarceration (Penal Code § 3454).

If flash incarceration or another intermediate sanction is not appropriate, the officer should submit a petition to the court to revoke or terminate PRCS, if applicable, or proceed with the Modification of Conditions of Supervision Policy. The petition shall include a written report that contains the terms and conditions of PRCS, the circumstances of the violation, the history of the violator, and any recommendations (Penal Code § 3455). If a petition is submitted to the court, the officer should proceed with the Service of Documents, Notice to the District Attorney, Evidence Disclosure, and Notifications sections in this policy. If an arrest is appropriate, the officer should proceed with the Arrests section of this policy.

406.5 ARRESTS

Officers who reasonably believe that an arrest is appropriate based on violation behavior should take steps to initiate the arrest (i.e., by contacting local law enforcement, if appropriate under the circumstances; by obtaining an arrest warrant) within the scope of their authority and without unreasonable delay (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 625) (see the Probation Authority policy.)

If an officer has a reasonable belief that an immediate arrest is warranted (e.g., the violation behavior implicates a specific threat (such as an intoxicated probationer close to operating a vehicle), abscondence is likely, the arrest is required by state law), the officer should initiate a warrantless arrest if legally permitted under the circumstances.

If an arrest warrant is issued for the violation, the officers may request assistance from local law enforcement to serve the warrant, if appropriate.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Violations

406.6 SERVICE OF DOCUMENTS

Regardless of whether an arrest is made, the department shall serve a copy of any petition filed with the court on the probationer or the attorney for the probationer, if known (Penal Code § 1203.2). The department should also serve a copy of the violation report on the probationer or the probationer's attorney, if known.

A copy of the petition to revoke probation and/or violation report should be served personally on the probationer. If personal service cannot reasonably be made, service should be made by certified mail, return receipt requested.

If an officer reasonably believes that service may pose an unreasonable risk, the officer should request local law enforcement assistance.

406.6.1 NOTICE TO THE DISTRICT ATTORNEY

Officers shall provide a copy of the petition to revoke probation to the District Attorney (Penal Code § 1203.2). The copy should be provided as soon as practicable after filing the petition. The method of notification (e.g., personally, by certified mail) and the date should be documented.

406.6.2 EVIDENCE DISCLOSURE

Evidence that the officer intends to be used at a violation hearing should be disclosed prior to the hearing to the District Attorney. Information that is confidential or protected may have disclosure limitations and should be approved by a supervisor and/or the court prior to disclosure.

406.6.3 SUPPLEMENTAL PETITIONS IN JUVENILE COURT

Officers filing a supplemental petition to juvenile court shall serve notice of the date, time, and place of a Welfare and Institutions Code § 777 hearing to the minor's parents, foster parents, guardians, or the relatives providing care to the minor in the manner required by Welfare and Institutions Code § 658 or Welfare and Institutions Code § 660, as applicable (Welfare and Institutions Code § 777).

406.7 NOTIFICATIONS

Officers who initiate violation proceedings against probationers should consider whether notification should be made to a third party or the victim of the offense for which the probationer is on supervision. See the Victim and Witness Assistance Policy.

Subpoenas and Court Appearances

407.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the San Joaquin County Probation Department to cover any related work absences and keep the Department informed about relevant legal matters.

407.2 POLICY

San Joaquin County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

407.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328).

407.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Subpoenas and Court Appearances

- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the San Joaquin County Probation Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Joaquin County Probation Department.

The supervisor will then notify the Chief Probation Officer and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

407.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

407.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

407.3.4 SUBPOENA DUCES TECUM

For Subpoena Duces Tecum, see Records, Maintenance, Confidentiality, and Release Policy for additional guidance.

407.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

407.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

407.6 COURTROOM PROTOCOL

When appearing in court, members shall:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Subpoenas and Court Appearances

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

407.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

407.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property Office promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

407.7 OVERTIME APPEARANCES

When a member appears in court on off-duty time, the member will be compensated in accordance with the current memorandum of understanding.

Interstate Transfer of Supervision

408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the San Joaquin County Probation Department's compliance with ICAOS.

408.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

Interstate Compact for Adult Offender Supervision (ICAOS) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system that facilitates the transfer of supervision for probationers from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

408.2 POLICY

It is the policy of the San Joaquin County Probation Department to use ICOTS when planning for and organizing the movement and supervision of probationers across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PROBATIONER

When a probationer requests a transfer of supervision to another state, the officer should:

- Discuss the probationer's request with the probationer, including the probationer's reasoning and the probationer's supervision plan for compliance in the potential receiving state.
- Review the probationer's supervision plan to ensure it meets criteria for transfer as specified in ICAOS Rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the probationer's supervision status, including the probationer's current compliance status with any past or present conditions of supervision.

408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The San Joaquin County Probation Department should follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and should cooperate with the state Compact Administrator.

The San Joaquin County Probation Department should utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Interstate Transfer of Supervision

408.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred probationers received by the San Joaquin County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services and Orientation Policy.

408.6 TRAINING

The San Joaquin County Probation Department should provide training to officers involved in ICAOS cases.

Interstate Transfer of Supervision of Juveniles

409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of Compact cases and ensure the San Joaquin County Probation Department's compliance with the Interstate Compact for Juveniles (ICJ).

409.1.1 DEFINITIONS

Compact Administrator - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

Interstate Compact for Juveniles (ICJ) - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

Uniform Nationwide Interstate Tracking for Youth (UNITY) - A web-based system for tracking interstate juvenile movement.

409.2 POLICY

It is the policy of the San Joaquin County Probation Department to use UNITY when planning for and organizing the movement and supervision of probationers across state lines. All interstate transfer of supervision activities will comply with the uniform framework of ICJ.

409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A PROBATIONER

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the probationer and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the probationer's supervision status, including the probationer's current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules.

409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The San Joaquin County Probation Department should follow the ICJ rules, and will cooperate with the state Compact Administrator.

The San Joaquin County Probation Department should utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Interstate Transfer of Supervision of Juveniles

409.5 RECEIPT OF TRANSFERRED PROBATIONERS

Transferred probationers received by the San Joaquin County Probation Department should be given an orientation consistent with the Initial Assessment to Probation Services Policy by their assigned officer.

409.6 TRAINING

The San Joaquin County Probation Department should provide training to officers involved in ICJ cases.

Prison Rape Elimination Act

411.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment in San Joaquin County Probation Department facilities (28 CFR 115.5 et seq.).

411.1.1 DEFINITIONS

Definitions related to this policy include:

Confined individual - A detainee in a lockup, owned or operated by the San Joaquin County Probation Department (28 CFR 115.5).

Sexual abuse - Any of the following acts if the confined individual does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the confined individual, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by the department member or contractor to engage in the activities described above

San Joaquin County Probation Department

Probation Manual

Probation Manual

Prison Rape Elimination Act

- Any display by the department member's or contractor's uncovered genitalia, buttocks, or breast in the presence of a confined individual
- Voyeurism by the department member or contractor

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one confined individual that are directed toward another; repeated verbal comments or gestures of a sexual nature to a confined individual by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

411.2 POLICY

The San Joaquin County Probation Department has zero tolerance with regard to sexual abuse and sexual harassment in its facilities. This department will take appropriate affirmative measures to protect all confined individuals from sexual abuse and harassment, or retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation, and will promptly, thoroughly, and objectively investigate all allegations of sexual abuse and sexual harassment (28 CFR 115.111; 28 CFR 115.211).

411.3 PREA COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to the Assistant Deputy Chief Probation Officer over Operations. The coordinator shall be an upper-level manager. The coordinator must have sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards (28 CFR 115.111; 28 CFR 115.211).

The responsibilities of the PREA coordinator shall include developing and maintaining standards and procedures to comply with the PREA Rule.

411.3.1 CONTRACTS WITH OUTSIDE AGENCIES

The PREA coordinator shall ensure that any contract for the confinement or detention of confined individuals includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.287 (28 CFR 115.212).

The PREA coordinator shall implement agreements and/or memorandums of understanding for any outside investigation agencies responsible for sexual abuse investigations that include compliance with the appropriate protocol, appropriately trained investigators, evidence collection practices, forensic medical examination requirements, and an agreement to keep the San Joaquin County Probation Department apprised of the progress of sexual abuse investigations (28 CFR 115.221; 28 CFR 115.271).

411.4 PERSONNEL ISSUES

San Joaquin County Probation Department

Probation Manual

Probation Manual

Prison Rape Elimination Act

411.4.1 DISQUALIFICATION DECISIONS

Every person who may have confined individual contact as a member or contractor shall, prior to service, undergo a criminal background records check, security clearance, to verify personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the San Joaquin County Probation Department.

The San Joaquin County Probation Department shall not hire, promote, assign, or transfer any member or contractor to a position that may allow contact with confined individuals if the member has (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, or overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this subsection.

The department shall ask all candidates who may have contact with confined individuals to disclose any applicable misconduct during written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

411.4.2 PREA DISCLOSURE

Members have a continuing affirmative duty to notify the Chief Probation Officer in writing if they have (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

The department shall ask all employees who may have contact with confined individuals to disclose any applicable misconduct during written evaluations or reviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

411.4.3 PRESERVATION OF ABILITY TO PROTECT CLIENTS

The Department shall not enter into or renew any memorandum of understanding, collective bargaining agreement, or other agreement that limits the department's ability to remove alleged

San Joaquin County Probation Department

Probation Manual

Probation Manual

Prison Rape Elimination Act

staff sexual abusers from contact with any probationer pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.266).

Bias-Based Supervision

412.1 PURPOSE AND SCOPE

This policy provides guidance to San Joaquin County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

412.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based supervision - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing supervision services or enforcement of court orders.

412.2 POLICY

The San Joaquin County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court equally, fairly, objectively, and without discrimination toward any individual or group.

412.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

412.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

412.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed, the involved officer should include those facts giving rise to the contact.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Bias-Based Supervision

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

412.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their supervision for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

See Discriminatory Harassment, Personnel Complaints, and Anti-Retaliation policies for additional guidance.

412.6 STATE REPORTING

The Assistant Chief Probation Officer or authorized designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Executive Secretary for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

412.7 ADMINISTRATION

The Chief Probation Officer or authorized designee should review the efforts of the Department to provide fair and objective supervision and submit an annual report, including public concerns and complaints, to the District Attorney. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief Probation Officer to identify any changes in training or operations that should be made to improve service.

412.8 TRAINING

Training on fair and objective supervision and review of this policy should be conducted as directed by the Professional Standards Unit Supervisor.

Client Reporting

414.1 POLICY

The purpose of this policy is to aid the San Joaquin County Probation Department in ensuring that all reporting clients are seen in a timely fashion and to provide a reference tool regarding client reporting date and time. Furthermore, this policy is to aid the San Joaquin County Probation Department in ensuring the safety of all clients in an emergency situation.

414.2 PROCEDURES

(a) General Guidelines

1. All reporting clients, their family members, and victims are to check in with the receptionist.
2. It is the responsibility of the receptionist to complete the "Client Appointment Log" and to notify the appropriate officer.
3. The officer is to escort the client to the appropriate office and accompany the client to the appropriate exit.
4. At no time is a client permitted to enter the secure areas of the Probation Department without an escort.
5. In the event of an emergency situation, verification of the safety of all visitors will be made via the Client Appointment Log and through confirmation with the appropriate officer(s). (See the Emergency Plan Policy.)

Chapter 5 - Field and Special Operations

Crime Scene Integrity and Investigation

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department officers and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an probationer's terms and conditions of probation. See the Violations Policy.

500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by local law enforcement agency, a supervisor, or other designated person. It is also the policy of this department to cooperate with local law enforcement agencies in the investigation of newly discovered crimes as set forth in this policy.

500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene, including one that may involve probationers under the supervision of the Department, should contact the appropriate local law enforcement agency as soon as practicable.

If the crime involves a probationer under supervision by the Department, the officer should coordinate investigative responsibilities and share relevant information with the responding local law enforcement agency.

An officer who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other department should take reasonable steps to notify the individual's supervising officer or the associated department to coordinate any necessary investigative responsibilities.

500.3.1 RESPONSE

Officers who encounter or who are first to arrive at a crime scene should:

- (a) Contact local law enforcement.
- (b) Contact other local agencies (e.g., emergency medical services, fire) and request additional assistance and resources, if appropriate.
- (c) Notify a supervisor.
- (d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (e) Evacuate the location safely as required or appropriate.
- (f) Identify potential witnesses.

500.4 ARRESTS

An officer at the location of a crime or crime scene should not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crime Scene Integrity and Investigation

imminent harm to others and only if legally permitted under the circumstances. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy.

Circumstances involving domestic violence or the crime of possession of medical marijuana may require exceptional handling under California law.

500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE

Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred should request response by the appropriate local law enforcement agency.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including detention, or an arrest when there is probable cause to do so.

Officers shall also take steps to reasonably ensure any other mandatory action related to domestic violence is accomplished. This may include mandates related but not limited to the following:

- (a) Required victim notifications or assistance.
- (b) The service of court orders.
- (c) Seizure of firearms or other deadly weapons in accordance with Penal Code § 18250 if the incident involved threats of bodily harm or physical assault and the firearm or weapon is discovered in plain view or pursuant to consent or other lawful search.

500.5 EVIDENCE

Officers should not conduct searches beyond the scope of their authority. Evidence discovered at a crime scene and that pertains to an officer's investigation of a probation violation should be documented and preserved as soon as practicable in accordance with the Search and Seizure Policy and Property Policy.

Officers who discover evidence that does not relate to a probation violation should defer to local law enforcement agency for collection.

500.6 REPORTS

Reports should include adequate investigative information and reference to all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a report, the officer should prepare and submit a supplemental report documenting such information as soon as practicable.

Officers should proceed with the Violations Policy when the investigation involves a violation of probation conditions.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crime Scene Integrity and Investigation

500.6.1 DISCLOSURE OF REPORTS

Upon completion, reports, including any supplemental reports, should be transmitted to the District Attorney's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). If information is believed to be privileged or confidential (e.g., informant or protected information), release should be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance, Confidentiality, and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

500.7 RECORDS

Reports created in relation to a crime or crime scene investigation should be retained in accordance with the Records Maintenance, Confidentiality, and Release Policy.

Hazardous Material Response

501.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the factors that members should consider when they encounter hazardous material, including the reporting of exposures and supervisor responsibilities.

501.1.1 DEFINITIONS

Definitions related to this policy include:

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

501.2 POLICY

It is the policy of the San Joaquin County Probation Department to immediately contact the appropriate local emergency services to respond to hazardous material emergencies in order to protect the safety of probationers, the public, and those members who may be exposed to such incidents.

501.3 HAZARDOUS MATERIAL EXPOSURE

Members may encounter situations involving suspected hazardous materials, such as a chemical spill in the workplace. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Members should not perform tasks or use equipment without proper training. Officers present at a hazardous material incident may require decontamination before they are allowed to leave the scene and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

501.4 CONSIDERATIONS

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

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify appropriate supervisors, the appropriate fire department and hazardous response units, and local law enforcement.
 1. Provide weather conditions, wind direction, a suggested safe approach route, and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), as available and as trained, being cognizant that some hazardous material can be inhaled.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Hazardous Material Response

- (d) Remain upwind, uphill, and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community, and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.

501.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Chief Probation Officer as soon as practicable. If the affected member is unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

501.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

502.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

502.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

502.2 POLICY

It is the policy of the San Joaquin County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

502.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

502.4 CONSIDERATIONS

Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact the local law enforcement agency when it is determined that a hostage or barricade situation exists.

The handling officer should brief the arriving local law enforcement officers of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Hostage and Barricade Incidents

502.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting local law enforcement, specialized personnel, and trained negotiators.

502.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

502.5 RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, establish a proper chain of command, and assume the role of Incident Supervisor until properly relieved by the local law enforcement agency.

502.6 REPORTING

Unless otherwise relieved by a supervisor, the handling officer at the scene is responsible for completion of an incident report.

Response to Bomb Threat Calls

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the San Joaquin County Probation Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

503.2 POLICY

It is the policy of the San Joaquin County Probation Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

503.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device and should immediately contact the appropriate local law enforcement agency to convey the information.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

503.4 SAN JOAQUIN COUNTY PROBATION DEPARTMENT FACILITY

If the bomb threat is against the department facility, the member who received the threat should immediately contact the appropriate local law enforcement agency and notify the supervisor as soon as practicable. The supervisor, in coordination with local law enforcement, will direct and assign officers as required for coordinating a general building search or evacuation of the department, as deemed appropriate.

503.5 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the County that is not the property of this department, assistance to the other entity may be provided as the supervisor deems appropriate once the appropriate local law enforcement agency has been notified of the threat.

503.6 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, local law enforcement and the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to local law enforcement and the military police or other military security responsible for the installation.

503.7 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the San Joaquin of County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting law enforcement assistance at the facility.
- (f) Whether any internal facility procedures exist regarding bomb threats, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that local law enforcement is notified. Also notify the department supervisor immediately so that the supervisor can communicate with the person in charge of the threatened facility as necessary.

503.8 ASSISTANCE

The Chief Probation Officer or the authorized designee should be notified when department assistance is requested. The Chief Probation Officer or authorized designee will make the decision whether the Department will render assistance to responding law enforcement and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including evacuation and giving officers control over the facility.

Should the Chief Probation Officer or authorized designee determine that the department will assist law enforcement with such an incident, the Chief Probation Officer or authorized designee will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance in consultation with responding local law enforcement.
- (c) Whether to evacuate and/or search the facility.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

- (d) Whether to involve facility staff in the search or evacuation of the building. 1. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including: 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request local law enforcement's assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

503.9 SUSPECTED DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all-inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
 - 1. Two-way radios.
 - 2. Cell phones.
 - 3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (h) Promptly relay available information to local law enforcement and the Chief Probation Officer or authorized designee including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

503.10 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, the members may be confronted with a multitude of considerations. As in other catastrophic events, a rapid evacuation may help to minimize injury to victims, contamination of the scene, or any additional damage from fires or unstable structures.

503.10.1 CONSIDERATIONS

Officers present at the scene of an explosion, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries, where safe and practicable.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials, where safe and practicable.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices only if trained to do so or where necessary to establish an evacuation route for self and others.
- (g) Preserve evidence, where safe and practicable.
- (h) Establish an outer perimeter and evacuate, if necessary.
- (i) Identify witnesses.

503.10.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified, as appropriate:

- Local law enforcement
- Supervisor
- Fire department
- Bomb squad
- Additional department personnel, as necessary
- Other government agencies, as appropriate

503.11 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene and only at the direction of local law enforcement. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Response to Bomb Threat Calls

503.11 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. Pending the arrival of local law enforcement, the supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact evidence may be embedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

504.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

504.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgment.

504.2 POLICY

The San Joaquin County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

504.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation, or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

504.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Deputy Chief of Administrative Services will work with the appropriate supervisors to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with probationers who may be in crisis, and may also be used to develop case management plans for probationers suffering from mental illness.

504.5 CRISIS INTERVENTION RESPONSE

Safety is a priority during any crisis intervention. It is important to recognize that individuals under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer interacting with a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request local law enforcement and/or available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible without compromising safety, turn off flashing lights, bright lights, or sirens.
- (d) Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime and report the same to local law enforcement, if applicable.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

504.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent, or suicidal.
- Argue, speak with a raised voice, or use threats to obtain compliance.

504.7 INCIDENT ORIENTATION

When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication or may have failed to take medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous probation or other law enforcement response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

504.8 SUPERVISOR RESPONSIBILITIES

A supervisor may respond to the scene of any interaction with a person in crisis. Supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing department resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action debriefing and prepare an incident report to be forwarded to the administrator.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

504.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

504.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Members, including but not limited to support staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If during an interaction, a member believes a person is in crisis, the member should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

504.11 EVALUATION

The Deputy Chief of Administrative Services is responsible to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers, or incidents and will be submitted to the Chief Probation Officer through the chain of command.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Crisis Intervention Incidents

504.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide POST/STC-approved advanced officer training on interaction with persons with mental disabilities, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Civil Commitments

505.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take steps to place a probationer under mental health hold (5150 commitment) (Welfare and Institutions Code § 5150).

505.2 POLICY

It is the policy of the San Joaquin County Probation Department to protect the public and probationers through legal and appropriate use of the mental health hold process.

505.3 AUTHORITY

An officer having probable cause may take a client under the officer's supervision into custody and place the probationer in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental health disorder, the probationer is a danger to self or others or the probationer is gravely disabled (Welfare and Institutions Code § 5150).

When determining whether to take client into custody, officers are not limited to considering the danger of imminent harm and shall consider reasonably available information about the historical course of the probationer's mental disorder, which may include evidence presented from any of the following:

- (a) An individual who is providing or has provided mental health treatment or related support services to the probationer
- (b) A family member
- (c) The probationer subject to the determination or anyone designated by the probationer (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05)

505.3.1 AUTHORITY FOR YOUTH

An officer having probable cause may take a client under the officer's supervision into custody and place the probationer in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the probationer is a danger to self or others or the probationer is a gravely disabled youth and authorization for voluntary treatment is not available (Welfare and Institutions Code § 5585.50).

Gravely disabled youth means a youth who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the youth by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder (Welfare and Institutions Code § 5585.25).

505.3.2 VOLUNTARY EVALUATION

If an officer encounters a client who may qualify for a mental health hold or an involuntary commitment, the officer may inquire as to whether the probationer desires to be evaluated and/or admitted at an appropriate facility. If the probationer so desires, the officer should:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Civil Commitments

- (a) Transport the probationer to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the probationer's desire to pursue voluntary evaluation and/or admission.

If at any point the client withdraws an affirmative decision for a voluntary evaluation, the officer should proceed with the application for emergency mental health evaluation, if appropriate.

505.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer who comes into contact with a client who may qualify for a mental health hold or an involuntary commitment should consider, as time and circumstances reasonably permit:

- (a) Contacting local law enforcement for assistance, if appropriate.
- (b) Available information that might assist in determining the possible cause and nature of the person's actions or stated intentions.
- (c) Community or neighborhood mediation services.
- (d) Conflict resolution and de-escalation techniques.
- (e) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others. See also the Risk and Needs Assessment, Supervision, Modification of Conditions of Supervision, and Violations policies.

Mental health holds should be preferred over arrest for individuals who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

505.4.1 SECURING OF PROPERTY

When a client is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian, or conservator is in possession of the client's personal property, the officer shall take reasonable precautions to safeguard the personal property in the probationer's possession or on the premises occupied by the probationer (Welfare and Institutions Code § 5150).

The officer taking the probationer into custody shall provide a report to the court that describes the probationer's property and its disposition in the format provided for in Welfare and Institutions Code § 5211, if a responsible relative, guardian, or conservator of the client took possession of the client's property, the officer shall include in the report only the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

See Property Policy for additional guidance.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Civil Commitments

505.5 TRANSPORTATION

When transporting any probationer for a mental health hold, the transporting officer should notify a supervisor and the receiving facility of the estimated time of arrival, the level of cooperation of the probationer, and whether any special medical care is needed. If appropriate, Communications Center should be contacted.

Officers may transport individuals in a Department vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the probationer require transport in a medical transport vehicle and the safety of any person, including the probationer, requires the presence of an officer during the transport, the accompanying officer should notify the supervisor prior to the transport.

505.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the probationer into a treatment area designated by a facility staff member. If the probationer is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the probationer is transported and delivered while restrained, the officer may assist with transferring the probationer to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers should not apply facility-ordered restraints.

505.7 DOCUMENTATION

The officer shall complete an Application for 72-Hour Detention for Evaluation and Treatment form, provide it to the facility staff member assigned to the probationer, and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances of the officer's involvement; the probable cause to believe the probationer is, as a result of a mental health disorder, a danger to others or self or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.2).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

505.7.1 ADVISEMENT

The officer taking client into custody for evaluation shall advise the probationer of:

- (a) The officer's name and agency.
- (b) The fact the probationer is not under criminal arrest but is being taken for examination by mental health professionals.
- (c) The fact the mental health staff will advise the client of the client's rights.
- (d) The name of the facility to which the probationer is being taken.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Civil Commitments

- (e) If the probationer is being taken into custody at the probationer's residence, the probationer should also be advised to take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where the probationer is being taken. The officer should also ask if the probationer needs assistance turning off any appliances or water.

The advisement shall be given in a language the probationer understands. If the probationer cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

505.8 CRIMINAL OFFENSES

Officers supervising a client who is suspected of committing a minor violation and who is being taken into custody through a mental health hold, should resolve the violation by completing a report and forwarding the information, as appropriate.

When an officer discovers that client who present or has a known mental health condition, has committed a serious criminal offense that would result in an arrest and transfer to a jail facility (e.g., domestic violence, child abuse, homicide), the officer should:

- (a) Immediately contact the appropriate local law enforcement agency and inform them of the offense and reasons why a mental health hold may be appropriate.
- (b) Inform responding local law enforcement personnel of the facts supporting an arrest and the facts that would support a detention.
- (c) Notify their supervisor and Assistant Deputy Chief as soon as practicable.
- (d) Thoroughly document in the related reports the circumstances that indicate the probationer may qualify for a mental health hold.

505.9 FIREARMS AND OTHER WEAPONS

Whenever a client is taken into custody for a mental health hold or an involuntary commitment, the handling officers should seek to determine if the probationer owns or has access to any firearm or other deadly weapon as defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., for reasons of safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., entry is authorized under the terms and conditions of the person's probation; the person consents). A warrant may be needed before searching for or seizing weapons.

The handling officer shall issue a receipt describing the deadly weapon or any firearm seized and list any serial number or other identification that is on the firearm.

The officer should further advise the probationer of the procedure for the return, sale, transfer, or destruction of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Civil Commitments

505.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the probationer or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Chief Probation Officer or authorized designee who shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(c) to determine whether the weapon will be returned.

The petition to the superior court shall be initiated within 30 days of the release of the probationer from whom such weapon has been confiscated, unless the Department makes an application to the superior court to extend the time to file such a petition, up to a maximum of 60 days (Welfare and Institutions Code § 8102).

At the time any such petition is initiated, the Department shall send written notice to the probationer about the right to a hearing on the issue, that the probationer has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon (Welfare and Institutions Code § 8102).

505.10 TRAINING

This Department will endeavor to provide department-approved training on interaction with individuals who may be experiencing mental illness, mental impairment, or mental disability, mental health holds, and crisis intervention.

Immigration Violations

506.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the San Joaquin County Probation Department relating to immigration and interacting with federal immigration officials.

506.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

Immigration enforcement – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

506.2 POLICY

It is the policy of the San Joaquin County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

506.3 VICTIMS AND WITNESSES

To encourage cooperation, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the San Joaquin County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

506.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any probationer or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No individual should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

Officers shall not detain an individual on the basis of a hold request.

506.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Immigration Violations

506.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

506.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or disclose noncriminal history information maintained by the Department of Motor Vehicles for immigration enforcement (Vehicle Code § 1808.48).

506.5 FEDERAL REQUEST FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to Assistant Chief Probation Officer. The Assistant Chief Probation Officer is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

506.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

506.7 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

506.8 TRAINING

The Professional Standards Unit should ensure officers receive immigration training on this policy. Training should include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

Field Training

507.1 PURPOSE AND SCOPE

This policy provides guidelines for field training to ensure standardized training and evaluation; facilitate the transition from the training setting to the actual performance of general duties; and introduce the policies, procedures, and operations of the San Joaquin County Probation Department. The policy addresses the administration of field training and the selection, supervision, training, and responsibilities of the Field Training Officer (FTO).

507.2 POLICY

It is the policy of the San Joaquin County Probation Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

507.3 FIELD TRAINING

Field training is designed to prepare trainees for a probation supervision assignment and ensure they acquire the skills needed to operate in a safe, productive, and professional manner, in accordance with the general duties of this department.

The Department has adopted the following minimum standards for field training:

- (a) Issuing training materials to each trainee at the beginning of each trainee's field training.
- (b) Daily, weekly, and monthly evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted to the FTO coordinator.
 2. Assignment of the trainee to a variety of shifts and supervision tasks.
 3. Assignment of the trainee to a rotation of FTOs to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of the assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the trainee's training file, including:
 1. All performance evaluations.
 2. A certificate of completion certifying that the trainee has completed the required number of field training hours.

507.4 FTO COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to the FTO coordinator, who will be the ADCPO over the FTO Unit

San Joaquin County Probation Department

Probation Manual

Probation Manual

Field Training

The FTO coordinator will work with the FTO Supervisor who will assist in the coordination of FTOs and their activities.

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

- (a) Assigning trainees to the FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO Supervisor and FTO performance evaluations are completed.
- (d) Maintaining, updating, and issuing department training materials to the FTO Supervisor and trainee.
- (e) Developing ongoing training for FTOs in coordination with the administrator of the Professional Standards Unit
- (f) Mentoring and supervising FTO Supervisor performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the Chief Probation Officer informed through monthly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO coordinators from other probation agencies.
- (j) Maintaining a liaison with probation core staff on officer performance during core attendance via Professional Standards Unit.
- (k) Oversight of field equipment purchases.
- (l) Performing other activities as may be directed by the Chief Probation Officer.

Within one year of appointment to this position, the FTO coordinator will be required to complete a training course approved by this Department that is applicable to supervision of field training.

507.5 FTO SUPERVISOR

The FTO supervisor will work with a senior FTO or other designee to coordinate FTOs, their activities, and activities of trainees.

The responsibility of the FTO supervisor include but are not limited to:

- (a) Assigning trainees to FTOs
- (b) Conducting FTO Unit meetings.
- (c) Maintaining and ensuring FTO Unit and trainee performance evaluations are completed.
- (d) Maintaining, updating, and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs, and coordinate with the use of force disciplines (i.e. weaponless defense, conducted energy device (TASER), chemical agents, and firearms) to ensure cross-training for officers in perishable skills.
- (f) Mentoring and supervising individual FTO performance.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Field Training

- (g) Monitoring the daily performance of field training.
- (h) Keeping the FTO Coordinator informed through weekly evaluation reports about the trainees' progress.
- (i) Maintaining a liaison with FTO supervisors from other probation agencies.
- (j) Maintaining a liaison with probation core staff on officer performance during academy attendance via the Professional Standards Unit.
- (k) Coordinating purchasing for field equipment, with the exception of firearms.
- (l) Performing other activities as may be directed by the FTO Coordinator.

507.6 FTO SELECTION, TRAINING, AND RESPONSIBILITIES

507.6.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief Probation Officer or the authorized designee. Selection should be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which should include a minimum of four years of field supervision, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal oral interview process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possession of, or ability to obtain, approved certification.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct, or poor performance.

FTOs selected as In-House Instructors, are considered instructors under the In-House Instructor Program.

For the selection of In-House Instructors, please see the Training policy for further guidance.

507.6.2 TRAINING

An officer selected as an FTO shall complete the department-approved training prior to being assigned as an FTO.

All FTOs should complete an update course approved by this Department at least every three years while assigned to the position of FTO.

507.6.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations, and objectives of the FTO position. FTOs should refer to their training materials, FTO Supervisor or the FTO coordinator regarding specific questions related to FTO or field training.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Field Training

507.6.4 RESPONSIBILITIES

The responsibilities of the FTO Unit include but are not limited to:

- (a) Issuing trainee field training materials to the assigned trainee in accordance with the Training Policy.
 - 1. Ensure the trainee has the opportunity to become knowledgeable in the subject matter and proficient with the skills as set forth in the training materials.
 - 2. Sign off on all completed topics contained in the training materials, noting the methods of learning and evaluating the performance of the assigned trainee.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Completing and submitting a written evaluation on the performance of the assigned trainee to the FTO supervisor on a daily basis.
- (d) Completing a detailed weekly performance evaluation of the assigned trainee at the end of each week.
- (e) Completing a monthly evaluation report of the assigned trainee at the end of each month.
- (f) Providing the FTO supervisor with a verbal synopsis of the trainee's activities at the end of each day or during any unusual occurrence needing guidance or clarification.

Public Recording of Probation Activity

508.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation actions and other public activities that involve employees of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

508.2 POLICY

The San Joaquin County Probation Department recognizes the right of persons lawfully to record employees of this Department who are performing their official duties. Employees of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will be collected or seized only by local law enforcement agencies having jurisdiction.

Employees of this Department should be professional and use customer service skills in interactions with the public. Officers should exercise restraint and should not resort to seeking discretionary arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record employees performing their official duties.

508.3 RECORDING PROBATION OFFICER ACTIVITY

Members of the public who wish to record officer activities are limited as follows:

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with officer activity. Examples of interference include but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the officers.
 4. Being so close to the activity as to interfere with an officer's effective communication with a probationer or other individual.
- (c) The individual may not present an undue safety risk to self, to the officer, or to others.
- (d) Unless approved by written order of the presiding judge or a judicial officer designated by the presiding judge, photographing, videotaping, filming, broadcasting, and electronic recording of any kind other than handheld recording devices used for personal note taking is prohibited anywhere in the Juvenile Justice Center branch (535-575 W. Mathews Road, French Camp, CA). Cameras and recording devices shall be turned off while being transported in any area within this branch. (San Joaquin County Local Rules (6); 1-108)

San Joaquin County Probation Department

Probation Manual

Probation Manual

Public Recording of Probation Activity

508.4 OFFICER RESPONSE

Officers should request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with officer activities. If practicable, officers should wait for the supervisor to arrive before requesting law enforcement action.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

When asked to do so, officers shall identify themselves and state their name, title, and badge number. When asked to do so, non-sworn employees should identify themselves and state their name and title. However, employees are not required to submit to harassment, offensive language, or personal insults from members of the public who are attempting to record official activity, and should terminate any such contact when practicable while maintaining a courteous and professional demeanor. Sworn employees should document such action in a report.

508.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practicable, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure any enforcement, seizure, or other actions are constitutional and consistent with this policy and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department employees, such as how and where to file a complaint.

Medical Aid and Response

509.1 PURPOSE AND SCOPE

This policy recognizes that officers may encounter persons in need of medical aid and establishes an appropriate response to such situations.

509.2 POLICY

It is the policy of the San Joaquin County Probation Department that all officers be trained to provide emergency medical aid and to facilitate an emergency medical response.

509.3 FIRST RESPONDING OFFICER RESPONSIBILITIES

Whenever practicable, trained officers should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the officer can safely do so.

Prior to initiating medical aid, the officers should request response by Emergency Medical Services (EMS) as the member deems appropriate.

Officers should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. officers should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the officers should provide information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the officer.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Officers should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Officers should not direct EMS personnel whether to transport the person for treatment.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

509.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Officers should not provide emergency escort for medical transport or civilian vehicles.

509.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Officers shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

509.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

509.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies.

509.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An officer may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

509.7.1 AED USER RESPONSIBILITY

Any AED that is not functioning properly will be taken out of service and given to the Professional Standards Unit who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any officer who uses an AED should, as soon as possible, request response by EMS.

509.7.2 AED REPORTING

Any officer using an AED will complete an incident report detailing its use.

509.7.3 AED TRAINING AND MAINTENANCE

The Professional Standards Unit should ensure appropriate training is provided to officers authorized to use an AED. A list of authorized officers and training records shall be made available for inspection by the local EMS agency or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Professional Standards Unit is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

509.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Officers may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the officer and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Management Service Agency.

509.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Officers who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Officers should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Field Training Officer.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Medical Aid and Response

Any officer who administers an opioid overdose medication should request response by EMS as soon as possible.

509.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any officer administering opioid overdose medication should detail its use in the appropriate reports.

509.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Professional Standards Unit should ensure initial and refresher training is provided to officers authorized to administer opioid overdose medication.

509.9 PROCEDURE LINKS

MEDICAL AID AND RESPONSE

AED MAINTENANCE CHECKLIST

AED RESPONSE PLAN OVERVIEW

PROTOCOL AUTHORIZATION

OPIOID OVERDOSE MEDICATION REPORTING

Suspicious Activity Reporting

510.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

510.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

510.2 POLICY

The San Joaquin County Probation Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain, and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

510.3 RESPONSIBILITIES

Each respective Assistant Deputy Chief Probation Officer manages SAR activities. The Assistant Deputy Chief Probation Officer should include supervisors responsible for department participation in criminal intelligence systems as outlined in the Protected Information Policy.

The responsibilities of the Assistant Deputy Chief Probation Officer include but are not limited to:

- (a) Remaining familiar with those databases available to the department that would facilitate the purpose of this policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Suspicious Activity Reporting

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative, or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with local law enforcement, any other appropriate agency, or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage community members to report suspicious activity and outlines what they should look for and how they should report it (e.g., website, public service announcements).

510.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross-reference. A SAR should be processed as any other incident report.

510.5 HANDLING INFORMATION

The Executive Secretary will forward copies of SARs, in a timely manner, to:

- The Chief Probation Officer or authorized designee.
- Any supervising officer.
- Local law enforcement.
- Other authorized designees.

Task Force

511.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

511.2 POLICY

It is the policy of the San Joaquin County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

511.3 AGENCY INVOLVEMENT

Participation in task force operations provides access to multi-jurisdictional resources for apprehending probationers who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in task force operations is subject to the approval of the Chief Probation Officer or the authorized designee.

511.3.1 REQUESTS FOR AGENCY INVOLVEMENT

Initial requests for participation in a task force or task forces operation should be routed to the Chief Probation Officer for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

511.3.2 OFFICER OPERATIONAL ACTIVITY

Officers involved in task force operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in task force operational activity.

When engaged in task force operational activity or when rendering assistance pursuant to a task force agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to task force operations and enforcement action taken outside the jurisdiction of the department unrelated to task force operations are governed by the Outside Agency Assistance and Probation Authority policies.

511.4 TEMPORARY DETENTION AND TRANSPORT

Task force operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer.

511.5 REPORTING REQUIREMENTS

Original reports of investigations, evidence seized, and other materials generated or collected by the task force operation should be retained by the agency responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate pursuant to

San Joaquin County Probation Department

Probation Manual

Probation Manual

Task Force

the Property Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, task force rules, and Records Maintenance, Confidentiality, and Release Policy.

511.6 MANDATORY SHARING AND TRAINING

When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or authorized designee should regularly document:

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

Copies of this documentation should be maintained by the Chief Probation Officer or authorized designee.

The Professional Standards Unit should maintain documentation that the appropriate members have received the required training.

511.7 NEWS MEDIA

Media inquiries should be referred to the Task Force Coordinator of the agency responsible for coordinating the activities of the task force.

Transporting Persons in Custody

512.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the San Joaquin County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy. For guidance regarding persons not in custody, refer to the Transporting Persons Procedure.

512.2 POLICY

It is the policy of the San Joaquin County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

512.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

The Chief Probation Officer or authorized designee should establish related procedures for safely transporting persons in custody who have their legs restrained in some manner other than leg restraints.

512.4 TRANSPORTING MEMBER RESPONSIBILITIES

Members transporting a person in custody in a department vehicle should ensure:

- (a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (b) All persons in custody are searched prior to a transport and after.
- (c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.
- (d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid, see the Medical Aid and Response Policy.
- (e) A verbal welfare check is made with a person in custody every 10 minutes or less.
- (f) Transport is accomplished in a direct and timely manner.
- (g) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
- (h) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Transporting Persons in Custody

- (i) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
- (j) Persons in custody should be transported in vehicles with safety barriers.
- (k) For solo transports, the Communications Center is advised of:
 - 1. The time when a transport begins and the vehicle's mileage.
 - 2. The time, vehicle's mileage, and reason for any stops.
 - 3. The time of arrival at the destination and the vehicle's mileage.
- (l) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (m) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
 - 1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior (see the Handcuffing and Restraints Policy).
 - 2. Persons wearing a spit hood.
 - 3. Persons who are a suspected suicide risk.
 - 4. Persons who are ill or injured.

512.5 PROHIBITIONS

Transporting members should not:

- (a) Transport youth with adults.
- (b) Transport females with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport.
- (c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.
- (d) Leave the vehicle unattended with a person in custody inside.
- (e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.
- (f) Handcuff a person to any part of a vehicle.
- (g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).
- (h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.
- (i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Transporting Persons in Custody

512.6 SPECIFIC TRANSPORTATION ISSUES

512.6.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat.

512.6.2 TRANSPORTING ILL OR INJURED PERSONS

See the Medical Aid and Response Policy.

512.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

- (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
- (b) Remove restraints in coordination with facility personnel.
- (c) Deliver the appropriate documentation concerning the person to facility personnel.
- (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

512.6.4 LONG-DISTANCE TRANSPORTS

Absent exigent circumstances, members should only stop during long-distance transports for:

- Fuel
- Meals
- Restroom breaks

Time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:

- The time when a transport begins and the vehicle's mileage
- The time, vehicle's mileage, and reason for any stops
- The time of arrival at the destination and the vehicle's mileage

512.7 TRAINING

The Field Training Officer should ensure that members receive training on proper procedures for transporting persons in custody.

512.8 PROCEDURE LINKS

TRANSPORTING PERSONS

Chapter 6 - Equipment

Department-Owned and Personal Property

600.1 PURPOSE AND SCOPE

This policy addresses the care of Department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

600.2 POLICY

The San Joaquin County Probation Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

600.3 DEPARTMENT-ISSUED PROPERTY

The Chief Probation Officer or the designee should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned to the immediate supervisor. Documentation of the return shall be acknowledged by the signature of a supervisor.

600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of Department property that has been assigned or entrusted to them.

- (a) Members promptly shall report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property only shall be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior review and approval by the member's immediate supervisor. The member should submit a request via email that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Department-Owned and Personal Property

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by the Assistant Deputy Chief and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer, who will then forward the claim to the County department responsible for issuing payments.

600.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Assistant Deputy Chief. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

The immediate supervisor is responsible for collecting any County property assigned to the employee and notifying the appropriate Assistant Deputy Chief Probation Officer that it was done.

Armed Probation Officers will make arrangements with a Department range master to turn in the Department weapon and related equipment (e.g. ammunition, magazines) and with one of the Department Taser instructors to turn in the Taser.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

A member who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person or entity while performing any probation function shall promptly report the damage through the chain of command.

600.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may damage the real or personal property of the San Joaquin County Probation Department or of another person while performing their duties within the jurisdiction of this department. The Department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

Personal Communication Devices

601.1 PURPOSE AND SCOPE

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

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

601.2 POLICY

The San Joaquin County Probation Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 7920.000 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities (see the Information Technology Use Policy for additional guidance).

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

601.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Members shall carry their Department-issued PCD while on duty. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of department communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy regarding any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief Probation Officer.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, CPRA retention and release obligations, and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the San Joaquin County Probation Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

- (h) Members accessing Detention Services and other institutional or correctional facilities will observe the policy and procedures of those facilities.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding, or if the member has prior express authorization from a supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace should be set to silent or vibrate mode, (e.g., in meetings, trainings, etc.)..
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief Probation Officer or the authorized designee, may result in discipline.
- (f) Officers operating under color of authority, who responds to the scene of an accident or crime and captures the photographic image of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to their employing agency, for any purpose other than an official law enforcement purpose or a genuine public interest is guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) per violation (Penal Code 647.9 (a)).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Personal Communication Devices

- (g) Members will not access social networking sites for any purpose that is not official department business.
- (h) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with their respective administrator or the authorized designee.

601.8 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

601.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Vehicle Code § 23123; Vehicle Code § 23123.5).

Vehicle Use, Safety, and Maintenance

602.1 PURPOSE AND SCOPE

The Department utilizes motor vehicles for a variety of applications. To maintain a system of accountability and ensure that department-owned vehicles are used and maintained appropriately, regulations relating to the use and maintenance of these vehicles have been established. The term “department-owned” as used in this section also refers to any vehicle leased or rented by the Department.

602.2 POLICY

The San Joaquin County Probation Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments, and other considerations. County Fleet Services will provide service for department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

602.3 USE OF VEHICLES

Only authorized members should operate department vehicles. Members who operate department-owned vehicles must comply with all applicable state laws and must possess a valid driver’s license endorsed for the type of vehicle operated.

Additionally, members are responsible for helping maintain department vehicles so they are properly equipped, maintained, refueled, and cleaned.

602.3.1 USE OF SAFETY BELTS

Members shall wear provided safety restraints as required by state law.

602.3.2 VEHICLE LOCATION SYSTEM

Vehicles, at the discretion of the Chief Probation Officer, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

System data may be accessed by authorized members. However, access to historical data by individuals other than authorized members will require administrative approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

602.3.3 KEYS

Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

Under no circumstances will probationers be allowed to operate a vehicle or have possession of any vehicle keys.

602.3.4 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle.

602.3.5 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls if applicable. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

602.3.5 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

602.4 VEHICLE SECURITY

Department vehicles will be locked and the keys will be secured when not in use. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended refer to Firearms 303.

602.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief Probation Officer. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

602.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief Probation Officer or the authorized designee.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

602.5.2 TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a Assistant Deputy Chief Probation Officer and shall meet the following criteria:

- (a) The member lives within a reasonable distance of the County limits.
- (b) Off-street parking will be available at the member's residence.
- (c) The vehicle will be locked when not attended.
- (d) All firearms, weapons, and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

602.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description, and essential functions; and the member's employment or appointment status. Residence in County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief Probation Officer.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including but not limited to how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities, and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or personal transportation, unless special circumstances exist and the Chief Probation Officer or authorized designee gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief Probation Officer or the authorized designee and there is a high probability that member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief Probation Officer or the authorized designee.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

4. When the vehicle is being used by the Chief Probation Officer or the authorized designee or members who are in on-call administrative positions.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) Unattended vehicles are to be locked and secured at all times.
 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios, and equipment should be secured.
- (f) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief Probation Officer or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and control devices shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (g) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.
 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (h) The member is responsible for the care and maintenance of the vehicle.

602.5.4 USE OF PERSONAL VEHICLES

The use of personal vehicles for official business must be approved by an administrator.

The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. All policies and procedures applicable to department vehicles shall apply to the personal vehicle while it is being used for official business. Personal vehicles shall not be used to transport clients.

602.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure the assigned vehicle is maintained according to the established service and maintenance schedule.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) A supervisor should be notified of problems with a vehicle.
- (e) San Joaquin County Fleet Services shall be notified of any service or repair needed to a county vehicle.
- (f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members and/or under their supervision to ensure the vehicles are being maintained in accordance with this policy.

602.6.1 VEHICLE INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be searched prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

All department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or any of its contents, regardless of who owns the contents.

602.7 TOLL ROAD USAGE

Probation vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate tollway transponder. Members may submit for reimbursement from the County for any toll fees incurred in the course of official business.

602.8 ACCIDENT, DAMAGE, ABUSE, AND MISUSE

When any department-owned vehicle is involved in a traffic accident, the involved member shall promptly notify a supervisor. The appropriate local law enforcement agency shall be summoned to conduct an investigation. A traffic accident report shall be filed with the agency having jurisdiction. The member shall complete the County's Automotive Accident Form.

If the member is incapable of completing the vehicle accident form, a supervisor shall complete the form.

An administrative investigation may be conducted to determine if the member acted within policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Vehicle Use, Safety, and Maintenance

602.8.1 DISABLED VEHICLES

- (a) If a county vehicle an employee is driving becomes disabled, the employee should call their supervisor.
- (b) If the supervisor cannot be reached, the employee should notify the next highest level of authority available.
- (c) The employee should give their location, phone number they are calling from, and explanation of the automobile difficulty.
- (d) The supervisor shall coordinate the employee being returned to their job site and contact the County Motor Pool to dispatch the tow truck to the disabled automobile.
- (e) If an employee plans on driving out of the County, the employee shall check out a WEX card and instructions from the Office Secretary.
- (f) If an employee is driving out of the County and the vehicle becomes disabled, after making proper notifications, the employee shall follow the WEX instructions.

Traffic Accident Review Board

603.1 PURPOSE AND SCOPE

This policy establishes a process for the San Joaquin County Probation Department to review motor vehicle accidents involving members driving department vehicles or other vehicles when the member is operating in an official capacity.

This review process shall be in addition to any other review or investigation that may be conducted by any outside agency having jurisdiction over the accident investigation.

603.2 POLICY

It is the policy of the San Joaquin County Probation Department to objectively evaluate motor vehicle accidents involving members working in an official capacity to ensure that the operation of the vehicle was consistent with department training and policy.

603.3 ADMINISTRATIVE ASSIGNMENT

Generally, whenever a member's actions in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer or the authorized designee may exercise discretion and alter the duration or choose not to place a member in an administrative assignment.

603.4 TRAFFIC ACCIDENT REVIEW BOARD

The Traffic Accident Review Board will be convened on an as needed basis as determined by the Assistant Deputy Chief to review motor vehicle accidents involving property damage and at a reasonable time following a motor vehicle accident that results in injury or death.

It will be the responsibility of the Supervisor of the involved member to notify the Assistant Deputy Chief of any incidents requiring board review. The involved member's Supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

603.4.1 COMPOSITION OF THE BOARD

The Assistant Deputy Chief should staff the Traffic Accident Review Board with at least three individuals, including but not limited to:

- A member of Administration from the involved member's chain of command (a single member from Administration may sit in review when the board is reviewing multiple property damage accidents).
- A non-administrative supervisor.
- A driving instructor or driver training supervisor from this department.
- A probation supervisor from an outside probation agency, if appropriate.

The senior supervisor will serve as chairperson.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Traffic Accident Review Board

603.4.2 RESPONSIBILITIES OF THE BOARD

The Traffic Accident Review Board is empowered to conduct an administrative review and inquiry into the circumstances of the motor vehicle accident.

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

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 member to appear. If the involved member is requested to attend, the member will be notified of the meeting of the board and may choose to have a representative present.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

Any questioning of the involved member conducted by the board will be in accordance with San Joaquin County Probation Department 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:

- The member's actions were within department policy and procedure.
- The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. If the vote is tied, the Chief Probation Officer will make a determination as to fault.

The board may also recommend additional investigations or reviews, such as 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 board does not have the authority to recommend discipline.

603.5 DIVISION_COMMANDER RESPONSIBILITIES

The member's Assistant Deputy Chief shall review the recommendation of the board, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations, or reviews are appropriate. If the member's Assistant Deputy Chief concludes the member is at fault, a disciplinary process will be initiated in accordance with the provisions in the Personnel Complaints Policy.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed in Administration files.

Body Armor

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

604.2 POLICY

It is the policy of the San Joaquin County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

604.3 ISSUANCE

The Head Rangemaster shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued by the Rangemaster when an officer begins service at the San Joaquin County Probation Department and shall be replaced when either (a) the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised or (b) the Body armor reaches the manufacturer's expiration date.

The Chief Probation Officer may authorize issuing body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

604.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall wear department-approved body armor.
- (b) Members shall wear body armor while conducting home visits, performing field work, or taking part in department range training.
- (c) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (d) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

604.3.2 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
 1. Unserviceable body armor shall be reported to the supervisor.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Body Armor

- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

604.4 RANGEMASTER RESPONSIBILITIES

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

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

604.5 PSU RESPONSIBILITIES

The responsibilities of the Professional Standards Unit (PSU) include but are not limited to:

- (a) Monitoring the manufacturer's recommended replacement schedule and notifying officers for replacement.
- (b) Notifying the Head Rangemaster of those officers whose body armor needs to be replaced and facilitating the ordering and fitting of the replacement body armor.
- (c) Notifying the Head Rangemaster when a new trainee enters the FTO program to facilitate prompt and timely ordering of the trainee's body armor.
- (d) Ensuring new or replacement body armor is ordered from the manufacturer sufficiently in advance of the recommended replacement schedule to avoid body armor expiring before the department has received the new replacement equipment.

Vehicle Emergency Lights

605.1 PURPOSE AND SCOPE

This policy provides guidelines on the use of emergency lights by officers. Officers are only authorized to use emergency lighting under these guidelines.

605.1.1 DEFINITIONS

Emergency lighting is defined as flashing rear-mounted lights, visor-mounted lights, flashing headlights, blue lights, or any other lighting specified for law enforcement use.

605.2 VEHICLE STOPS

Officers shall not conduct vehicle stops and/or use Departmental vehicles with emergency equipment to make vehicle stops.

This policy does not preclude officers from participating in a back-up role at a traffic stop initiated by another law enforcement agency. Officers shall document in an action report and/or Probation Case Management System, if applicable.

605.3 EMERGENCY LIGHTS

Officers may use safety lighting when their vehicle is stopped for the safety of the officer and/or public, for identification purposes, during a Department-sanctioned demonstration of the lighting, during training, or as specified above. Under no circumstances are non-sworn members authorized to use emergency lighting equipment for any purpose.

605.4 TRAINING

Officers shall attend training pursuant to Vehicle Code §25258(b)(2) before operating an emergency vehicle with a blue warning light.

Tactical Radios

606.1 POLICY

The Department is committed to officer safety through the use of tactical radios. The purpose of this policy is to establish protocol for radio transmissions and the responsibilities of Probation Officers when using tactical radios. The use of tactical radios is authorized for field operations. Radios shall be used in compliance with established radio protocol.

606.2 RADIO PROTOCOL

- (a) Tactical radios are provided for official business and support while conducting field supervision.
- (b) Before the use of a tactical radio, officers shall complete training as designated by the Field Training Officer.
- (c) All transmissions on a tactical radio shall be professional
- (d) Officers should use common English as a means of communication.
- (e) Officers will use their probation call sign when utilizing the tactical radio.
- (f) Officers shall communicate with the San Joaquin County Sheriff's Department whenever contacting a client at a residence. The officer or team designee shall radio or enter into the Computer Aided Dispatching (CAD) system the address prior to making contact and then radio or enter into the CAD system to clear themselves when completed. When appropriate, officers should advise dispatch the purpose of the contact.
- (g) In addition to the above, radio traffic used to contact law enforcement should only be used in the following circumstances:
 1. Officer needs emergency assistance
 2. Crimes in progress
 3. During joint operations with law enforcement
 4. Officer safety concerns when appropriate
 5. Non-routine contact with a citizen
 6. During the commission of duties associated with the Department's Emergency Plans
- (h) In situations that do not require an immediate response, law enforcement should be contacted via telephone (i.e. evidence of a new crime during a probation search, suspicious activity in an area).

606.3 OFFICER RESPONSIBILITIES

- (a) Officers shall account for their assigned radios on a daily basis. Supervisors' authorization is needed for temporary use off radios by other officers.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Tactical Radios

- (b) Officers with assigned radios have the responsibility to ensure that their radio is maintained in a charged state.
- (c) Prior to conducting fieldwork, the Officer should perform a radio check.
- (d) Officers are responsible for reporting any damage or wear to the radio to their immediate supervisor.
- (e) If a tactical radio is lost or stolen, the officer shall immediately notify the supervisor or in their absence, the Assistant Deputy Chief Probation Officer. The supervisor or the Assistant Deputy Chief Probation Officer shall immediately notify the watch commander of all impacted law enforcement jurisdictions.
- (f) An officer may be subject to discipline/corrective action for:
 - 1. Radio lost or stolen due to negligence
 - 2. Use of radio for other than official business
 - 3. Use of radio for illegal activity
- (g) Tactical Radios shall not be left in a vehicle. Tactical radios shall not be taken home without prior authorization of their supervisor

Chapter 7 - Support Services

Property

700.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security, and disposition of evidence, and other property.

700.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the San Joaquin County Probation Department, including evidence, and items taken for safekeeping.

700.2 POLICY

It is the policy of the San Joaquin County Probation Department to process, store, secure, and dispose of all property in a reasonable manner and to maintain documentation that tracks the location of property and its disposition.

700.3 RESPONSIBILITIES

The Chief Probation Officer should designate a supervisor responsible for the management of property held by the San Joaquin County Probation Department.

The designated supervisor should:

- (a) Maintain procedures for the safety, security, and chain of custody for property received, including procedures for packaging, submitting, storing, transferring, releasing, and disposing of property.
- (b) Maintain procedures for facility security and access control, including access logs.
- (c) Maintain emergency procedures and supplies for the continuity of operations if the facility must be evacuated or moved (e.g., for hazardous spills, fires, floods), including protective equipment for personnel, lighting, and ventilation.
- (d) Develop and make available appropriate forms.
- (e) Maintain procedures for the use of property for investigative or training purposes.
- (f) Conduct inventories and participate in audits and inspections as provided in this policy and address identified issues as appropriate.
- (g) Submit an annual report regarding money that is presumed to have been abandoned to the Chief Probation Officer and the San Joaquin County department responsible for auditing property.

700.4 SECURITY

Only authorized members should have access to property. Members authorized to access secure property storage areas should take reasonable steps to prevent access by unauthorized persons. This includes preventing others from accessing related keys, access codes, passwords, or access cards and reporting any possible breaches or security concerns as soon as practicable.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Property

700.5 PROPERTY HANDLING

The member who first comes into possession of property is generally responsible for the collection, care, custody, and control of the property until it is securely stored.

Receipts should be provided to individuals when property is received or removed from them.

A supervisor should be notified when a submitting member did not follow appropriate procedures.

Members should securely store property prior to going off-duty.

700.6 SPECIAL CONSIDERATIONS

The following items require special handling and should be processed according to department procedures and as follows:

700.6.1 CONTROLLED SUBSTANCES

- (a) Controlled dangerous substances should only be handled using the appropriate type and level of personal protective equipment.
- (b) Controlled dangerous substances should only be tested, opened, or repackaged in authorized areas and only by trained members.
- (c) Controlled substances shall not be packaged with other property.
- (d) Appropriate weights should be obtained and documented.

700.6.2 MISCELLANEOUS

The following items require special consideration and should be handled in line with current department procedures, to include the following:

- (a) Cash should be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor should be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope. After initial submission, cash should be stored in a controlled-access safe. Cash that is not evidence or contaminated should be periodically deposited into a department bank account.

Digital evidence should be stored in a manner to prevent it from becoming demagnetized.

Explosives, fireworks, and hazardous and flammable substances shall not be secured on-site. Appropriate agencies will be contacted to remove or destroy as soon as it is practical and legal to do so.

Firearms shall be unloaded and packaged separately from ammunition. Members submitting firearms should package them in such a way as to provide visual confirmation that the firearm is unloaded. Knife boxes should be used to package knives.

Syringe tubes or other sharps containers should be used to package syringes, needles and other sharps.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Property

700.7 RECORDING OF PROPERTY

Members should ensure that all documentation and tagging is completed when entering property and evidence. The designated supervisor receiving custody of property shall ensure a property control record for each item or group of items has been created.

The designated supervisor shall ensure that a unique property number is obtained for each item or group of items.

700.8 INSPECTION OF THE PROPERTY STORAGE AREA

The Assistant Deputy Chief shall ensure that periodic, unannounced inspections of the storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Assistant Deputy Chief also shall ensure that an audit is conducted annually, or as directed by the Chief Probation Officer. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the property operations.

Whenever there is a change of assignment for any member with authorized access to the stored property, an inventory of all property shall be conducted by a person who is not associated with the stored property, or its function. This is to ensure that all property is accounted for and the records are correct.

700.9 PROCEDURE LINKS PROPERTY

Records Maintenance, Confidentiality, and Release

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance, release, confidentiality, and disposition of records maintained by the Department. The policy addresses responsibilities of the Executive Secretary and members for the management of file access, and requests for release of information and records.

701.2 POLICY

It is the policy of the Department to maintain probationer records and to provide for the access to and release of records consistent with department policies, administrative directives, and applicable state law.

701.3 RECORDS CUSTODIAN RESPONSIBILITIES

The Executive Secretary is the Records Custodian. The responsibilities of the Executive Secretary include but are not limited to:

- (a) Maintaining and updating a records procedure manual.
- (b) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (c) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (d) Maintaining and updating the department records retention schedule, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying who has the responsibility for the original record.
- (e) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (f) Identifying records or portions of records that have release restrictions or are confidential under state or federal law and not open for inspection or copying.
- (g) Establishing procedures for sharing records as permitted by law with probationers, their designees, and coordinating agencies, including law enforcement agencies, social service agencies, and medical and mental health providers.
- (h) Establishing rules regarding the processing of subpoenas for the production of records.
- (i) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of data.
- (j) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 7922.530).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

- (k) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (l) Ensuring that public records posted on the department website meet the requirements of Government Code § 7922.680, including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

701.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any records shall route the request to the Executive Secretary or authorized designee.

701.4.1 REQUESTS FOR PUBLIC RECORDS

The processing of requests for public records is subject to the following (Government Code § 7922.530):

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained in the case file for proof of what was released and as a place to document the reasons for the redactions.
 2. If the record is an audio or video recording, a copy of the redacted audio/video recording release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Either the requested record or the reason for nondisclosure will be provided 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 Executive Secretary or the authorized designee. If an extension is authorized, the Department, in collaboration with County Counsel, shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response. ,
 1. When the request does not reasonably describe the records sought, the Executive Secretary or authorized designee, in collaboration with County Counsel shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request, including providing assistance for overcoming any practical basis for denying access to the records or information. The Executive Secretary shall also assist in describing the information and technology and physical location in which the record exists (Government Code § 7922.600).
 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be provided.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

701.4.2 DENIALS

The denial of a request for public records is subject to the following:

- (a) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or states facts demonstrating that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 922.000; Government Code § 7922.540).
- (b) The written response to the denial shall include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.540).

701.4.3 CONFIDENTIALITY OF ADULT RECORDS

Immediate supervisors are to ensure all members new to working with adult clients are trained in confidentiality laws and guidelines.

Should a client request to review or obtain a copy of documents in their file that have been provided by another agency, the client is to be referred to the originating agency. Applications for state summary information can be obtained from the Court, Sheriff's Department, a city police department, or the Department of Justice.

The subject of the probation report may review or copy their report at any time.

Clients requesting to review or obtain a copy of their report are to be referred to their attorney or the Court.

Adult probation reports are a matter of public record for 60 days following the date of judgment and/or grant of probation (Penal Code § 1203.05)

All adult probation records are to be treated as confidential unless release of information is authorized by law or court order.

The Department is not authorized to release records to another entity, unless that entity qualifies as one which has a right to know and need to know (see Protected Information Policy).

701.4.4 CONFIDENTIALITY OF JUVENILE RECORDS

Immediate supervisors are to ensure that all members new to working with youth are trained in confidentiality laws and guidelines as well as the Court Order regarding the Confidentiality of Juvenile Records (T.N.G Order)

Juvenile record requests from the military or Job Corps must be accompanied by a signed waiver from the youth and a Petition for Disclosure of Juvenile Court Records.

Any Welfare and Institutions Code (WIC) § 602 record held by the Department may not be reported unless the requesting agency is listed in the T.N.G. order or the request for a record

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

is accompanied by a Petition for Disclosure of Juvenile Court Records signed by the Presiding Judge of the Juvenile Court.

All juvenile probation records are to be treated as confidential. Members are to follow all laws relating to confidentiality of juvenile records and the County Superior Court's order relative to the T.N.G. State Supreme Court case, and other applicable laws.

See T.N.G. Order for further guidance.

701.4.5 RELEASE RESTRICTIONS

Examples of release restrictions include (except where allowed by law or court order):

- (a) Probationer records, including probationer classification, disciplinary records, pre-sentence or disposition reports, supervision reports, and progress reports.
- (b) Probation reports filed with a court (Penal Code § 1203.03; Penal Code § 1203.05).
- (c) Records relating to juveniles (Welfare and Institutions Code § 827; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).
- (d) Probationer medical, mental health, and substance abuse records (Government Code § 7930.130; Government Code § 7930.170; 42 CFR 2.35).
- (e) Probationer education records (Family Education Rights and Privacy Act of 1974 (FERPA); Education Code § 49076).
- (f) Personnel records, medical records, or similar files that would involve an unwarranted invasion of personal privacy (Government Code § 7927.700; Penal Code § 832.8; Evidence Code § 1043 et seq.).
- (g) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of department members except as allowed by Government Code § 7928.300.
- (h) Criminal intelligence and criminal history information (Penal Code § 13102; Penal Code § 13300) (see also the Protected Information Policy).
- (i) A record of a complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7(b)(9)).

701.5 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released pursuant to a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by any officer, or depicts an incident in which the use of force by any officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

The Executive Secretary should work as appropriate with the Chief Probation Officer or the Deputy Chief of Administrative Services in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

701.5.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident. After the initial 45 days and up to one year, delayed disclosure may continue if the Department demonstrates substantial interference with the investigation. Any delayed disclosure longer than one year must be supported by clear and convincing evidence (Government Code § 7923.625).

701.5.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Executive Secretary, or authorized designee, working in collaboration with County Counsel, shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Executive Secretary shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Executive Secretary shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Executive Secretary should work with the Chief Probation Officer in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

701.5.3 REDACTION

If the Executive Secretary, in consultation with the Chief Probation Officer or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Executive Secretary shall provide in writing to the requester

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

701.5.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Executive Secretary shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

701.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Division Secretary or authorized designee for review and processing. The Division Secretary, shall forward the request to the Assistant Deputy Chief Probation Officer. The Assistant Deputy Chief Probation Officer will send a memo requesting advisement along with the subpoena to County Counsel. Copies of the memo and the subpoena will be given to the involved officer, the supervisor, and the Deputy Chief Probation Officer of the involved division. While the Department or member ultimately may have to comply with a subpoena duces tecum, 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 or discovery request should be referred to County Counsel for the Department so that a timely response can be prepared.

701.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

701.8 SECURITY BREACHES

Members who become aware that any San Joaquin County Probation Department system containing personal information may have been breached should notify the Executive Secretary as soon as practicable. The Senior Administrative Supervisor will notify the Chief Probation Officer, and appropriate department and County ISD, via the chain of command as soon as practicable.

The Executive Secretary shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system (Civil Code § 1798.29).

If a single breach requires the Department to notify more than 500 California residents, the Department shall submit a sample copy of the notification electronically, excluding any personally identifiable information, to the California Attorney General (Civil Code § 1798.29).

For the purposes of the notice requirement, personal information includes (Civil Code § 1798.29):

- (a) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:
 - 1. Social Security number
 - 2. Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 - 3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 - 4. Medical information
 - 5. Health insurance information
 - 6. Unique biometric data
 - 7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that would permit access to an online account.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Executive Secretary should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Records Maintenance, Confidentiality, and Release

701.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Senior Administrative Supervisor or authorized designee, and, if appropriate, the member assigned to supervision of the probationer.

Designated central support members shall seal such records as ordered by the court. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781; Welfare and Institutions Code § 786; Welfare and Institutions Code § 786.5).

701.9.1 SEALED JUVENILE ARREST RECORDS

The Senior Administrative Supervisor shall seal the arrest and other records in department custody relating to a juvenile's arrest and referral and participation in a diversion or supervision program as provided by Welfare and Institutions Code § 786.5.

The Senior Administrative Supervisor should ensure that an arresting law enforcement agency is notified to seal any arrest records required by Welfare and Institutions Code § 786.5. Within 30 days of receipt of notification from the arresting law enforcement agency that the records have been sealed, the Executive Secretary should ensure that the involved minor receives written notification that their records have been sealed. If the records are not sealed, written notice shall inform the minor of their ability to petition the court directly to seal their arrest and other related records (Welfare and Institutions Code § 786.5).

Protected Information

702.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the San Joaquin County Probation Department. This policy addresses the protected information used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance, Confidentiality, and Release Policy.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data collected, stored, or accessed by members of the San Joaquin County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public, such as CLETS information.

702.2 POLICY

Members of the San Joaquin County Probation Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

702.3 RESPONSIBILITIES

The Chief Probation Officer shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

702.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Joaquin County Probation Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

702.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive, or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

702.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Executive Secretary for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through the Central Support Services Unit to ensure proper documentation of the release (see the Records Maintenance, Confidentiality, and Release Policy).

702.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, other than CJI and CHRI, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a Mobile Data Terminal or department-issued cellular telephone should be utilized

San Joaquin County Probation Department

Probation Manual

Probation Manual

Protected Information

when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

702.5.2 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the San Joaquin County Probation Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

702.6 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

702.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

702.7 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Protected Information

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

702.7.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Executive Secretary. Any supporting documentation for an entry shall be retained by the Executive Secretary in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Executive Secretary are appropriately marked as intelligence information. The Executive Secretary may not purge such documents without the approval of the designated supervisor.

702.7.2 SHARED GANG DATABASE

Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

702.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

702.9 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

Chapter 8 - Personnel

Recruitment and Selection

800.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the San Joaquin County Probation Department and that are promulgated and maintained by Human Resources Division.

800.2 POLICY

In accordance with applicable federal, state, and local law, the San Joaquin County Probation Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

800.3 RECRUITMENT

The Administrative Services Deputy Chief Probation Officer should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Deputy Chief Probation Officer shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of the candidate's status in the recruiting process.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

800.4 SELECTION PROCESS

The Department strives to identify a diverse group of candidates who have distinguished themselves as being outstanding prospects. The Department employs a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed before extending an offer of employment (Penal Code § 832.12).
- (b) Driving record.
- (c) Reference checks.
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites.
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).
- (g) Local, state, and federal criminal history record checks.
- (h) Polygraph Examination and/or Computer Voice Stress Analyzer Exam (when legally permissible) (Labor Code § 432.2).
- (i) Medical and psychological examination (may only be given after a conditional offer of employment).
- (j) Review board or selection committee assessment.

800.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the San Joaquin County Probation Department (Government Code § 1031; 15 CCR 131).

800.5.1 NOTICES

Background investigators shall ensure investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

800.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided expeditiously to the applicant in person or to the address provided by the applicant (Penal Code § 11105(t)).

800.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Professional Standards Unit shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Deputy Chief Probation Officer should consider using the services of an appropriately trained and experienced third party to conduct open-source, internet-based searches and/or review information from social media sites to ensure that:

- The legal rights of candidates are protected.
- Material and information to be considered is verified, accurate, and validated.
- The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Deputy Chief Probation Officer should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

800.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

800.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

800.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior

San Joaquin County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

800.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community (Government Code § 1029; Government Code § 1031; 15 CCR 131).

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

800.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by California law, including those provided in Government Code § 1029, Government Code § 1031, and 15 CCR 131:

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States under federal law
- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers
- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years and since age 18 as determined by a background investigation (Penal Code § 13681)

Candidates must also satisfy the Board of State and Community Corrections selection requirements.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Recruitment and Selection

800.8 JOB DESCRIPTIONS

The Administrative Services Deputy Chief Probation Officer should ensure that a current job description is maintained for each position in the Department.

Standards of Conduct

801.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Joaquin County Probation Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

801.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action. See Personnel Complaints Policy for additional guidance.

801.3 DIRECTIVES AND ORDERS

Members shall comply with lawful or reasonable directives and orders from any department supervisor or person in a position of authority. a

801.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

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

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that conflicts with a previous lawful order, department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to supersede the previous lawful order or directive, in which case the member is obliged to comply.

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

801.3.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Failing to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failing to promptly and fully report any known misconduct of a member to the immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

801.4 GENERAL STANDARDS

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

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

Corrective Action or discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

801.5 CAUSES FOR CORRECTIVE ACTION OR DISCIPLINE

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

801.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or County policies.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

801.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the San Joaquin 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 member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties.
- (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.

801.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

801.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, client, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are under the supervision of the courts, any probation department, or any correctional authority after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

801.5.5 ATTENDANCE

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

801.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

801.5.7 EFFICIENCY

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

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

801.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department, or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system
- (g) Improper political activity, including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by County policy, the applicable memorandum of understanding, or the Chief Probation Officer.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by SanJoaquin County policy, the applicable memorandum of understanding, or the Chief Probation Officer.
- (i) Any act on- or off-duty that brings discredit to this department.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

801.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the County.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of applicable memorandum of understanding, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this department or its members.

801.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform probation duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Standards of Conduct

- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable within 24 hours of the event.

801.5.11 INTOXICANTS

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

Performance Evaluations

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the San Joaquin County Probation Department performance evaluation system.

802.2 POLICY

The San Joaquin County Probation Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for measuring performance and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

802.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

Probationary - An evaluation completed at the end of the fourth, seventh, and eleventh month of a probationary period by the employee's immediate supervisor.

Permanent - An evaluation completed at least once a year by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Human Resources Division or, minimally, on the anniversary of the last promotion.

When an employee transfers to a different assignment in the middle of an evaluation period, and more than three months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and respective administrator determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

Performance Evaluation Form

802.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows

Satisfactory - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Performance Evaluations

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory shall be substantiated with supervisor comments.

802.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

802.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based on documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

802.5 EVALUATION FREQUENCY

Supervisors shall ensure that all employees they supervise are evaluated at least once every year on the anniversary of the employee's date of appointment or hire.

Those employees who are required to successfully complete a probationary period should be evaluated at the fourth, seventh, and eleventh month.

802.6 EVALUATION INTERVIEW

When the supervisor has completed the employee's evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation

San Joaquin County Probation Department

Probation Manual

Probation Manual

Performance Evaluations

ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

802.6.1 ADDITIONAL USES FOR PERFORMANCE EVALUATIONS

Employee Performance Evaluations may be considered along with other pertinent information when a salary step increase or a disciplinary action is being contemplated.

The Employee Performance Evaluations shall be used for layoff purposes in accordance with Civil Service Rules Section 17.1.c. (1).4. In addition, the last available Employee Performance Evaluation must have an overall rating of satisfactory if the employee is:

To be granted a Leave of Absence.

To participate in a promotional examination.

To be transferred, transfer-promoted, promoted, reinstated, or restored to an eligible list.

See Leave Policy, Special Assignments and Promotions Policy, and County Civil Service Rules for further guidance.

San Joaquin County Performance Guidelines

802.7 REVIEW

An employee who disagrees with the evaluation may provide a formal written response that will be attached to the evaluation, or may request a review.

To request a review, the employee shall forward a written memorandum within three days to the evaluator's supervisor or the authorized designee. The memorandum shall identify the specific basis for the review and include any relevant information for the reviewer to consider.

802.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the evaluator's supervisor or the authorized designee. The evaluator's supervisor or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response made by the employee.

The evaluator's supervisor or the authorized designee should evaluate the supervisor on the quality of ratings given.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Performance Evaluations

802.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to a request for review shall be provided to the County Human Resources Division.

A copy of the evaluation and any documentation of a related review shall be provided to the employee and also maintained by the department in accordance with the Personnel Records Policy.

Grievances

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the San Joaquin County Probation Department grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

804.1.1 GRIEVANCE DEFINED

A grievance is an alleged violation of a specific rule or regulation contained in the Civil Service Rules of San Joaquin County or in department rules, or any of the following:

- The memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy. Lastly, outside the category of grievances are complaints regarding an alleged dispute concerning the interpretation or application of ordinances, resolutions, policies, procedures, or agreements, including any memorandum of understanding, as set forth in the applicable memorandum of understanding and in the Personnel Complaints Policy.

804.2 POLICY

It is the policy of the San Joaquin County Probation Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance. Grievances will be handled in accordance with Civil Service Rule 19 and/or the existing memorandum of understanding between the County and an employee's respective bargaining unit. The grievance procedure is established to provide a means of resolving a perceived violation of an employee's rights or benefits in a timely manner. It is intended to resolve such matters at the lowest possible level. The employee has the right to representation at any and/or all steps of the procedure.

804.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Grievances

Except as otherwise required under a memorandum of understanding, if an employee comes to believe behavior constituting a grievance as defined above may have occurred, the employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If the matter is unable to resolved through an informal process, the employee shall follow the formal process as outlined in the memorandum of understanding.

804.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. Copies of the documents should also be sent to the Human Resources Division.

804.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the Chief Probation Officer in the memorandum.

804.6 GRIEVANCE AUDITS

The Administrative Services Deputy Chief Probation Officer should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The Administrative Services Deputy Chief Probation Officer should record these findings in a confidential memorandum to the Chief Probation Officer without including any identifying information about any individual grievance.

Anti-Retaliation

805.1 PURPOSE AND SCOPE

This policy prohibits retaliation against applicants and members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or memorandum of understanding or contract.

805.2 POLICY

The San Joaquin County Probation Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

805.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

805.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the San Joaquin County Probation Department who has the authority to investigate the violation (Government Code § 7286(b)).

805.4 COMPLAINTS OF RETALIATION

Any member who has been retaliated against in violation of this policy should promptly report the matter to any supervisor, any administrator, the Department EEO Coordinator, or County Human Resources Division.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member are part of the investigative process.

805.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their supervision are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief Probation Officer via the chain of command, and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

805.6 ADMINISTRATION RESPONSIBILITIES

The Chief Probation Officer should communicate to all supervisors the prohibition against retaliation.

Administration shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

805.7 WHISTLEBLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Deputy Chief Probation Officer via the chain of command for investigation pursuant to the Personnel Complaints Policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Anti-Retaliation

805.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The San Joaquin County Probation Department shall display a notice to members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

805.8 RECORDS RETENTION AND RELEASE

The Executive Secretary shall ensure that documentation of investigations are maintained in accordance with the established records retention schedules.

805.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions, and Court Orders

806.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the San Joaquin County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

806.2 POLICY

The San Joaquin County Probation Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the San Joaquin County Probation Department.

806.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

806.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

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 their duties and the public trust, and shall be reported as provided in this policy.

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 (e.g., driver's license suspension or revocation).

Outstanding warrants and felony convictions also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Reporting of Arrests, Convictions, and Court Orders

806.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Administrative Services Deputy Chief Probation Officer) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Chief Probation Officer) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires a suspension of the authorization to carry a firearm.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and at the member's own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

Drug- and Alcohol-Free Workplace

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

807.2 POLICY

It is the policy of the San Joaquin County Probation Department to provide a drug- and alcohol-free workplace for all members.

For further guidance see San Joaquin County Alcohol and Drug Abuse Policy.

807.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify the appropriate supervisor as soon as the employee is aware that the member will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while on-duty, the member shall be immediately removed and released from the workplace (see the Work Restrictions section in this policy).

For further guidance see San Joaquin County Alcohol and Drug Abuse Policy.

807.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

807.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

807.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired due to drug or alcohol use.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Drug- and Alcohol-Free Workplace

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation no later than five days after such disposition (41 USC § 8103).

807.5 EMPLOYEE ASSISTANCE PROGRAM

A voluntary employee assistance program is available to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

807.6 WORK RESTRICTIONS

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from the member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work, shall notify an administrator, and shall ensure that the member is safely transported to an appropriate location.

807.7 SCREENING TESTS

An administrator may require an employee to submit to a screening under any of the following circumstances:

- (a) The administrator reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

807.7.1 ADMINISTRATION RESPONSIBILITIES

The administrator shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Drug- and Alcohol-Free Workplace

807.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof within 72 hours after being requested that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

807.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction or disposition for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

807.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program is considered confidential medical records and shall be maintained separately in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

808.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act (CFRA), leave for victims of crime or abuse, or for organ or bone marrow donor procedures (Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

See Leave Policy for additional guidance.

808.2 POLICY

It is the policy of the San Joaquin County Probation Department to provide eligible employees with a sick-leave benefit.

808.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

808.3.1 NOTIFICATION

All members should notify their supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor (Labor Code § 246). Notification is not complete until the supervisor confirms receipt of the message. If their supervisor is absent, the employee may contact another supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee, whenever practicable, shall provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required data entry or documentation describing the type of time off used and the specific amount of time taken.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Sick Leave

808.4 EXTENDED ABSENCE

Employees absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. If practicable, employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return. These requirements are subject to County, state, and federal rules regarding confidentiality of health records, workers' compensation, FMLA, CFRA, and the American with Disabilities Act (ADA), where applicable.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

For further guidance see the Leave Policy.

808.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with the Assistant Chief Probation Officer and the Division Secretary.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 1. Negatively affected the employee's performance or ability to complete assigned duties.
 2. Negatively affected department operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

808.6 REQUIRED NOTICES

The Human Resources Division shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

Communicable and Airborne Diseases

809.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

809.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, urine, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood, urine, or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the San Joaquin County Probation Department (see the Exposure Control Plan for further details to assist in identifying whether an exposure has occurred).

809.2 POLICY

The San Joaquin County Probation Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

809.3 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen precautions (8 CCR 5193).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communicable and Airborne Diseases

- (a) Sharps injury log.
 - (b) Needleless systems and sharps injury protection.
 3. Airborne transmissible disease precautions (8 CCR 5199).
 - (a) Engineering and work practice controls related to airborne transmissible diseases.
 - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person who may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
- (g) Coordination with the Administrative Deputy Chief to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

809.4 EXPOSURE PREVENTION AND MITIGATION

809.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, urine, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communicable and Airborne Diseases

- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood, urine, or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

809.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

809.5 POST EXPOSURE

809.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

809.5.2 REPORTING REQUIREMENTS

The supervisor or designated administrator on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communicable and Airborne Diseases

- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

809.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions, resulting from exposure to blood or other potentially infectious materials, that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

809.5.4 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

809.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

San Joaquin County Probation Department

Probation Manual

Probation Manual

Communicable and Airborne Diseases

- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

809.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

809.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting the member's potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

810.1 PURPOSE AND SCOPE

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

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

810.2 POLICY

The San Joaquin County Probation Department recognizes that tobacco use is a health risk and residue can be offensive to others. All forms of tobacco use also present an unprofessional image for the Department and its members. Therefore, all forms of tobacco use are prohibited by members and visitors in all department facilities, buildings, and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

810.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the San Joaquin County Probation Department.

It shall be the responsibility of each member to ensure that no person under the member's supervision smokes or uses any tobacco product inside County facilities and vehicles.

810.4 ADDITIONAL PROHIBITIONS

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

For additional information see San Joaquin County Ordinance No, 3456 and 3623

Seat Belts

812.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in County vehicles.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and Vehicle Code § 27360.

812.2 POLICY

It is the policy of the San Joaquin County Probation Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

812.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by the County 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 those who are not members of the Department, are properly restrained.

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

812.4 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any County vehicle with a transport restraint system or, when a transport restraint system is not available, by seat belts provided by the vehicle manufacturer. The transport restraint system is not intended to be a substitute for handcuffs or other appendage restraints. See the Transporting Persons in Custody Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

812.5 INOPERABLE SEAT BELTS

County vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

County vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and fleet staff.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Seat Belts

Members who discover an inoperable restraint system shall report the defect to County Motor Pool. Prompt action will be taken to replace or repair the system.

812.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

812.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Request for Change of Assignment

814.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment in response to an announced vacancy.

814.2 POLICY

It is the policy of the San Joaquin County Probation Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

All members and candidates for promotion will be made aware of the possibility of reassignment. This applies to job assignments, job locations, and work schedules.

814.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a Preference Sheet through the chain of command to their Supervisor.

The Preference Sheet provides members with the opportunity to list all assignments in which the member is interested.

The document will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, members still interested in a change of assignment should complete and submit a new request. Members may submit a new Preference Sheet at any time throughout the year.

814.4 RESPONSIBILITIES

814.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor may make appropriate comments in the space provided on the document and forward it to the member's Assistant Deputy Chief Probation Officer.

814.4.2 ASSISTANT DEPUTY CHIEFS

Any time a rotation of members is considered, or there is a Departmental need to fill an assignment, the Administrative team will meet to discuss transfers respective to each division of the Department and will seek supervisor input as needed. The Assistant Chief Probation Officer will present recommended assignments to the Chief Probation Officer for approval.

Fitness for Duty

815.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to require that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

815.2 POLICY

The San Joaquin County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

815.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform duties, such observations and/or belief shall be promptly reported to a supervisor.

815.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform any duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

For indications of alcohol or drug related matters see Drug and Alcohol-Free Workplace Policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Fitness for Duty

815.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform duties shall promptly document all objective information and/or observations. The receiving supervisor shall promptly forward the information to the affected member's supervisor.

The affected member's supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the observations and actions in a written report and inform the member's Assistant Deputy Chief Probation Officer.

815.4.2 DUTY STATUS

In conjunction with the member's Assistant Deputy Chief Probation Officer, the Supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Supervisor, the member's Assistant Deputy Chief Probation Officer, or the Chief Probation Officer should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

815.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

815.5.1 PROCESS

The Assistant Deputy Chief or Chief Probation Officer, in cooperation with Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report. If the employee places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding (Civil Code § 56.10(c)(8)).

To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Fitness for Duty

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with Human Resources Department.

815.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period.
- 30 hours in any two-day (48 hours) period.
- 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

815.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

Lactation Breaks

816.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child whenever the member has the need to express breast milk (Labor Code § 1034).

816.2 POLICY

It is the policy of the San Joaquin County Probation Department to provide, in compliance with the Fair Labor Standards Act and the Fair Employment and Housing Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's infant child (29 USC § 207; Labor Code § 1030).

816.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor before 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.

816.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall not be a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207; Labor Code § 1031).

The room shall:

- (a) Be safe, clean, and free of hazardous materials
- (b) Contain a surface on which to place a breast pump and personal items
- (c) Contain a place to sit
- (d) Have access to electricity or alternative devices including but not limited to extension cords or charging stations needed to operate an electric or battery-powered breast pump

San Joaquin County Probation Department

Probation Manual

Probation Manual

Lactation Breaks

The Department shall provide the member with access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the member's workspace. If a refrigerator cannot be provided, the Department may provide another cooling device suitable for storing milk, such as a Department-provided cooler. (Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

816.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall label it as such and shall remove it when the member's shift ends.

816.6 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the employee with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations shall comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but also may file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Records

817.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of Department members who are eligible for the payment of wages.

817.2 POLICY

The San Joaquin County Probation Department maintains timely and accurate payroll records.

817.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their direction.

817.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions such as holidays. Payroll records shall be completed and submitted to the Senior Administrative Supervisor as established by the County payroll procedures.

817.5 SHIFT DIFFERENTIAL

The Department may require alternate work hours to meet workload needs. Alternate work hours are governed by the appropriate MOU. If an employee has prior authorization to start their workday at noon or later, they are eligible for shift differential pay. Upon completion of the earned hours, employees must document the reason for the alternate work hours and actual hours worked. All requests for pay differential require approval of the Assistant Deputy Chief Probation Officer of the respective division.

817.6 RECORDS

The Senior Administrative Supervisor shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

818.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.). Overtime compensation also is governed by the applicable memorandum of understanding.

818.2 POLICY

The San Joaquin County Probation Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

818.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than 15 minutes in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and with mutual agreement between the employee and supervisor, schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

Salary exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

818.4 REQUESTS FOR OVERTIME COMPENSATION

818.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the Department-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Overtime Compensation

818.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall report the information to their Assistant Deputy Chief Probation Officer who may initiate an investigation consistent with the Personnel Complaints Policy.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Assistant Deputy Chief Probation Officer for final approval.
 1. After the Assistant Deputy Chief Probation Officer has authorized compensation, the request shall be submitted to Administrative Services as soon as practicable.

Supervisors may not authorize or approve their own overtime.

818.5 ACCOUNTING FOR PORTIONS OF AN HOUR

Authorized overtime work shall be accounted in the increments as listed:

TIME WORKED INDICATE ON CARD
Up to 15 minutes .25 hour
16 to 30 minutes .50 hour
31 to 45 minutes .75 hour
46 to 60 minutes 1 hour

818.5.1 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Assistant Deputy Chief Probation Officer or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

818.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor at least 48 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Work-Related Illness and Injury Reporting

819.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, mental health issues, and work-related injuries.

819.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

819.2 POLICY

The San Joaquin County Probation Department will address work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

819.3 RESPONSIBILITIES

819.3.1 MEMBER RESPONSIBILITIES

Any member suffering from any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

819.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide injury- or illness-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

819.3.3 DIVISIONCOMMANDER RESPONSIBILITIES

The Assistant Deputy Chief of the involved division who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief Probation Officer or authorized designee, the County's risk management entity, and the Deputy Chief Probation Officer of Administrative Services to ensure any required Division of Occupational Safety and Health (Cal/ OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Work-Related Illness and Injury Reporting

819.3.4 AGENCYHEAD RESPONSIBILITIES

The Chief Probation Officer shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

819.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. Any related Countywide injury or illness reporting protocol shall be followed. A copy of the completed form(s) shall be forwarded to the Assistant Deputy Chief of the involve division through the chain of command and a copy sent to the Chief Probation Officer or authorized designee.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating no medical attention was desired at the time of the report. By signing, the member does not preclude the ability to later seek medical attention.

819.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, the person's agent, insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

819.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

819.6 WORKERS' COMPENSATION

- (a) Eligibility - An Employee who is disabled as a result of an injury or illness arising out of and in the course of employment.
- (b) Risk Management advises the department when an employee is eligible for Workers' Compensation and when the employee is released from eligibility.
- (c) Leave shall be charged against sick leave or other applicable accrued leave.
- (d) Employees receiving temporary disability indemnity payments shall accrue leave and the County shall continue to provide benefits for employees as if they were on payroll as regular employees.
- (e) Pursuant to Labor Code Section 4850, a sworn employee that is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his or her duties is entitled to a leave of absence while so disabled without loss of salary in lieu of temporary disability payments.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Work-Related Illness and Injury Reporting

(f) Necessary Documentation

1. Request for Leave of Absence form is required to track job protected FMLA and CFRA of eligible employees with a serious health condition. Note: FMLA/CFRA run concurrent.

(g) Process

1. The employee is to notify their Supervisor immediately when requesting an Extended Leave of Absence.
2. After reviewing the Leave of Absence, Overtime/Holiday Earned - Time Off Request, and the Physician Certification, the Administrator shall submit the documents to the respective administrator.
3. The respective administrator shall review all requests (with the exception of Education and Training/Personal Leaves and approve for submission to Human Resources for final approval.
4. Once reviewed and approved for submission, the respective administrator shall submit the documents to the designated Office Secretary.
5. The designated Office Secretary is responsible to track the Leave of Absence and retain copies of all documents. Documents relating to FMLA/CFRA/PDL shall be retained in a separate medical file for employees.
6. The designated Office Secretary shall enter the Leave of Absence information into the PeopleSoft FMLA database and forward to Human Resources.
7. The designated Office Secretary shall give a copy of the Leave of Absence and the Overtime/Holiday Earned - Time Off Request forms to the Departmental Payroll Clerk.
8. Note: It is the policy of San Joaquin County that employees shall use their accrued leave balances prior to leave without pay. If the leave is for a personal serious health condition, the employee shall use accrued sick leave before using accrued vacation or holiday leave. In the event of leave due to a serious illness of a family member, the employee shall use 80 hours of family sick leave (fiscal year) before using accrued vacation or holiday hours. Employees shall use accrued leave before Leave Without Pay is applied.
9. Use of accrued sick leave for "bonding purposes" shall be in accordance with the MOU of the employee's bargaining unit and any other applicable County policy.

(h) Return to Work (All Medical Leaves)

1. Employees are required to submit a statement from their physician, which certifies they are eligible to return to work.
2. Employees who return to work with limited work restrictions must have a physician's certification statement that outlines their work limitations and the anticipated duration of such limitations. A Doctor's Physical Restriction form is available on the shared network.

Personal Appearance Standards

820.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the San Joaquin County Probation Department.

Requirements for department uniforms and business attire are addressed in the Uniforms and Business Attire Policy.

820.2 POLICY

San Joaquin County Probation Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements and appearance conformity while considering matters important to members of the Department.

820.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief Probation Officer has granted an exception.

820.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief Probation Officer.

820.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily used for securing the hair and must present a professional image.

820.3.3 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern.

820.4 APPEARANCE

820.4.1 JEWELRY

For the purpose this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory,

San Joaquin County Probation Department

Probation Manual

Probation Manual

Personal Appearance Standards

gang-related, or obscene language is not allowed. See the Uniforms and Business Attire Policy for jewelry specifications that apply while wearing the department uniform.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Jewelry to the tongue, nose, eyebrow, or lip area shall be removed during work hours. If it is not possible to do so, reasonable efforts shall be made to cover during work hours. Reasonable efforts shall be made to cover and/or plug gauges while on duty.
- (c) No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) Wristwatches shall be conservative and present a professional image.
- (e) Tie tacks or tie bars worn with business attire shall be conservative and present a professional image.

820.4.2 TATTOOS

While on-duty or representing the San Joaquin County Probation Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or 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 that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

820.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the San Joaquin County Probation Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

820.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the San Joaquin County Probation Department in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Personal Appearance Standards

- (c) Orthodontic appliances that are colored for decorative purposes.

820.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the San Joaquin County Probation Department in any official capacity.

820.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

820.4.7 UNDERGARMENTS

Proper undergarments shall be worn as necessary for reasons of hygiene and general appearance standards.

820.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

820.6 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief Probation Officer should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniforms and Business Attire

821.1 PURPOSE AND SCOPE

This policy provides guidelines for attire regulations and San Joaquin County Probation Department-authorized uniforms. The purpose of this policy is to ensure that uniformed officers are readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear business attire reflects favorably on the Department.

This policy also addresses the wearing and maintenance of department uniforms, accessories, insignia, patches, and badges; the requirements for members who wear court or office attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics, including authorized and unauthorized use of badges, lost or stolen badges, and the use of the badge or likeness by employee groups, are addressed in the Badges, Patches, and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

821.2 POLICY

The San Joaquin County Probation Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief Probation Officer.

All members are expected to wear their uniforms or business attire while on duty.

All uniforms and equipment issued to department members shall be returned to the Department upon separation, termination, or resignation.

Except in emergency or other extenuating circumstances, if a member reports to work without their department-issued uniform or business attire, they will be sent home on their own time and directed to return wearing the department-issued uniform or business attire.

821.3 UNIFORMS AND ATTIRE

The Chief Probation Officer or the authorized designee shall maintain and update uniform, attire, and equipment specifications, which should be consulted by all members as needed. Uniforms shall be worn as described therein and as specified in this policy.

- (a) The following items shall not be worn while on-duty or when representing the Department in any official capacity:
1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 2. T-shirt alone or exposed undergarments
 3. Tank tops, tube tops, or halter tops
 4. Sweatshirts, sweatpants, or similar exercise clothing
 5. Spandex-type pants or transparent clothing

San Joaquin County Probation Department

Probation Manual

Probation Manual

Uniforms and Business Attire

6. Denim pants of any color, other than on Fridays, or any other days as determined by the Chief Probation Officer.
 7. Pants that are not full length (i.e. Capri or three-quarter length)
 8. Shorts
 9. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language
- (b) The following shall apply to those assigned to wear department-issued uniforms:
1. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed. Undershirts should be black or dark blue.
 2. Officers authorized to be armed shall possess and maintain at all times a serviceable uniform, court attire and the necessary equipment to perform field duty. Officers shall have the appropriate court attire available in their designated work area for a court appearance.
 3. Uniforms shall be worn in compliance with any applicable department specifications.
 4. Officers shall wear only the uniforms specified for their classifications and assignments.
 5. Uniforms are only to be worn while on-duty, at official department functions or events, while in transit to or from work, or when authorized by the Chief Probation Officer or the authorized designee.
 - (a) When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the member while off- duty.
 6. Officers are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms.
 7. All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

821.3.1 ACCESSORIES

Officers shall adhere to the following when wearing department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy.
- (c) Officers may only wear uniform hats on duty. Hats must be worn forward facing.

821.3.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief Probation Officer:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Uniforms and Business Attire

- (a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- (b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.
- (d) Assignment insignias - Assignment insignias (e.g., Field Training Officer (FTO)) may be worn as designated by the Chief Probation Officer.
- (e) American flag pin - An American flag pin may be worn, centered above the nameplate.

821.3.3 MOURNING BAND

Uniformed officers shall wear a department-issued black mourning band across the department badge whenever a law enforcement or officer is killed in the line of duty or as directed by the Chief Probation Officer. The following mourning periods will be observed:

- (a) San Joaquin County Probation Department officer - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief Probation Officer.

821.4 COURT ATTIRE

The Chief Probation Officer or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

Court attire is described as:

- (a) Suits, sport coats, blazers, or dress jackets
- (b) Dress slacks, dress pants, trousers (e.g., khakis, Dockers)
- (c) Dresses, skirts
- (d) Neckties or bow ties
- (e) Dress shoes (e.g., oxfords, other dress lace-up shoes, pumps, dress sandals, flats, oxfords, mules, dress boots, conservative heels, loafers)

Court attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn. Court attire shall not be frayed, faded, or torn.

821.4.1 BATTLE DRESS UNIFORM (BDU)

The Battle Dress Uniform (BDU) consists of the following:

- (a) Approved polo shirt, long or short sleeved

San Joaquin County Probation Department

Probation Manual

Probation Manual

Uniforms and Business Attire

- (b) Approved pants
- (c) Approved duty belt
- (d) Approved footwear. Athletic shoes are allowable.

The Chief Probation Officer or the authorized designee will establish the specifications, regulations, and conditions for wearing the BDU.

821.4.2 SPECIALIZED ASSIGNMENT UNIFORM

The Chief Probation Officer or the authorized designee may authorize certain uniforms to be worn by officers in specialized assignments, such as canine handlers and other specific assignments.

821.4.3 UNIFORM EXEMPTION

The Chief Probation Officer or the authorized designee may authorize a uniform exemption.

821.5 OFFICER ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which business attire is necessary.

- (a) Office attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn. Office attire shall not be frayed, faded, or torn.
- (b) Members assigned to designated administrative, and support positions shall wear business-appropriate clothing that is conservative in style.
- (c) Department-issued logo polo shirts may be worn.
- (d) Flimsy shoes (I.e. shoes designed for beach, shower, etc.) are not acceptable. Footwear should attach securely to the feet and not present a safety issue or hazard. Athletic shoes are allowable.
- (e) Variations from this policy are allowed at the discretion of the Chief Probation Officer or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.
- (f) No item of office attire that would adversely affect the reputation of the San Joaquin County Probation Department or the morale of the members may be worn while on-duty.

821.6 OPTIONAL EQUIPMENT

Any items that are allowed by the San Joaquin County Probation Department but that have been identified as optional shall be purchased entirely at the expense of the member. No part of the purchase cost shall be offset by the department.

Maintenance of optional items shall be the financial responsibility of the purchasing member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Uniforms and Business Attire

- (a) When the item is no longer functional because of normal wear and tear, the member bears the full cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the member's duties, it shall be replaced in accordance with the Department-Owned and Personal Property Policy.

821.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Department members may not wear any uniform, attire, item, accessory, or attachment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Conflict of Interest

822.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the San Joaquin County Probation Department.

822.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

822.2 POLICY

Members of the San Joaquin County Probation Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and other department members. Members will not place themselves in a conflict of interest situation by inviting, initiating or succumbing to any gratuitous, business, social or sexual relationship with clients, or family members of clients, or those receiving probation services.

For further guidance see County Conflict of Interest Policy.

822.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members (Government Code § 12940):

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Conflict of Interest

- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

822.4 BUSINESS ARRANGEMENTS AND AGREEMENTS

For guidance on conflict of interest associated with business arrangements and agreements, see the Business Arrangements and Agreements Policy.

822.5 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the member shall promptly notify the Chief Probation Officer or the authorized designee to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action

822.6 SUPERVISOR RESPONSIBILITIES

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 Assistant Deputy Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches, and Identification

823.1 PURPOSE AND SCOPE

The San Joaquin County Probation Department (SJCPD) badge, logo, patch, and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

823.2 POLICY

The San Joaquin County Probation Department issues each member appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the member's position within the Department. All badges, patches, and identification issued to department members shall be returned to the Department upon separation, termination, or resignation.

823.3 MEMBER RESPONSIBILITIES

Members of the San Joaquin County Probation Department will use the SJCPD badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The SJCPD badge, logo, patch, and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the SJCPD badge, patch, or identification card for personal gain or benefit.
- (b) Loan the SJCPD badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the SJCPD badge, patch, or identification card, or the likeness thereof, or the San Joaquin County Probation Department name, for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

823.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their SJCPD badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control.

Loss of badges must be reported to the law enforcement agency having jurisdiction immediately after discovery of loss.

823.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by department members. Upon separation from employment, the officer shall surrender their badge to their supervisor, who will submit it to the authorized designee.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Badges, Patches, and Identification

823.5.1 RETIREE BADGES

The Chief Probation Officer may establish rules for allowing honorably retired members to possess a retirement badge upon request.

823.5.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the SJCPD badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the SJCPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the San Joaquin County Probation Department. The following modification shall be included:
 1. Any text identifying the San Joaquin County Probation Department is replaced with the name of the employee group.
 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

823.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., Interagency Task Forces, K-9) should be submitted to the Chief Probation Officer in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

823.7 IDENTIFICATION CARDS

All members will be issued an official SJCPD identification card bearing the member's name, full-face photograph, and the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officer or other members working specialized assignments may be excused from the possession and display requirements when authorized by their Assistant Deputy Chiefs.

823.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information, including but, not limited to, the member's name, and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one

Temporary Modified-Duty Assignments

824.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, San Joaquin County rules, or current memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

824.2 POLICY

Subject to operational considerations, the San Joaquin County Probation Department may identify temporary modified-duty assignments for employees who have an injury or medical condition, including pregnancy resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work while providing the Department with a productive employee during the temporary period.

824.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act shall be treated equally, without regard to any preference, for a work-related injury (Government Code § 12940 et seq.).

No position in the San Joaquin County Probation Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

824.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Assistant Deputy Chiefs or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Assistant Deputy Chief will make a recommendation through the chain of command to the Chief Probation Officer regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief Probation Officer or the authorized designee shall confer with the Human Resources Department or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Assistant Deputy Chief or Supervisor, with notice to the Chief Probation Officer or authorized designee.

824.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Assistant Deputy Chief.

824.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Assistant Deputy Chief that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Temporary Modified-Duty Assignments

824.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

- (a) Periodically apprising the Assistant Deputy Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Assistant Deputy Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

824.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

824.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other employee with a temporary disability. A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment (42 USC § 2000e(k)).

824.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

824.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

824.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

826.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the San Joaquin County Probation Department.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

826.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the San Joaquin County Probation Department. Due to the nature of the work and influence associated with the probation profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

826.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of San Joaquin County Probation Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

- Disclosing procedures, trainings, and operational functions of the department.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

826.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the San Joaquin County Probation Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when transportation for individuals in custody are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Probation Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the San Joaquin County Probation Department on any personal or social networking or other

San Joaquin County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

website or web page, with the exception of professional networking sites or the express authorization of the Chief Probation Officer.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

826.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the San Joaquin County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication or any motion picture, film, video, or public broadcast, or on any website.

Additionally, when it can reasonably be construed that a member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the San Joaquin County Probation Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

826.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Meta, Twitter, SnapChat, TikTok) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The department shall not require an employee to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the department

San Joaquin County Probation Department

Probation Manual

Probation Manual

Speech, Expression, and Social Networking

may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

826.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

Illness and Injury Prevention

827.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the San Joaquin County Probation Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede but supplements any related Countywide safety efforts.

827.2 POLICY

The San Joaquin County Probation Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injury. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

827.3 ILLNESS AND INJURY PREVENTION PLAN

The Chief Probation Officer is responsible for developing and implementing an illness and injury prevention plan. This policy supplements the existing County policy and guidelines. This policy deals with hazards unique to this department and training required by these situations. The department illness and injury prevention plan shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to administration for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Illness and Injury Prevention

- (f) Establishing a process to ensure illnesses and injuries are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

827.4 ADMINISTRATIVE SERVICES ASSISTANT DEPUTY CHIEF RESPONSIBILITIES

The Administrative Services Assistant Deputy Chief is designated as the Department Safety and Health Representative (DSHR). The Department Safety and Health Representative, acts as the safety and health program advisor to the Chief Probation Officer and reports safety and health problems within the Department. When applicable, The Department Safety and Health Representative will work in conjunction with, and as a liaison to the Department's Safety and Health Committee and the County Safety Officer. The Department Safety and Health Representative responsibilities include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
 - 1. Coordinating the day-to-day activities of the Department's Safety and Health Program.
 - 2. Working with County Risk Management to implement the Illness and Injury Prevention Program.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation, provided by the county within 90 days of employment that includes a discussion of safety and health policies and procedures.
 - 2. New member orientation, provided by the Department, that includes specifics of the County's IIPP within the Department and a discussion of the department policies and procedures that the member is expected to follow in the field training officer program.
 - 3. Regular member review of the illness and injury prevention plan.
 - 4. Providing access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Respiratory protection (8 CCR 5144)

San Joaquin County Probation Department

Probation Manual

Probation Manual

Illness and Injury Prevention

- (b) Bloodborne pathogens (8 CCR 5193)
 - (c) Aerosol transmissible diseases (8 CCR 5199)
 - (d) Heat illness (8 CCR 3395)
 - (e) Emergency Action Plan (8 CCR 3220)
 - (f) Fire Prevention Plan (8 CCR 3221)
 - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available a form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
 - (f) Making available a form to document individual incidents or accidents.
 - (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
 - (h) Conducting and documenting a regular review of the illness and injury prevention plan.

827.5 SUPERVISOR AND MANAGER RESPONSIBILITIES

Supervisor and Manager responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline through chain of command, when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Assistant Deputy Chief.
- (e) Notifying the Administrative Services Assistant Deputy Chief when:
 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced to the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Occupational illnesses and injuries occur.
 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Illness and Injury Prevention

827.6 MEMBER RESPONSIBILITIES

Members are responsible for their own health and safety and for working in a safe manner.

827.7 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administrative Services Assistant Deputy Chief via the chain of command.

The Administrative Services Assistant Deputy Chief will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

827.8 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Assistant Deputy Chief shall ensure that the appropriate documentation is completed for each inspection.

827.8.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

827.9 INVESTIGATIONS

Any member suffering from any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

San Joaquin County Probation Department

Probation Manual

Probation Manual

Illness and Injury Prevention

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

No member shall be retaliated against for reporting hazards or potential hazards, or making suggestions related to safety. Any member may make notification anonymously by sending the notification via interoffice mail and addressing it to the County Safety Officer in the Risk Management Division. All notifications must be as specific and detailed as possible so the County Safety Officer can conduct a proper investigation of the matter.

827.10 TRAINING

The Administrative Services Deputy Chief should work with the Professional Standards Unit Supervisor to provide all members, including managers and supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors and managers to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

827.10.1 TRAINING TOPICS

The Professional Standards Unit Supervisor shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Illness and Injury Prevention

- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

827.11 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

827.12 PROCEDURE LINKS

ILLNESS AND INJURY PREVENTION

COVID-19 IIPP ADDENDUM

Line-of-Duty Deaths

828.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the San Joaquin County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

828.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing probation-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

828.2 POLICY

It is the policy of the San Joaquin County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

828.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Department.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Assistant Deputy Chief should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Assistant Deputy Chief or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths

- (d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

828.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member's emergency contact information and emergency notification form, if one exists, and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief Probation Officer, Assistant Deputy Chief, or the authorized designee should select at least two members, or one member and a member of the clergy, to conduct notification of survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles when possible. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths

- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other San Joaquin County Probation Department members may be apprised that survivor notifications are complete.

828.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

828.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief Probation Officer are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., chaplain, counselor, peer support group,

San Joaquin County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths

Employee Assistance Program, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

828.6 PRESSINFORMATIONOFFICER

In the event of a line-of-duty death, the department's Public Information Officer, Chief Probation Officer, or the authorized designee should be the department's contact point for the media. As such, the Public Information Officer should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the Public Information Officer.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Public Information Officer should request that the media withhold the information from release until proper notification can be made to survivors. The Public Information Officer should ensure that media are notified when survivor notifications have been made.

828.7 INVESTIGATION OF THE INCIDENT

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

San Joaquin County Probation Department

Probation Manual

Probation Manual

Line-of-Duty Deaths

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

828.8 LINE-OF-DUTY DEATH OF A PROBATION DEPARTMENT ANIMAL

The Chief Probation Officer may authorize appropriate memorial and funeral services for probation department animals killed in the line of duty.

828.9 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

Leave of Absence

829.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of various types of leave.

The accrual and terms of use of leave for eligible employees are detailed in the County Administrative rules or applicable memorandum of understanding.

This policy is not intended to cover all types of leave. For information regarding sick leave refer to the Sick Leave Policy. For information regarding FMLA refer to the County FMLA policy.

829.2 POLICY

Juvenile Detention Officers should follow the Juvenile Detention Manual regarding leave of absence.

Employees cannot be compensated for unauthorized absences from work.

829.3 VACATION LEAVE

Requests for time off are to be submitted 48 hours in advance. The decision to approve is for the Supervisor's determination. If the supervisor is unsure about approving time off requests, they will consult the respective administrator. The supervisor is responsible for ensuring adequate coverage when their staff is off. When emergency time off is necessary, the immediate Supervisor is to be contacted as soon as possible for verbal approval. Vacation time is to be taken at times agreeable to the Department and according to workload needs. Supervisors and administrators are to make certain there is adequate coverage when their employees are off. When conflicts arise concerning approval of vacations or days off, the needs of the department will be the determining factors.

829.4 BEREAVEMENT LEAVE

Employees who suffer a death in their "immediate family", may be allowed to be absent with pay for three scheduled County work days for each family employee who dies.

Immediate family includes the current spouse, registered domestic partner, child, parent, step-child, step-parent, sibling, grandparent, great-grandparent, grandchild or great-grandchild of the employee; or child, parent, step-child, step-parent, sibling, grandparent, great-grandparent, grandchild, or great-grandchild of the employee's spouse. In addition, employees may use an additional two (2) days of accrued leave for the death of the employee's spouse, registered domestic partner, parent or child. Such additional leave shall be used within 30 days of the death.

Employees must take this leave within a seven consecutive day period and will be paid only for days and hours they were scheduled to work.

829.5 JURY DUTY LEAVE

All full-time employees and expressly included appointees will be granted leave with full pay when performing jury duty or when required to serve as a witness in any municipal, county, state, or federal court, or before an administrative tribunal however, per an amendment to Section 215 of

San Joaquin County Probation Department

Probation Manual

Probation Manual

Leave of Absence

the Code of Civil Procedure, they are not entitled to per diem pay. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits in which they are a party.

Employees receiving a jury duty notice shall keep their supervisor informed regarding when they must report.

Employees reporting for jury duty must request a verification form from the Court Clerk.

Employees will receive a check for one-way mileage, which will automatically be mailed to their home.

829.6 EXTENDED LEAVE

Leaves of absence without pay may be granted as provided in Civil Service Rule 12 to an employee for illness or disability not covered by sick leave, education or training, and personal reasons. Requests for leaves of absence should be submitted 30 days in advance when possible. All requests for leave of absence must include a tentative return date and, if for medical reasons, be accompanied by a health care provider's certification.

The following are types of extended leaves:

- (a) Military Leave
- (b) Family Medical Leave Act (FMLA)
- (c) California Family Rights Act (CFRA)
- (d) Pregnancy Disability Leave (PDL)
- (e) Education Leave
- (f) Personal Leave

For further guidance see the San Joaquin County Leave Management Information.

San Joaquin County Probation Department Probation Manual

Probation Manual

Attachments

2583 - Rest Periods.pdf



County Administrative Manual

2500

Human Resources Services
(2583.1)

vPURPOSE STATEMENT

The purpose of this section is to provide an overview of the County's process on rest periods.

Section Contents

2583 Rest Periods

[2583.1 Rest Periods – Policy Statement](#)



County Administrative Manual

Section: 2500 – Human Resources

Page 2 of 2

Issued: January 1, 1983

Revised: June 11, 2021

Reviewed: November 2020

2583.1 Rest Periods – Policy Statement

- a. County Departments may establish Departmental Rest Period Policies provided that such policies do not exceed the limitations of the following policy adopted by the Board of Supervisors:
- b. To promote maximum productivity and morale, it is the policy of San Joaquin County that, when County operations permit, employees shall be entitled to two (2) rest periods not exceeding fifteen (15) minutes each during a regular eight (8) hour shift. Further, when County operations permit, such rest periods are to be taken as nearly as possible in the middle of each four (4) hour segment of the employee's workday.

**1903 - County Employee
Responsibility in a Civil Disaster.pdf**



County Administrative Manual

1900

Emergency Services (1903.1 – 1903.5)

PURPOSE STATEMENT

The purpose of this section, is to outline the responsibilities of the County and County employees in the instance of a civil disaster. Further, the purpose of this section is to provide policies and procedures for the registration of volunteers as disaster care workers and the procurement of emergency surplus property. Lastly, this section defines the program administration, assignments, and responsibilities of the Employee Preparedness Program.

Section Contents

1900 Emergency Services

[1903.1 Legal Authority](#)

[1903.3 Official Registration](#)

[1903.5 Privileges and Immunities](#)



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 2 of 2

Issued: January 1, 1983

Revised: March 1, 2015

Reviewed: September 2014

POLICY

1903.1 Legal Authority

- a. In accordance with [Chapter 8 of the Government Code](#) and County Ordinance No. 1786 found in [Subsection \(A\)\(6\)\(c\) of Section 4-3005 of Chapter 1](#), all County officers and employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

1903.3 Official Registration

- a. All County employees must be duly registered as disaster service workers in order to provide legal immunities and disaster service workers' compensation insurance as defined in the Labor Code.

1903.5 Privileges and Immunities

- a. All County officers and employees while engaged in the performance of their emergency functions or duties have the same privileges and immunities from liability as officers and employees of the State.

1910 - Employee Preparedness Program.pdf



County Administrative Manual

1900

Emergency Services (1910.1 – 1910.17)

PURPOSE STATEMENT

The purpose of this section, is to outline the responsibilities of the County and County employees in the instance of a civil disaster. Further, the purpose of this section is to provide policies and procedures for the registration of volunteers as disaster care workers and the procurement of emergency surplus property. Lastly, this section defines the program administration, assignments, and responsibilities of the Employee Preparedness Program.

Section Contents

1910 Employee Preparedness Program

[1910.1 Program Description](#)

[1910.3 Program Administration and Administrative Responsibilities](#)

[1910.5 Emergency Assignments](#)

[1910.7 Assignment of Facility Threat Coordinators and Area Wardens](#)

[1910.9 Authority of Facility Threat Coordinator and Area Warden](#)

[1910.11 Department Emergency Plans – Purpose and Content](#)

[1910.13 Facility Threat Plans – Purpose and Content](#)

[1910.15 Annual Evacuation Drill](#)

[1910.17 Place of Duty in Event of Evacuation](#)



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 2 of 6

Sub-Section 1910 – Employee Preparedness Program

Issued: January 21, 2003

Revised: February 10, 2015

Reviewed: September 2014

RESPONSIBILITIES & PROCEDURES

1910.1 Program Description

- a. The San Joaquin County Employee Preparedness Program consists of an annual series of planning, training, and drill activities aimed at improving the safety of County employees and the general public who may be in County facilities at the time of an emergency. The program's primary objectives are to ensure that County employees can safely: 1) evacuate from, or shelter-in-place within, their work area, and 2) perform basic search and information collection activities in their work area at the request of emergency officials.
- b. The Employee Preparedness Program consists of the following annual activities: 1) ensure department emergency plans are current, 2) in-service training of employees on their department emergency plan, 3) personal safety training for new employees, 4) preparation or updating of a Facility Threat Plan for each County facility, 5) training of Facility Threat Coordinators and Area Wardens, and 6) full-scale evacuation drills for each designated facility.
- c. The Employee Preparedness Program includes the provision of emergency equipment and supplies needed to administer the program, specifically: identification vests, 2) bullhorns, 3) radios, 4) flashlights, and 5) first aid kits. Departments must purchase additional or replacement equipment from their budgets as needed.

1910.3 Program Administration and Administrative Responsibilities

- a. Administration of this program is a shared responsibility among County departments, the Office of Emergency Services, the County Administrator, and the Board of Supervisors. The Board of Supervisors determines County policy for the program through Section 1900 of the Administrative Manual. The County Administrator determines County procedures for conducting and implementing the program through the [Emergency Administrative Procedures Manual](#). The Office of Emergency Services and County departments administer the program in accordance with County policy and procedures.



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 3 of 6

Sub-Section 1910 – Employee Preparedness Program

Issued: January 21, 2003

Revised: February 10, 2015

Reviewed: September 2014

b. Responsibilities

1. The Board of Supervisors sets general program policies. Policies governed by the Board of Supervisors constitute those that address general strategies for responding to threats to employee safety, and the general structure and responsibilities of the San Joaquin County Employee Preparedness Program.
2. The County Administrator: 1) reviews and approves all program procedures which implement this policy, and 2) prepares and maintains an [Emergency Administrative Procedures Manual](#) for managing employee welfare and recovery, and service restoration issues resulting from an emergency that affects a County facility.
3. The Office of Emergency Services: annually 1) monitors departmental compliance to this policy, 2) provides periodic personal safety presentations for new employees, 3) ensures the assignment of Facility Threat Coordinators and Area Wardens at each facility, 4) provides Facility Threat Coordinator/Area Warden training courses sufficient to train/retrain all assigned Facility Threat Coordinators and Area Wardens, 5) inventories and maintains Facility Threat Coordinator and Area Warden equipment, and 6) coordinates and conducts a full-scale evacuation drill for each designated facility in the program within budgetary restraints.
4. Departments annually: 1) ensure department emergency plans are current for each facility in which department staff are permanently assigned, 2) provide in-service training to department employees, and 3) participate in annual evacuation drills for each designated facility in which they have staff.

1910.5 Emergency Assignments

- a. The following emergency assignments are hereby created: Facility Threat Coordinator, Assistant Facility Threat Coordinator, Senior Area Warden, and Assistant Area Warden. Such assignments are an element of employee responsibility to serve as a disaster worker. Specific duties, responsibilities,



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 4 of 6

Sub-Section 1910 – Employee Preparedness Program

Issued: January 21, 2003

Revised: February 10, 2015

Reviewed: September 2014

and training requirements for these functions are identified in the [Emergency Administrative Procedures Manual](#).

1910.7 Assignment of Facility Threat Coordinators and Area Wardens

- a. The Office of Emergency Services will recommend, and the County Administrator shall designate a department as the Facility Threat Coordinator for each County facility. The Facility Threat Coordinator will maintain the facility threat plan and serve as final authority in the event of an emergency.
- b. Departments assign at least three personnel (a primary and two assistants) to perform the duties of Facility Threat Coordinator. The primary Facility Threat Coordinator assigns departments, as appropriate, to provide one Senior and two Assistant Area Wardens for each designated warden area. The primary means of making the assignments will be on a volunteer basis. In the event of insufficient volunteers, the Facility Threat Coordinator is authorized to assign employees to these responsibilities.

1910.9 Authority of Facility Threat Coordinator and Area Warden

- a. In the event of an emergency, the Facility Threat Coordinators and Area Wardens have the authority to direct the actions of County employees within their facility, regardless of County rank or position; in as far as the direction pertains to Facility Threat Coordinator and Area Warden's responsibilities. Failure on behalf of an employee to follow directions/instructions of the Facility Threat Coordinator and/or Area Warden may result in disciplinary action.

1910.11 Department Emergency Plans – Purpose and Content

- a. Department emergency plans are intended to ensure that employees can carry out basic safety actions in an organized and effective manner in the face of a threat to their workstations. The Office of Emergency Services maintains a department emergency plan template for use by departments. Departments are not required to use these plan templates; however, the content reflected in the plan templates constitutes the minimum requirements for an acceptable department emergency plan. Department emergency plans will ensure that employees can: 1) properly



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 5 of 6

Sub-Section 1910 – Employee Preparedness Program

Issued: January 21, 2003

Revised: February 10, 2015

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notify public safety agencies and their Facility Threat Coordinator of threats that they perceive or learn about, 2) inspect their areas for objects or information at the request of the Facility Threat Coordinator and properly report results, 3) evacuate their work-stations to an external assembly area and efficiently account for staff and persons in their care or custody, 4) shelter-in-place in their work area, 5) maintain a fire plan as required by law, and 6) maintain a basic business continuity plan.

1910.13 Facility Threat Plans – Purpose and Content

- a. Facility Threat Plans are intended to establish an emergency structure and process in each County facility that can evaluate threats, work effectively with public safety agencies, direct, and supervise protective actions of employees of all departments in the facility. The Office of Emergency Services maintains a facility threat plan template for use by employees assigned as the Facility Threat Coordinator or Area Warden. Facility Threat Coordinators are required to use these templates in order to ensure continuity of response through all County facilities. Facility Threat Plans will ensure that the Facility Threat Coordinator can: 1) work effectively with public safety agencies, 2) communicate instructions and information to all employees in the facility through a network of wardens and other means, 3) make timely and appropriate protective action decisions in the face of a threat and communicate appropriate protective action orders to employees, and 4) effectively supervise the implementation of evacuation, shelter-in-place, or other protective actions by employees in their facility.

1910.15 Annual Evacuation Drill

- a. The Office of Emergency Services shall coordinate with department heads and public safety agencies an annual full-scale evacuation drill of major County facilities designated as such by the County Administrator. This drill will test the ability of the Facility Threat Coordinator/Area Warden System to properly evaluate threats to the facility, coordinate with public safety agencies, and make and implement protective action decisions. The drill will also test the ability of departments to implement their department emergency plans under the direction of the Facility Threat Coordinator/Warden System.



County Administrative Manual

[Return to Section Contents](#)

Section: 1900 – Emergency Services
(General Services)

Page 6 of 6

Sub-Section 1910 – Employee Preparedness Program

Issued: January 21, 2003

Revised: February 10, 2015

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- b. Department staff in buildings not under County control, or in facilities where staff numbers do not justify development of a full scale drill by the Office of Emergency Services, will conduct an in-house evacuation drill testing their department plan.

1910.17 Place of Duty in Event of Evacuation

- a. In the event that a County facility is evacuated in accordance with the procedures contained in department emergency plans and facility threat plans, the designated assembly area of each employee in that facility becomes his/her place of duty unless otherwise directed by the Facility Threat Coordinator or Area Wardens. Failure to report to the designated assembly area without justifiable reason may lead to disciplinary action.

2591 - Disaster Service Worker Program.pdf



County Administrative Manual

2500

Human Resource Services
(2591.1 – 2591.5)

PURPOSE STATEMENT

TBD

Section Contents

2591 Disaster Service Worker Program

[2591.1 Legal Authority](#)

[2591.2 Program Overview](#)

[2591.3 Disaster Service Worker Activation](#)

[2591.4 Disaster Service Worker Assignments](#)

[2591.5 Disaster Service Worker Deactivation](#)



County Administrative Manual

Section: 2500 – Human Resource Services

Page 2 of 4

Issued: July 27, 2021

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Reviewed:

2591.1 Legal Authority

- a. In accordance with [Chapter 8 of the Government Code](#) and County Ordinance No. 1786 found in [Subsection \(A\)\(6\)\(c\) of Section 4-3005 of Chapter 1](#), all County officers and employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

2591.2 Program Overview

- a. Definition: A Disaster Service Worker is an individual who aids in the response and recovery phases of a disaster or emergency.
- b. All County employees are designated by both State and local law as Disaster Service Workers (“DSW”). When a local emergency is declared, all County employees serve as DSWs.
- c. County Human Resources will maintain an Emergency Operations Center (EOC) Participant List which can be utilized as an initial DSW activation pool.
 1. This List will be formed through an application process by which County Human Resources will solicit interest from County Employees and an application will be completed.
 2. If selected, EOC Participants will participate in initial orientation and training which will prepare them for immediate activation whenever a disaster or emergency is declared.
- d. In the event of a disaster, the Office of Emergency Services will activate its EOC, a multi-agency hub designed to manage emergencies. As part of the EOC, the Human Resources Division will contact employees to activate them to report to a DSW assignment. If HR is unable to fill staffing requests through the EOC Participant lists, all County employees may be activated as a DSW as referenced in Section 2591.1 and 2591.3.

2591.3 Disaster Service Worker Activation

- a. The EOC will submit Personnel Resource Requests to the Human Resources Division for processing.



County Administrative Manual

Section: 2500 – Human Resource Services

Page 3 of 4

Issued: July 27, 2021

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- b. The Human Resources Division will activate Disaster Services Workers:
 - 1. From the pre-established EOC Participant list
 - 2. Through specific departments, based on skills required in EOC Request
 - 3. Via Countywide communication with all departments
 - 4. Via Countywide communication with all DSWs
- c. As a DSW, an employee cannot refuse a DSW assignment. Employees on an approved Leave of Absence will not be activated.
- d. Once activated, a DSW will be provided reporting instructions which will include assignment location, work schedule, and site supervisor/contact. This will be where the employee will report for the entire duration of the DSW activation.
 - 1. Time cards are processed and approved by the DSW's home department.
 - 2. All DSWs are compensated for their work in accordance with established agreements between representative labor organizations and the County, including overtime.

2591.4 Disaster Service Worker Assignments

- a. Employees acting as Disaster Service Workers are to be assigned within their scope of training, skill, ability and will never be expected to aid in disaster response activities for which they are not qualified.
- b. Department Heads may not refuse the assignment of their employees as a DSW. For the duration of the assignment, the employee reports to the EOC for work assignment and scheduling purposes until such time as they are released from their DSW assignment.
- c. The duration of DSW assignments will vary in length depending on operational needs and the nature of the local emergency. Typical activations will be approximately two weeks in length. Daily or hourly shifts may differ from an employee's regular work schedule.



County Administrative Manual

Section: 2500 – Human Resource Services

Page 4 of 4

Issued: July 27, 2021

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- d. DSW assignments vary and an employee will not necessarily be activated for an assignment that is specific to their current County job classification. A sample of typical DSW assignments include:
 - 1. Clerical support
 - 2. General warehouse
 - 3. Manual labor
 - 4. Delivery
 - 5. Food preparation
 - 6. Language translation services

2591.5 Disaster Service Worker Deactivation

- a. Once activated, a DSW will report to their assignment until provided notification of their deactivation.
- b. A DSW can only be deactivated by the Emergency Operations Center.
- c. A DSW activation can be extended or ended based on the need of the EOC. The Human Resources Division will notify departments if their DSW employee has their activation extended.
- d. If a DSW assignment extension will impact essential department services, the Department Head may complete a Disaster Service Worker Recall form (attachment xx) to request the deactivation of a specific employee.
 - 1. The form will be submitted to the EOC for review and approval or denial.
 - 2. The request will then be processed by the Human Resources Division.
 - 3. If the EOC approves the department's request to recall the DSW, HR will coordinate the return of the DSW to their home department.
 - 4. If the EOC does not approve the department's request to recall the DSW, the employee will continue in the DSW assignment until deactivated by the EOC.

COVID-19 IIPP ADDENDUM.pdf

COVID-19 IIPP Addendum

Date Last Reviewed: ____/____/____

Reviewed by: _____
Name Title

Table of Contents

Purpose	14
Scope	14
What is Coronavirus Disease 2019 (COVID-19)	14
COVID-19 Transmission	15
Infection Prevention Measures	15
Employee Responsibilities	16
Personal Protective Equipment (PPE)	17
Cleaning and Disinfection	17
Responding to Confirmed or Suspected COVID-19 Cases	17
Communication	19
Employee Training	19

IIPP Addendum to Prevent COVID-19

1. Purpose

It is the policy of the Probation Department to protect the safety of staff and to comply with California Labor Code 6400 which requires that every employer must furnish employment and a place of employment that is safe and healthful for the employees therein.

2. Scope

This policy applies to Probation Department employees that may be exposed to the coronavirus as a result of the performance of their duties. Contained herein are general prevention best practices. This addendum to our Injury and Illness Prevention Program is a framework applicable during the current (COVID-19) public health emergency. The protocols outlined in this document will be modified based on the ongoing and updated guidance from the CDC, state and local public health agencies, and Probation Department operations.

3. What is Coronavirus Disease 2019 (COVID-19)

On February 11, 2020 the World Health Organization [announced](#) an official name for the disease caused by the novel coronavirus SARS-CoV-2. The name of the new disease is coronavirus disease 2019, abbreviated as COVID-19.

There are many types of human coronaviruses including some that commonly cause mild upper-respiratory tract illnesses. COVID-19 is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans.

COVID-19 affects different people in different ways. Infected people have had a wide range of symptoms reported – from mild symptoms to severe illness. Symptoms may appear 2-14 days after

exposure to the virus. People with these symptoms may have COVID-19: Symptoms may appear 2-14 days after exposure to the virus. People with the below symptoms could have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

It is important to note that laboratory testing is necessary to confirm an infection.

4. COVID-19 Transmission

The virus that causes COVID-19 is thought to spread mainly from person to person through respiratory droplets produced when an infected person coughs or sneezes. These droplets can enter the respiratory tract (mouth, nose, and lungs) of people who are nearby and cause infection. Spread is more likely when people are in close contact with one another (i.e., within six feet for 15 minutes).

Although it is not considered to be the primary way the virus spreads, transmission may be possible by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes.

5. Infection Prevention Measures

The Probation Department, to the extent possible, will implement the following guidelines to mitigate employee exposure to the coronavirus virus in the workplace:

1. The use of video and/or telephonic meetings, and the establishment of guidelines for maintaining a distance of at least six feet between persons, whenever possible.
2. Employees are required to wear face coverings (mask) when engaged in work, whether at the workplace or performing work off-site (The face covering requirement does not apply to employees who have trouble breathing or who have a medical or mental health condition that prevents the use of a face covering) when:
 - Interacting in-person with any member of the public;
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
 - Working in or walking through common areas, such as hallways, stairways, elevators and parking facilities;
 - In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance

Note: Face-coverings are not Personal Protective Equipment (PPE), but combined with physical distancing they help prevent infected persons without symptoms or who are pre-symptomatic from unknowingly spreading the coronavirus.

3. Distribute posters, notices, and/or signage to each work site to be displayed in common areas that provide physical distancing guidelines.
4. Require sick employees to stay home.
5. If an employee becomes symptomatic of COVID-19 while at work, they will be asked to leave the workplace and seek medical treatment, depending on the symptoms.
6. The Probation Department will adhere to state guidance and local public health agency recommendations regarding the prearrangement of office and workplace furniture to maintain physical distancing, as much as possible.
7. To the extent supplies are in stock and readily available for distribution, employees will have access to appropriate hygiene products in the workplace.
8. The Probation Department will place signs and/or instructions in common areas (e.g., reception area, break rooms, public common areas, etc.) to communicate physical distancing requirements and to provide other COVID-19 infection prevention information to the general public entering the worksite and buildings.
9. The Probation Department will regularly evaluate the workplace for compliance with this addendum.

6. **Employee Responsibilities**

During the COVID-19 public health emergency, Probation Department employees have a collective responsibility to ensure the protection of all people in the workplace to comply with Probation Department policies and the latest local public health guidelines to mitigate coronavirus disease (COVID-19) to themselves and anyone visiting the worksite.

1. Employees will be encouraged to self-screen for COVID-19 symptoms prior to leaving home for their shift. Employees must follow the CDC guidelines for self-screening at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

An employee must stay home if they are sick, follow public health agency guidelines, and contact their administrator or supervisor for further instructions.

2. Employees who are out ill with fever, cough, shortness of breath, or other acute respiratory symptoms that affect normal breathing who have not been tested for the COVID-19 virus or who have tested negative for the COVID-19 virus, must consult with their physician before physically returning to work.
3. Employees who test positive for the COVID-19 virus must not return to work until the following occurs:

- ii When at least 10 days have passed since symptoms first appeared **and** there has been 1 day with no fever without the use of fever-reducing medications **and** other symptoms have improved.
 - ii If tested positive for COVID-19 but have no symptoms, as long as they continue to have no symptoms, may leave isolation when 10 days have passed since the date of the COVID-19 test.
- 4. Employees who return to work following an illness must promptly report any recurrence of symptoms to their immediate supervisor.
- 5. Employees shall practice physical distancing by using video or telephonic meetings as much as practicable, and maintaining a distance of at least six feet between persons at the workplace whenever possible.
- 6. Employees must avoid shared workspaces (desks, offices, and cubicles) and work items (phones, computers, other work tools, and equipment) whenever possible. If employees must share workspaces, clean and disinfect shared workspaces and work items before and after use.
- 7. Employees shall wash hands with soap and water for at least 20 seconds and/or use hand sanitizer after interacting with people and after contacting shared surfaces or objects.
- 8. Employees shall cover coughs and sneezes and avoid touching eyes, nose, and mouth with unwashed hands.
- 9. Employees must avoid sharing personal items with coworkers (i.e., dishes, cups, utensils, towels).
- 10. Employees shall notify their administrator or supervisor if any washing facilities do not have an adequate supply of suitable cleansing agents, water, single-use towels, or blowers.
- 11. No employee shall bring cleaning products and/or disinfectants into the workplace that have not been approved by the Environmental Protection Agency (EPA).

7. Personal Protective Equipment (PPE)

While engineering and administrative controls are considered more effective in minimizing exposure to COVID-19, personal protective equipment (PPE) may also be needed to prevent certain exposures. While correctly using PPE can help prevent some exposures, it should not take the place of other prevention strategies. Examples of PPE include gloves, goggles, face shields, face masks, and respiratory protection, when appropriate. During an outbreak of infectious diseases, such as COVID-19, recommendations for PPE specific to occupations or job tasks may change depending on the updated risk assessments for workers, and information on PPE effectiveness in preventing the spread of COVID-19.

8. Cleaning and Disinfection

The Probation Department recognizes that high-traffic and high-touch common areas in the workplace need, to the extent possible, cleaning and disinfecting to limit the spread of the COVID-19 virus.

The Probation Department will assign its contracted cleaning service vendor who will adhere to routine schedules to clean and disinfect common surfaces and objects in the workplace. This includes, but is not limited to, copy machines, containers, counters, tables, desks, chairs, benches, door handles, knobs, drinking fountains, refrigerators, vending machines, restroom and bathroom surfaces, and trash cans.

The process of disinfecting includes providing disinfecting products that are EPA approved for use against the virus that causes COVID-19 and following the manufacturer's instructions for all cleaning and disinfection products (e.g., safety requirements, PPE, concentration, contact time.)

9. Responding to Confirmed or Suspected COVID-19 Cases

The Probation Department will email Risk Management for the following:

- o Confirmed positive employee
- o Hospitalizations. Notify Risk Management immediately after receiving knowledge of hospital admission. Hospitalizations require Cal-OSHA reporting. If department's knowledge of hospitalization occurs after hours, use the attached Cal-OSHA reporting form.
 - The Cal-OSHA form is to be sent to Cal-OSHA directly with a copy to Risk Mgmt.
- o Risk Management email is: sjcriskmgmt@sjgov.org

Employees	Minimum Criteria for Returning to Work
Symptomatic Positive Employees with symptoms who are laboratory confirmed to have COVID-19	<ol style="list-style-type: none"> 1. At least 1 day has passed since resolution of fever without the use of fever-reducing medications; and 2. At least 10 days have passed since symptom onset; and 3. Other symptoms have improved 4. Physician recommendation that employee can return to work.
Asymptomatic Positive Employees who never had symptoms and are laboratory-confirmed to have COVID-19	A minimum of 10 days has passed since the date of their first positive COVID-19 test. If asymptomatic employees develop symptoms, then they should use isolation guidelines for symptomatic employees (see above) or follow physician recommendations, which includes physician recommendations that the employee is cleared to return to work.
Symptomatic Negative Employees who had symptoms of COVID-19 but test result returned negative	Use the same criteria for return to work as laboratory-confirmed cases.
Exposed to positive COVID-19 Employees who have had close contact (less than 6 feet for ≥ 15 minutes) with a person who is COVID-19 positive	As essential critical infrastructure workers, employees are permitted to continue work following possible exposure to COVID-19 if they receive a negative test result and provided they remain asymptomatic and precautionary measures are taken to protect themselves and the community.
Symptomatic Untested Employees who had symptoms of COVID-19 but were not tested	Testing is encouraged. If an employee cannot be tested, use the same criteria for return to work as laboratory-confirmed cases.

If an employee tests positive for COVID-19, the Probation Department will ask the employee who they had close contact with. Employees identified as close contact will be informed immediately of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA). The Probation Department will also investigate any confirmed COVID-19 illness to determine and mitigate any work-related factors that may have contributed to the risk of infection.

Cleaning and Disinfecting Following a Confirmed COVID-19 Case

1. Isolate employees immediate work space and schedule cleaning/disinfecting with approved EPA cleaning agents.
2. May wait 24 hours or as long as practical before cleaning and disinfecting the area.
3. Conduct deep cleaning of the entire general area where the infected employee worked and may have been, including breakrooms, restrooms and travel areas, with a cleaning agent approved for use by the EPA against the coronavirus.

10. Communication

Communication between employees and the Probation Department on matters relating to COVID-19 mitigation and response is an important aspect to ensure employee safety while in the workplace. Therefore, Probation Department has a communication system through the Probation Department's Safety and Health Representative that is intended to accomplish clear and concise exchange of information by providing a single point of contact for administrators and supervisors.

1. Probation Department employees are encouraged to report to their immediate administrator or supervisor concerns regarding COVID-19 mitigation practices or possible COVID-19 exposure in the workplace.
2. Administrators and supervisors who, after assessing the report, determine that additional guidance or assistance is required shall contact the Probation Department's Safety and Health Representative, 468-4048, who will triage the report and notify essential personnel for an appropriate response.

11. Employee Training & Awareness

The Probation Department will consistently provide Department employees with reading literature regarding protocols and updates that explain the general description of COVID-19, symptoms, when to seek medical attention, how to prevent its spread, and the Department's procedures for preventing its spread at the workplace that is from the state and local Public Health Agencies and the Center for Disease Control.

San Joaquin County Probation Department Probation Manual

Probation Manual

INDEX / TOPICS