

Shasta County Probation

Policy Manual

CHIEF'S PREFACE

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

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

Keep abreast of all revisions to this manual and remain knowledgeable as to its contents. Nothing in this manual is intended to, or shall supersede, Title 15 Regulations as they apply to the operation of the Shasta County Juvenile Rehabilitation Facility. The overall success of our department will be measured by the degree to which we maintain the trust of the public, the Courts, and other allied agencies. Adhering to the policies contained within this manual will ensure that trust is warranted and that it endures.

Tracie Neal

Chief Probation Officer

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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VISION, MISSION AND VALUES

The Shasta County Probation Department, as an integral part of the justice system, provides direct services to the Court, community, and offenders.

Our Vision

Safer Communities- Better Lives

Our Mission

To facilitate positive offender change and reduce recidivism
as we serve the courts, protect the community, assist victims
and enhance lives through proactive investigation, intervention, prevention, and enforcement.

Our Values

Integrity

Professionalism

Accountability

Belief in Change

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

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

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

830.5 (b) A correctional officer employed by, or employee having custodial responsibilities in, an institution operated by a probation department, or any transportation officer of a probation department.

100.3 CONSTITUTIONAL REQUIREMENTS

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

Procedure and the Law

101.1 PROCEDURE AND THE LAW

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

Should any employee become aware of a conflict between the law, policy manuals or procedures, the employee shall notify the Assistant Chief Probation Officer via the chain of command of the apparent conflict.

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

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

Oath of Office

102.1 PURPOSE AND SCOPE

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

Probation officers and juvenile detention officers are a vital part of the criminal justice system. The roles and responsibilities of a probation officer/juvenile detention officer should not be taken lightly and all duties shall be completed with honesty and integrity. Probation officers provide valuable information during court sessions and make sentencing recommendations for juvenile and adult offenders. Our juvenile detention officers are tasked with ensuring the safety and security of all juveniles entering the Juvenile Rehabilitation Facility. Our department is committed to the use of evidence based practices to assist juvenile and adult offenders in making positive changes in their lives. Officers should focus on ensuring that the offenders under our supervision have the appropriate supervision and accountability as well as the necessary treatment and services to meet their rehabilitative needs

102.1.1 OATH OF OFFICE

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

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

All officers shall complete training per Penal Code Section 832 and be sworn in as a peace officer before they can legally use their peace officers powers.

102.2 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

Policy Manual

103.1 PURPOSE AND SCOPE

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

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that 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 probation is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

All policy revisions and updates shall be provided to the employee associations prior the policy revisions are implemented. The probation department's representative will converse with each association's representative to discuss the appropriateness of meeting in person to discuss the revision(s).

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 Shasta County Probation 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. Shasta County Probation 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 Assistant Chief is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

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103.3.1 ADMINISTRATION TEAM

The Administration Team shall review all recommendations regarding proposed changes and/or additions to the manual. The Administration Team shall consist of the following:

- Chief Probation Officer (CPO)
- Assistant Chief Probation Officer (ACPO)
- Chief Fiscal Officer (CFO)
- Division Directors

103.3.2 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall submit their suggestion to their Division Director in writing through the chain of command. The Division Director will consider the recommendation and forward to the Administration Team for consideration and next steps.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Shasta.

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

Department/SCPD - Shasta County Probation.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Shasta County Probation Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Employee - Any person employed or appointed by Shasta County Probation, including full-time sworn officers, reserve officers, non-sworn employees and volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of Shasta County Probation.

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On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

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

Shall or Will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. 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) 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.

STC - Standards and Training for Corrections

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief Probation Officer and/or the Assistant Chief will ensure that the Policy Manual is periodically reviewed, updated as necessary, and where applicable will review with union associations.

103.7 REVISIONS TO POLICIES

All policy revisions and updates shall be provided to the employee associations prior the revisions are implemented. The probation department's representative will converse with each association's representative to discuss the appropriateness of a meet and confer to discuss the revision(s).

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

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

Each Division Director will ensure that members under his/her command are aware of any Policy Manual revision.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administration
- Adult Division
- Adult Community Corrections Center
- Juvenile Division
- Juvenile Rehabilitation Facility

The Assistant Chief Probation Officer also provides oversight to all divisions in the department as well as being primarily responsible for disciplinary issues and processes.

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief Fiscal Officer whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Fiscal, Contract Development, Data Reporting and Tracking, Technical and Administrative Services, Human Resources, Recruitment, Training, Staff Development, Clerical, and Work Program.

200.2.2 ADULT DIVISION

The Adult Division is commanded by a Division Director whose primary responsibility is to provide general management, direction and control for that division as well as oversight of the Armed Officer Program and the Field Training and Evaluation Program (FTEP). The Adult Division consists of the Investigation Unit and Field Supervision Services.

200.2.3 ADULT COMMUNITY CORRECTION CENTER

The Adult Community Corrections Center (CCC) is commanded by a Division Director whose primary responsibility is to provide general management, direction, and control for the CCC Division to include: program oversight, monitor referral process, fidelity, and evaluation; and investigation, development, and oversight of contracts;. The Division consists of the Supervised Own Recognizance Program, GPS Program, contracted service providers, and the Day Reporting Center.

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Organizational Structure and Responsibility

200.2.4 JUVENILE DIVISION

The Juvenile Division is commanded by a Division Director whose primary responsibility is to provide general management direction and control for that division. The Juvenile Division consists of Juvenile intake/court services, field supervision, and out of home placement.

200.2.5 JUVENILE REHABILITATION FACILITY

The Juvenile Rehabilitation Facility (JRF) is commanded by a Division Director whose primary responsibility is to provide general management direction and control for that division. The JRF consists of custody operations.

Departmental Directives

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 14-01 signifies the first Departmental Directive for the year 2014.

201.2 RESPONSIBILITIES

201.2.1 ADMINISTRATION TEAM

The Administration Team shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OR ASSISTANT CHIEF PROBATION OFFICER

All Department Directives will be issued by the Chief or Assistant Chief Probation Officer.

201.3 ACCEPTANCE OF DEPARTMENT DIRECTIVES

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

Training Policy

202.1 PURPOSE AND SCOPE

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

202.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Standards and Trainings for Corrections (STC) and California Commission on Peace Officer Standards and Training (POST).

202.3 OBJECTIVES

The objectives of the Training Program are to:

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

202.4 TRAINING PLAN

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

Legislative Changes
State Mandated Training
Critical Issues Training

The Department has developed a list of training courses for Deputy Probation Officer and Juvenile Detention Officer. These courses are listed by first year of hire and career development/succession planning.

NON STC STAFF

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Training Policy

Non STC staff are encouraged to participate in training. It is the responsibility of the supervisor to evaluate their staff and recommend appropriate training as needed and available. If an STC certified class has openings and no other STC staff are available, non STC staff may attend the training upon their request and approval by their supervisor or the Training Coordinator.

202.5 TRAINING GUIDELINES

Attendance/Timeliness:

Employees will attend all hours of instruction. Employees will be on time for the start of the class and return on time following lunch and breaks.

Work Hours:

Employees will commute to and from the training during their normal scheduled hours. If commuting outside of the employee's normal scheduled hours is unavoidable, the employee may be asked to flex their workday schedule whenever possible.. The employee's immediate supervisor must approve all flex and/or overtime.

Classroom/General Behavior:

It is the responsibility of each staff member to recognize that training is their job for the day and they have individual responsibilities to derive positive benefits from training. Each staff member is expected to:

- Show courtesy to the instructor and other participants.
- Report disruptive or inappropriate behavior to the trainer and to their supervisor.
- Attend and complete all training for which they are enrolled.
- Have only those training materials pertinent to the session before them.
- Conduct themselves in an appropriate manner.
- Respect others' ideas, opinions and questions.
- Follow directions of the trainer and/or proctor in each class.
- Wear attire to training in accordance with Uniform & Appearance Standards Policy.

Employee behavior in the community is a direct reflection of the Shasta County Probation Department. This should be kept in mind when assigned training requires temporary residence in another community. Inappropriate or illegal behavior may result in disciplinary action.

Failure to Attend Training:

Failure to attend a scheduled training without prior notification and approval of the Division Director or, in his/her absence, the Supervising Probation Officer, will result in disciplinary action. In the case of an emergency situation, notification to the Division Director or, in his/her absence, the Supervising Probation Officer, should be made as soon as possible. It will be the Division Director's

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or, in his/her absence, the Supervising Probation Officer's responsibility to notify the Training Coordinator of the change.

PROCEDURE

Training Requests:

Requests for approval to attend training seminars, workshops, conferences, etc., should be submitted to the employee's immediate supervisor, who will forward it to the Division Director. If the training falls outside of the department training plan, the Division Director will review the travel request at the Administration Staff Meeting. Requests will be granted or denied on the basis of department needs, relevancy of the training, practicality, and cost. Approved training requests will be submitted to the Training Coordinator. Denied training requests will be returned to the employee.

Notice of Required Training:

In most cases, employees will be informed by the Training Coordinator of the date, time, location and nature of the training at least two weeks prior to the training.

Travel Request/Advances:

Employees must advise the Training Coordinator two weeks prior to training if a travel advance is required. The Training Coordinator will complete all travel requests for STC training. Travel request forms must be signed by the employee, initialed by the Division Director, and forwarded to the Training Coordinator two weeks prior to training.

The travel request will estimate the total cost of lodging, meals, tuition, and travel costs if travel is by other than a county vehicle. The employee is entitled to 100% of the total estimated cost of meals as a travel advance. Lodging will be advanced at 100% of actual cost, with a confirmation number. Travel advances are issued in the same manner as the employee's paycheck. If payment is by warrant, the employee must personally sign for the warrant at the Auditor's Office. The warrant is normally available three working days prior to the date of travel and identification is required.

Under most circumstances employees will be expected to share accommodations. Exceptions must have administrative approval.

Transportation:

Whenever possible, a vehicle from the employee's division should be used. If this is not possible, notify the Training Coordinator.

Gasoline Credit Card:

- (a) Make sure vehicles are filled with gas upon return.
- (b) When a credit card is used for gasoline, parts, or repairs, the vehicle number and mileage at the time of service must be written on the front of the credit card receipt. Receipts must be submitted to the Accounting Technician.

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- (c) If the employee puts gas in a County vehicle using personal funds, the receipt must be attached to a Claim/Authorization for Release of Funds form and submitted to the Accounting Technician. (The Claim/Authorization for Release of Funds form can be found on the Probation Intranet site under FORMS.

Expense Receipts:

Receipts must be retained for the following costs: Non-prepaid tuition, lodging, airfare, parking, bridge tolls, and training materials that were not included in the cost of tuition. Meals are reimbursable as allowed in the Shasta County Personnel Rules.

Procedure Following Training:

- (a) Vehicle keys and credit cards must be returned.
- (b) Within ten days, a completed Travel Expense Report must be completed indicating all expenditures less any advances. The form is available on the Probation Intranet. Original receipts must be attached to the report and submitted to the Accounting Technician.
- (c) If the travel advance exceeds actual expenses, a check for the amount not used must be made payable to Shasta County and submitted with the Travel Expense report form. If the employee is eligible for an expense reimbursement, a check from the Auditor's Office will be mailed to the employee or directly deposited to the account on record approximately two weeks after the claim is submitted.

202.6 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Shasta County Probation Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by Administration.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Coordinator. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees 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.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel 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 active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

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

Training Policy

202.7 STC ANNUAL HOURS AND STC CORE HOURS

The Training Coordinator will provide an adequate selection of courses for annual STC training hours. The Training Coordinator will monitor hours, but the ultimate responsibility lies with the supervisor.

Every new staff and certain newly promoted staff must complete CORE training within a one-year period. The Training Coordinator will be responsible for locating and making arrangements for the CORE hours.

202.8 SPECIALIZED TRAINING

If a special need exists and there are not STC certified classes available or if there are not enough staff who might benefit from the class, an existing course may be given a "Special Certification." In order for this to be done, the Training Coordinator will work with the staff to complete the required documentation.

Electronic Mail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this department. This is in conjunction to County Personnel Manual Section 26.3. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the e-mail system must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

203.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its e-mail system or that is stored on any department system.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the Department's e-mail system shall have no expectation of privacy concerning communications utilizing the system.

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

203.3 PROHIBITED USE OF E-MAIL

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

E-mail messages addressed to the department or an employee of the department are only to be used for official business related items that are of particular interest to all users and must be approved by a member of the Administration Team. Nonbusiness related emails shall be preapproved by the employee's division director.

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

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 INTERNAL MEMORANDUMS AND ELECTRONIC EMAIL

Department E-mail or memorandums may be issued periodically by the Chief Probation Officer and/or the Administration Team to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

204.3 DEPARTMENT LETTERHEAD

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business.

204.4 SURVEYS

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

Identification Cards

206.1 POLICY

The Shasta County Probation Department will issue identification cards to all departmental staff, other county employees and agency staff working regularly in the Probation Department. Authorization to issue identification cards will be in written form and signed by the Chief Probation Officer or his/her designee.

206.2 DISPLAY OF DEPARTMENT IDENTIFICATION CARDS

All non-probation department staff who are issued an identification card shall display their identification cards when in any departmental building. All other county employees, other agency staff and visitors will display their identification card or visitor badge when in any probation department building.

The departmental identification card is to be shown upon request when:

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

206.3 ISSUANCE OF IDENTIFICATION CARDS

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

- (a) All employees and employees of other departments and agencies working within the Department for more than 30 days or on an ongoing basis will receive a photo identification card. These cards will specify the individual's employing department or agency, job title, peace officer status, and vital statistics.
- (b) Interns, students and volunteers will receive photo identification cards. These cards will specify whether they are an intern, student or volunteer, the nature of the activity for which they are volunteering, and which educational institution or agency they are associated with.

206.4 RETURN OF IDENTIFICATION CARDS

All identification cards will be surrendered when new cards are issued. Employees separating from the Probation Department will turn in all departmental issued identification at the time of their separation or exit interview. The responsibility for recovering non-employee identification will rest with the person supervising the program in which the volunteer or other party functions. The responsibility of recovering non-probation department county employees probation departmental identification will rest with the division director or his/her designee.

Identification Cards

206.5 RETIRED IDENTIFICATION CARDS

Upon separation, an employee may request in writing a Department identification card for purposes of medical insurance or other legitimate reasons. The request will be forwarded to the Chief Probation Officer or designee for authorization:

- (a) The identification card shall have a water mark across the card stating "RETIRED".
- (b) The identification card shall have a current photograph of the retiree, the retiree's last classification, date of birth, height, weight, gender, and hair and eye color.

A log will be kept of all identifications issued to retirees.

- (a) The log will have the name of the retirees, date issued, authorized by and issuer.
- (b) The employee responsible for identification cards will be responsible for the retiree log.

Department Badges

207.1 PURPOSE AND SCOPE

The Shasta County Probation Department badge and uniform patch as well as the likeness of these items and the name of the Shasta County Probation Department are the property of the department and their use shall be restricted as set forth in this policy.

207.2 POLICY

All department badges issued to officers of this department are a symbol of authority and shall be displayed in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by officers while on duty or otherwise acting in an official or authorized capacity.

All sworn Deputy Probation Officers (DPOs) who have completed training per PC 832 will visibly display their badge while working in the field unless they have received prior permission by the Chief Probation Officer. All armed officers will wear and visibly display their badge any time they are carrying their firearm unless they have received prior written permission by the Chief Probation Officer.

207.3 ISSUANCE OF BADGE

All DPOs will receive their badges at their swearing in ceremony and will be allowed to display their badge upon completion of the Oath of Office and successful completion of PC 832 training. The department will purchase a wallet and belt badge for all DPOs.

Each badge will include identifying information, either a badge number (DPO I, II, III) or other insignia signifying rank of Supervising Probation Officer, Division Director, Assistant Chief Probation Officer, Chief Probation Officer (CPO) and each officer will be required to sign an "Acknowledgment of Receipt."

Badges will be returned to the CPO or their designee upon separation from employment or upon demand.

207.4 METHOD OF DISPLAY

Badges are to be displayed on a duty or other belt, necklace with breakaway chain, uniform, or outer garment designed to accommodate a badge. Badges should be worn with consideration for safety.

Badges are to be displayed only when on duty. Officers may only use or display his/her badge to influence the behavior of another in the performance of their lawful duties. "Flashing" a badge, defined as showing your badge to identify yourself as a peace officer to gain favor or influence another peace officer who is performing their lawful duties, is strictly prohibited and may result in disciplinary action up to and including termination.

Department Badges

207.5 REPORTING OR REPLACEMENT OF BADGE

In the event of a badge being damaged, lost, or stolen, the DPO shall immediately notify his/her supervisor. This notification shall be completed in a written memorandum format outlining the details of the damage, loss or theft.

Upon notification the supervisor will inform the Chief Probation Officer of the damage, loss, or theft of the badge via the chain of command. The supervisor will ensure the local law enforcement agencies are notified of any loss or theft of a badge. Circumstances surrounding any incident will be investigated on a case by case basis to determine if the DPO will be required to replace the badge at his/her expense.

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

207.6 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, embroidered/polo badge or the likeness thereof, or department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communication such as electronic mail or web sites and web pages.

The use of the badge, embroidered/polo badge and department name for all materials (printed matter, products or other items) developed for department use shall be subject to approval by the Chief Probation Officer.

Employees shall not loan his/her department badge, department clothing or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

Use of a badge, for reasons not intended by this policy, is strictly prohibited and may result in disciplinary action up to and including termination.

207.7 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief Probation Officer.

207.8 NON-SWORN PERSONNEL

Department identification cards or business cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee.

A. Non-sworn personnel shall not display any department identification except while on duty or otherwise acting in an official and authorized capacity.

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B. Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

Code of Ethics

208.1 PURPOSE AND SCOPE

The purpose is to establish a code of ethics to promote a high standard of professional conduct.

208.2 CODE OF ETHICS POLICY

It is the policy of this Department that employees are to adhere to the following established code of ethics.

208.2.1 VIOLATION OF RULES

Employees shall not commit any acts or omit any acts that constitute a violation of any rules, regulations, directives, or orders of the Department or any division whether stated in any department or divisional manual or memorandums.

208.2.2 STANDARD OF CONDUCT

Employees shall not act or behave privately or officially in such a manner as to bring discredit upon himself/herself, the Department, the County, the State of California or the United States of America.

All employees shall promptly report to the Assistant Chief Probation Officer via the chain of command any activities on their own part or the part of any other employee where such activity has resulted in official contact by another law enforcement agency.

208.2.3 COOPERATION

Cooperation among employees at all levels of the chain of command and in all assignments within the Probation Department is essential for efficient operation. Therefore, employees are responsible for establishing and maintaining a positive spirit of cooperation within the Department.

208.2.4 ASSISTANCE

All employees are required to take appropriate action toward aiding other staff exposed to danger or in a situation where there is a potential for danger or harm.

208.2.5 TRAINING

- A. Training is considered an official duty. Employees are to adhere to the department training policy and wear professional attire as outlined in the Department dress code.
- B. Employees are reminded that they represent the Department and shall conduct themselves accordingly and participate fully.

208.2.6 DUTY RESPONSIBILITIES

- A. Employees shall, at all times, respond to the lawful orders of their supervisor or administrator and other proper authorities, i.e. Court, or County administrative officers.
- B. Employees are to adhere to all departmental policies & procedures, i.e. general policies, institution policies, specific assignment policies.
- C. Employees are to adhere to all state and federal laws and report any violation as soon as possible.

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208.2.7 UNLAWFUL ORDERS

No employee shall knowingly issue any order that is in violation of any law, ordinance, divisional or departmental rule, order, policy or procedure.

208.2.8 OBEDIENCE OF UNLAWFUL ORDERS

- A. Obedience of an unlawful order is never a defense for an unlawful action.
- B. No employee is required to obey any order that is contrary to any law.
- C. Responsibility for refusal to obey an unlawful order rests with the employee.

208.2.9 OBEDIENCE OF UNJUST OR IMPROPER ORDERS

- A. Employees given a lawful order they feel to be unjust or contrary to rules and regulation should, time and circumstances permitting, advise the employee giving the order that the order is unjust or improper.
- B. Employees shall obey the lawful order they feel to be unjust or improper, and shall not be held responsible for compliance of the order, regulation, procedure, or policy previously issued, and may request that another employee witness the order.
- C. The employee should document the event via a written report and submit that report to the next person up the chain of command by the end of the next working day.
- D. Under these circumstances, the responsibility for resolving the conflict shall be upon the next person in the chain of command.

208.2.10 CONFLICTING ORDERS

- A. Upon receipt of an order conflicting with any previous order or instructions, the employee affected will advise the person issuing the second order of this fact.
- B. Responsibility for countermanding the original instruction then rests with the individual issuing the second order, and he/she shall report said action to the employee issuing the original order. All reasonable efforts shall be made to contact the individual issuing the original order prior to countermanding the original order.
- C. If so directed by the second employee, the latter command shall be obeyed first.

208.2.11 CRITICISM OF ORDERS

- A. Employees, in their official capacity, shall not publicly criticize instructions or orders received from a supervisor or other lawful authority.
- B. Employees that wish to criticize the Department policies, procedures, or orders are to do so by going up the chain of command.

208.2.12 APPEALS TO ORDERS

Any employee receiving what they believe to be an unlawful, unjust or improper order shall have the opportunity to report same within three calendar days via the chain of command by a written report.

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208.2.13 QUESTIONS REGARDING ASSIGNMENT

Employees in doubt as to the nature or detail of their assignment shall immediately seek necessary clarification of their duties and responsibilities from their supervisor.

208.2.14 CONDUCT TOWARD SUPERVISORS, SUBORDINATES, OTHER EMPLOYEES & VISITORS

- A. Employees shall treat supervisors, subordinates, other employees and all visitors with respect.
- B. Employees shall be courteous and civil at all times in their relationship with one another.
 - 1. Employees shall display an attitude of loyalty to all employees, especially in the presence of the offenders.
 - 2. Careless and/or unprofessional remarks made within earshot of offenders may create a situation whereby offenders can foster dissent among employees by "playing one against the other," thereby weakening the solidarity necessary for operating a safe and secure department and/or institution.

208.2.15 CRITICISM OF PERSONS

Employees in their official capacity shall not publicly criticize or ridicule any official act of any employee of the Department or office of a City, County, the State, or the United States of America.

208.2.16 INSUBORDINATION

- A. Failure or refusal of any staff to obey a lawful order, given by an officer in charge, supervisor, Division Director, Assistant Chief Probation Officer or Chief Probation Officer, shall be insubordination.
- B. Ridiculing a supervisor or his/her orders is insubordination.

208.2.17 PROHIBITED ACTIVITIES WHILE ON DUTY

- A. While on duty, employees are prohibited from engaging in activities that could be deemed unethical, illegal and/or inappropriate in the work place. These activities would include but are not limited to:
 - 1. Drinking intoxicating liquors or beverages
 - 2. Gambling, in any form
 - 3. Using illegal drugs
 - 4. Criminal activity
 - 5. Sleeping
 - 6. Horseplay

208.2.18 RELIEF

Employees are to remain at their assigned duty station or on their assignment and on duty until properly relieved by the replacement staff or until dismissed by a supervisor or administrator.

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208.2.19 RESPONDING TO CALLS

- A. Employees on duty shall respond without delay to duties, responsibilities, and orders, and to requests for assistance from Juvenile Rehabilitation Facility employees, visitors, peace officers, or other persons.
 - 1. Emergency situations shall take precedence; however, all requests for assistance shall require a response as soon as possible.
 - 2. Failure to provide necessary assistance without justification is misconduct.
- B. Except under the most extraordinary circumstances, or when otherwise directed by a competent authority, no employee shall fail to respond when needed.
- C. The supervisor shall be immediately informed by all employees at all times when an employee leaves his/her duty station for unauthorized reasons. A written follow up by the reporting employee of the situation may be required.

208.2.20 IMPARTIAL ATTITUDE

- A. All employees must conduct themselves impartially toward offenders and/or all persons under their supervision of the Department.
- B. Exhibiting partiality for or against a person because of race, creed, color, gender, disability, sexual orientation, or influence is prohibited and can be unlawful.

208.2.21 FALSE REPORTS, STATEMENTS, AFFIDAVITS

No employee shall knowingly and intentionally prepare, sign, and/or submit a false report, statement, or affidavit.

208.2.22 WITHHOLDING CRIMINAL INFORMATION

Employees receiving or possessing facts, information, or evidence relative to a criminal offense or case shall not retain such facts, information, or evidence, but shall promptly report the information or evidence to a supervisor and in accordance with established departmental procedures.

208.2.23 DEPARTMENT PROPERTY & EQUIPMENT

- A. Employees are responsible for proper care of county property and equipment assigned to them.
- B. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action in accordance with Shasta County Personnel rule 7.2 (f).
- C. All employees will notify their immediate supervisor, in writing, of any defects or hazardous conditions existing in any county or departmental equipment or property.
- D. Employees are required to surrender all departmental property issued to them, upon separation from the Department or as directed by their Supervisor or Division Director.

208.2.24 PURCHASES

- A. No employee shall incur a liability chargeable against the Department or the county, without proper authorization.

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- B. When authorized purchases are made, receipts and/or invoices will be obtained on each purchase and turned in to the Accounting Technician for processing. All purchases made with a County Credit Card will be made in accordance with the County and Department Credit Card Policies.

208.2.25 MISAPPROPRIATION OF RESOURCES

Employees shall not appropriate for their own use any county property, evidence, video, photos or found property.

208.2.26 MONEY & PROPERTY OF OTHERS

Employees shall deliver to their immediate supervisor any monies or other property not his or her own discovered by the employee while on duty or in the line of duty. The supervisor may request an incident report from the employee.

208.2.27 COMPENSATION FOR DAMAGES ON DUTY

Employees shall not seek in any way, nor shall they accept from any person, money or other compensation for damages sustained or expenses incurred by them in the line of duty without first notifying their supervisor in writing.

208.2.28 KNOWLEDGE OF LAW, REGULATIONS, POLICIES & PROCEDURES

- A. All employees are required to maintain a working knowledge of the department policies & procedures.
- B. In the event of improper action or violation of any law, policy, procedure, rule, or regulation, it will be presumed that the employee was familiar with the law, policy, procedure, rule, or regulation concerned, providing such law, policy, procedure, rule, or regulation is in a department issued policy/procedure or posted in a memorandum or the employee was verbally informed and the conversation with the employee was documented.

208.2.29 MANNER OF ISSUING ORDERS

Orders from a supervisor to subordinate employees shall be in clear and understandable language, civil in tone, and issued in pursuit of departmental business.

208.2.30 PERFORMANCE ON DUTY

- A. All employees shall promptly perform their duties as required or directed by law, department rule, policy, procedure, order, or by order of a supervisor.
- B. Employees shall maintain sufficient knowledge to properly perform their duties and assume the responsibilities of their position.
- C. Employees shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

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208.2.31 TRUTHFULNESS

Upon the order of a supervisor, Division Director, Assistant Chief Probation Officer or Chief Probation Officer or their designee, employees shall truthfully answer all questions that may be asked of them specifically related to the scope of employment.

208.2.32 HOURS ON DUTY

- A. Pursuant to California Penal Code 830.55, Juvenile Detention Officers are peace officers while they are on duty.
- B. Juvenile Detention Officers are considered on duty during their assigned working hours.
- C. Assigned hours for Juvenile Detention Officers can be regularly scheduled or when filling shifts or called to duty by the Division Director, Supervisor, or their designee. Pursuant to California Penal Code 830.5, Deputy Probation Officers (DPO) are considered on duty during their assigned working hours, or authorized special assignment hours or if after their assigned working hours have ended and the DPO sees a violation and chooses to go on duty (within department policy).
- D. Employees shall be considered "off-duty" during other hours.

208.2.33 TARDINESS

All employees shall be punctual in reporting for duty.

208.2.34 ABSENCE FROM DUTY

- A. Every employee that fails to appear for duty at the date, time, and place specified by their written schedule or a directive from an Officer in Charge, Supervisor, Division Director, Assistant Chief Probation Officer or Chief Probation Officer (proper authority), without the consent of a proper authority, is "absent without official leave."
- B. Such absences shall be reported, in writing, to the Division Director by the employee's supervisor.
- C. Absence without authorized leave may be cause for disciplinary action.

208.2.35 PHYSICAL FITNESS

All employees of the Department shall maintain themselves in physical condition that enables them to perform the duties as defined by the County Job Description and Board of State Community Corrections standards.

208.2.36 USE OF ALCOHOL OFF DUTY

Employees, while off-duty, shall refrain from consuming intoxicating beverages to the extent that it renders them unfit to report for their next regular assigned work shift.

208.2.37 INTOXICATION

Employees shall not, at any time, have a measurable amount of an intoxicating substance in their system while on duty as defined in Shasta County Personnel Rules. If found with a measurable amount of alcohol

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in their system, the employee may provide a letter of explanation to Chief Probation Officer or Assistant Chief Probation Officer through the chain of command.

208.2.38 POSSESSION OF & USE OF DRUGS

- A. Employees shall not store or bring into any Probation Department building, detention facility or county vehicle, alcoholic beverages, controlled substances, narcotics, or hallucinogens without written permission from a Division Director.
- B. Employees shall not possess or use any controlled substance, narcotics, or hallucinogens, except when prescribed in the treatment of employees by a licensed physician or dentist.
- C. When controlled substances that may impair an employee's ability to do his/her job as described by the physician, pharmacist or warning label, narcotics, or hallucinogens are prescribed, the employee shall notify their supervisor.

208.2.39 IDENTIFICATION

Except where impractical or not feasible, or where the identity is obvious, employees shall identify themselves upon request of the public, peers, or supervisor.

208.2.40 ABUSE OF POSITION

- A. Employees shall not use their official position, official identification cards or badges for:
 1. Personal or financial gain
 2. Obtaining privileges otherwise not available to them, except in performance of duty
 3. Avoiding consequences of illegal acts

208.2.41 SOLICITATION

Employees or organizations of employees (i.e. children's sport teams, associations, and unions) shall not solicit, collect, or receive any money or other things of value, nor shall they sell tickets of chance of any kind while on duty, without obtaining prior permission from the Division Director.

208.2.42 PUBLICITY

Employees shall not seek personal publicity in the course of their employment.

208.2.43 COMMERCIAL TESTIMONIALS

- A. In addition to the directives outlined in Shasta County Personnel Rules Chapter 28, employees shall adhere to the following;
 1. Employees shall not permit their names or photographs to be used to endorse any product or service, which in any way is connected with official duties, without permission of the Chief Probation Officer through the chain of command.
 2. Employees shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the

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department, without permission of the Chief Probation Officer through the chain of command.

208.2.44 ASSOCIATION

Employees shall conform to the department fraternization policy.

208.2.45 VISITING PROHIBITED ESTABLISHMENTS

Employees shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, club, or other establishment wherein the laws of the United States, the state or local jurisdiction are violated, except in the performance of duty, and while acting under proper and specific orders from a supervisor.

208.2.46 OFF-DUTY EMPLOYMENT

- A. In addition to the directives outlined in Shasta County Personnel Rules Chapter 28, employees shall adhere to the following;
1. Employees may engage in off-duty employment, subject to the following limitations:
 - (a) Such employment shall not interfere with the employee's employment with the department and shall not be for any other Shasta County Department without expressed written permission from the Chief Probation Officer and the other department head.
 - (b) Employees shall submit written requests to engage in any off-duty employment, through the chain of command, to the Chief Probation Officer, whose approval must be granted prior to engaging in any paid employment.
 - (c) Approval may be denied or revoked where it appears that the off-duty employment might:
 1. Render the employee unavailable during an emergency;
 2. Physically or mentally exhaust employees to the point that his/her performance may be affected;
 3. Require that any special consideration be given to scheduling any employee's regular duty hours; or
 4. Bring the county into disrepute or impair the operation or efficiency of the department or employee.
 2. No county equipment, department identification, or county services will be used in connection with an employee's off-duty employment.
 3. It is the Department's position that any full time, regular employee will consider employment by the Department as his/her primary employment.
 4. Any request for outside employment will be considered as secondary to the Department's needs.

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208.3 REPORTING FOR DUTY

- A. Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform duties.
- B. Employees shall be properly equipped and dressed in approved attire or uniform, and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
- C. Judicial subpoenas shall constitute an order to report for duty under this section. Officers must wear approved attire or uniform as defined in the Department dress code.

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, every employee of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.1.2 PHILOSOPHY

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

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

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

300.2 POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to effectively bring an incident under control for a legitimate law enforcement purpose. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on scene at the time of the incident.

1. Any interpretation of reasonableness must allow for the fact that peace officers are often forced to make split-second decisions regarding the amount of force that is necessary in a particular situation under circumstances that are tense, uncertain, and rapidly evolving.
2. Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident.

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

It is the policy of this department that Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to effectively bring an incident under control.

The reasonableness of force must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that officers are often forced to make split-second decisions in circumstances that are tense, uncertain and evolving about the amount of force that reasonably appears necessary in a particular situation.

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes, or attempts to make, an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code § 835a).

Use of Force

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmental approved training and only when the officer reasonably believes the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider:

- (a) Whether the person can comply with the direction or orders of the officer.
- (b) Whether the person has been given sufficient opportunity to comply.

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- (c) The potential for injury to the officer(s) or other if the technique is not used.
- (d) The potential of serious injury to the individual being controlled.
- (e) The degree to which the application of the technique may be controlled given the level of resistance.
- (f) The nature of the offense involved.
- (g) The level of resistance of the individual(s) involved.
- (h) The need for prompt resolution of the situation.

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

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, 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 Shasta County Probation Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

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

- (a) To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) To stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the suspect is not immediately apprehended.

Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or others.

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2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective; therefore, shooting from a moving vehicle is prohibited. Officers should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.5 REPORTING THE USE OF FORCE

Any use of force by an employee of this department shall be documented promptly, completely and accurately in an appropriate report. The officer shall articulate the factors perceived and why he/she 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.

300.5.1 NOTIFICATION TO SUPERVISORS

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

- (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 a control device. An example of a control device would be OC (Oleoresin Capsicum).
- (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 any of the above has occurred

An investigative/offense report or serious incident report shall be completed pursuant to the Investigative/Offense Report Preparation Policy within this manual.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Assistant Chief Probation Officer or authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving

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use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

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

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the JRF. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a 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).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practical and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

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1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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 to notify their Division Director. The supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 USE OF FORCE ADMINISTRATIVE REVIEW MEETING

A Use of Force Administrative Review Board will be scheduled on a monthly basis for the purpose of reviewing each use of force by any personnel to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.9 USE OF FORCE REPORTING TO DOJ

Annually, the Assistant Chief Probation Officer or designee shall submit required reports to the Department of Justice per Government Code 12525.2a.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Shasta 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.

301.3 USE OF RESTRAINTS

Only officers who have successfully completed Shasta County Probation approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

Handcuffs may be used when a decision has been made to control, detain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. In most situations, handcuffs should be applied with the hands behind the person. When practical, handcuffs shall be doubled locked to prevent tightening which may cause undue discomfort or injury to the hands or wrists. Handcuffs should be removed as soon as the arrested person is safely confined within the jail or the Juvenile Rehabilitation Facility (JRF).

301.3.1 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 upon the detainee.

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Officers shall be able to clearly articulate, and document, the need to use restraints on detainees. If an officer is unsure if there is reasonable suspicion to restrain a detainee, they should seek guidance from a supervisor.

301.3.3 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

301.3.4 USE OF RESTRAINTS ON YOUTH

Pursuant to section 210.6 of the Welfare and Institutions Code mechanical restraints for youth may only be used under the following circumstances:

- (a) Mechanical restraints, including, but not limited to, handcuffs, chains, irons, straitjackets or cloth or leather restraints, or other similar items, may be used on youth detained in, or committed to, a secure juvenile facility, a camp, ranch, or forestry camp, during transportation outside of the facility only upon a determination made by probation department staff that mechanical restraints are necessary to prevent physical harm to the youth or another person or due to a substantial risk of flight.
 - (a) If a determination is made that mechanical restraints are necessary, the least restrictive form of restraint shall be used consistent with the legitimate security needs of each youth.
 - (b) Probation staff will only utilize mechanical restraints, other than handcuffs, on youth when being transported outside of the facility as established by the JRF transportation policy.
 - i. All use of mechanical restraints, other than handcuffs, for transportation shall be documented.
- (b) This code section does not apply to mechanical restraints used by medical care providers in the course of medical care or transportation.
- (c) Mechanical restraints may only be used during a juvenile court proceeding if the court determines that the individual youth's behavior in custody or in court establishes the need to use mechanical restraints to prevent physical harm to the youth or another person or due to a substantial risk of flight.
 - (a) The burden to establish the need for mechanical restraints is on the prosecution.
 - (b) If the court determines that mechanical restraints are necessary, the least restrictive form of restraint shall be used and the reasons for the use of mechanical restraints shall be documented on the record.

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- (c) Probation staff will only utilize mechanical restraints, other than handcuffs, on youth when being transported outside of the facility to court as established by the JRF transportation policy.
 - i. All use of mechanical restraints, other than handcuffs, for transportation to court shall be documented.

301.3.5 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail or JRF 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 facility.

301.4 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. 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.

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should

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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 where 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 each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

301.7 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 his/her own actions (e.g., hitting his/her head against the interior of the 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 windows of the vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

- (a) If practical, 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 practical after the application of the leg restraint device.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail, JRF, 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 placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by 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).

301.8 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 the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) If supervisor notification and approval of restraint use was obtained.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.10 TRAINING

Subject to available resources, the training coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints during DTAC training, 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.

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- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 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 officers who have successfully completed department-approved training in 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 subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

302.4.1 SUPERVISING PROBATION OFFICER'S RESPONSIBILITIES

The Supervising Probation Officer may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

302.4.2 EQUIPMENT OFFICER RESPONSIBILITIES

The equipment 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 equipment officer or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

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

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

302.5 OLEORESIN CAPSICUM (OC) GUIDELINES

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.5.1 OC SPRAY

Authorized personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.5.2 TREATMENT FOR OC SPRAY 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 persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.6 POST-APPLICATION NOTICE

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

302.7 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of

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Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.8 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Officer-Involved Shootings and Deaths

303.1 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 as the result of an officer-involved shooting or dies as a result of other action of an officer. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner. Nothing in this policy is intended to increase, modify, or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard.

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

303.1.1 INVESTIGATION RESPONSIBILITY

This department conforms to the Inter-Agency Critical Incident Protocol for investigation of officer-involved shootings.

303.2 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Department may relinquish its criminal investigation to an outside agency with the approval of the Chief Probation Officer or the Assistant Chief Probation Officer.
- A criminal investigation of the involved officer(s) conducted by an outside agency.
- An administrative investigation conducted by the involved officer's agency to determine if there were any violations of department policy.
- A civil investigation to determine potential liability conducted by the involved officer's agency.

303.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

303.3.1 SHASTA COUNTY DEPUTY PROBATION OFFICER WITHIN THIS JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the incident to another agency. The Shasta County Probation Department will conduct timely civil and/or administrative investigations. The criminal investigation of the officer-involved shooting will be conducted per the Shasta County Multi-Agency Officer Involved Critical Incident Protocol.

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303.3.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Shasta County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the critical incident protocol team. The officer's employing agency will be responsible for any civil and/or administrative investigation(s).

303.3.3 SHASTA COUNTY DEPUTY PROBATION OFFICER IN ANOTHER JURISDICTION

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

303.3.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

	Criminal Investigation of Suspect(s)	Criminal Investigation of Officer(s)	Civil Investigation	Administrative Investigation
SCPD Officer in This Jurisdiction	Critical Incident Protocol Team	Critical Incident Protocol Team	SCPD Administration Team	SCPD Administration Team
Allied Agency's Officer in This Jurisdiction	Critical Incident Protocol Team	SCSO or Critical Incident Protocol Team	Involved Officer's Department	Involved Officer's Department
SCPD Officer in Another Jurisdiction	Critical Incident Protocol Team	Decision made by agency where incident occurred	SCPD Administration Team	SCPD Administration Team

303.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

303.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

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

- (a) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
- (b) Attempt to obtain a brief overview of the situation from any non-shooter officer(s).

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1. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.
- (c) If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
- (d) Absent a voluntary statement from any officer(s), the initial on scene supervisor should not attempt to order any officer to provide other than public safety information.
- (e) Provide all available information to the Chief Probation Officer/ Assistant Chief Probation Officer and SHASCOM . If feasible, sensitive information should be communicated over secure networks.
- (f) Take command of and secure the incident scene with additional personnel until relieved by the agency having jurisdiction or other assigned personnel.
- (g) As soon as practical, involved officers should respond or be transported (separately, if feasible) to the Administration Office at the Juvenile Rehabilitation Facility for further direction.
 1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
 2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the Administration Office at the Juvenile Rehabilitation Facility by other officers.

303.4.2 PROBATION DIVISION DIRECTOR DUTIES

Upon learning of an officer-involved shooting, the Division Director shall be responsible for coordinating all aspects of the incident until relieved by the Assistant Chief Probation Officer or the Chief Probation Officer.

303.4.3 NOTIFICATIONS

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

- Chief Probation Officer
- Assistant Chief Probation Officer
- Critical Incident Protocol Team
- Division Director
- District Attorney

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- County Counsel
- Psychological/Peer support personnel
- Coroner (if necessary)
- Probation Officer Representative (if requested)

All outside inquiries about the incident shall be directed to the ACPO.

303.4.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Chief Probation Officer, Assistant Chief Probation Officer, Division Director, Investigation Division Commander of the Critical Incident Team (SCSO or RPD) and Public Information Officer in the event of inquiries from the media.

It will be the policy of this department to not release the identities of involved Probation Officers absent their consent or as required by law. Moreover, no involved Probation Officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved Probation Officer shall make any comments to the press unless authorized by the Chief Probation Officer.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

303.4.5 INVOLVED OFFICERS

Once the involved officer(s) have arrived at the Administration Office at the Juvenile Rehabilitation Facility, the Assistant Chief Probation Officer should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

- (a) Any request for department or legal representation will be accommodated, however, no involved officer shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (d) A psychotherapist shall be provided by the Department to each involved officer, or any other officer, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

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2. An interview or session with a licensed psychotherapist may take place prior to the involved officer providing a formal interview or report, but the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

The Assistant Chief Probation Officer shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

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

303.5 CRIMINAL INVESTIGATION

It shall be the policy of this department to utilize the Critical Incident Protocol Team to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to partner with investigators from the Critical Incident Protocol Team to act as liaisons and provide assistance.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- (a) SCPD Division Directors and Assistant Chief Probation Officer personnel should not participate directly in any voluntary interview of the officer. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code 3303(i)). However, in order to maintain the integrity of each involved officer's statements, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternative time for interview.

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(d) Any voluntary statements provided by an involved officer(s) will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement(s) will be provided to any criminal investigators.

303.5.1 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require probation officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code 3304(a)).

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

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

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

303.5.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because a potential witness to an officer-involved shooting or other major incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor or Division Director should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

- When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

- Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose for identification, the supervisor or Division Director should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witness, if willing may be transported by department personnel.

- A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with probation officer(s).

303.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation to determine conformance with department policy. The investigation will be conducted under the supervision of the Assistant Chief Probation Officer and will be considered a confidential officer personnel file.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

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5. The administrative interview shall be considered part of the officer's confidential personnel file.
6. The Assistant Chief Probation Officer shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Management Team and then subsequently to the Use of Force Review Board if recommended by the Management Team, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

303.6.1 CIVIL LIABILITY RESPONSE

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

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

303.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Counsel's Office, as appropriate.

303.8 CRITICAL INCIDENT DEBRIEFING

Following an officer-involved shooting or death, the Shasta County Probation Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

303.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practical. The Assistant Chief Probation Officer is responsible for organizing the debriefing. Notes and recorded statements

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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 shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department.

303.8.2 ADMINISTRATIVE REVIEW BOARD

A Use of Force Review Board should take place according to the department's Administrative Review Board process. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

Firearms

304.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training on the use of firearms. The Chief Probation Officer of designee shall approve all Department firearms before they are acquired and utilized by any employee of this department.

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.

304.1.1 LEGAL AUTHORITY TO CARRY AND USE A FIREARM

The peace officer status of probation officers is created in Penal Code 830.5:

“The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only authorized and under those terms and conditions specified by their employing agency: (emphasis added)

.....probation officer, or deputy probation officer”

The probation officer’s use of peace officer powers is defined and limited to on-duty hours by statute, court decisions and opinions of the California Attorney General's Office. Penal Code 830.5 (a) reads in part, “Except as otherwise provided in this subdivision, the authority of these probation officers shall extend only as follows:

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

Probation officers’ authority to carry and use firearms on-duty shall be consistent with these provisions of the Penal Code and shall be limited by the terms and conditions specified by this policy. Probation officers authorized to carry firearms on duty are required to qualify with the firearm at least quarterly with the department’s rangemaster or a rangemaster approved by the Chief Probation Officer. Nothing in this policy shall be considered or constructed as conferring on the probation officer authority beyond that granted by the Penal Code. Probation officers authorized to carry firearms shall comply with the requirements of the Penal Code and these policies.

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304.1.2 AUTHORIZATION TO CARRY A FIREARM ON DUTY

The department will not order an officer to be armed and may restrict duty assignments accordingly.

All probation officers requesting to be armed shall submit a memorandum via the chain of command. This memorandum should include: name, position, assignment, trainings and justification. Submitted memorandums shall be reviewed and discussed at the firearms meetings. Firearm interviews will be scheduled accordingly.

Upon review, the Chief Probation Officer may authorize the officer to begin training with the rangemaster and to attend the required firearms training courses. Training courses are outlined in Section 304.4.2 and 304.4.3 of this policy. This authorization will be in writing and provided to the probation officer via the chain of command.

The Arming Authorization shall be in writing and shall be signed by the Chief Probation Officer. No probation officer shall carry a firearm on his/her person at any time or have a firearm in his/her possession in the office or any other job location or in his/her vehicles without prior written authorization of the Chief Probation Officer obtained pursuant to these policies and procedures.

The signed Arming Authorization Form shall be kept in the probation officer's department personnel file with copies to the Department Training Coordinator and the rangemasters. Authorization to carry a firearm is for on-duty purposes only. "On-duty" is defined for purposes of this policy as normal working hours, alternative work hours approved by a supervisor, or at times when an officer is called into service.

If an armed officer is on medical leave for an extended period of time and has surrendered his/her weapon to the department, upon return to full duty, the officer shall submit a memorandum via the chain of command requesting to be armed.

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

The Chief Probation Officer may approve or deny any request by a probation officer to be armed on a case-by-case basis subject to any terms and limitations deemed appropriate within the sole discretion of the Chief Probation Officer.

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

Written requests for reinstatement of the authorization may be made to the Chief Probation Officer clearly stating the reasons why the authorization should be reinstated as described in Section 304.2.3 of this policy.

Officers whose authorization to carry a firearm was revoked due to a failure to meet the qualification standards may submit a written request for reinstatement after six (6) months.

Firearms

The Shasta County Probation Department neither encourages nor discourages probation officers from using or carrying their own firearms while off-duty. Any use of a firearm by a probation officer while off-duty is solely the officer's decision and is at the officer's own risk. Any use of a firearm off-duty shall be outside the course and scope of the probation officer's employment and any officer doing so shall be acting independently from the County.

304.2 POLICY

The Shasta County Probation Department will equip its members with firearms to address the risks posed to the public and department employees by violent and sometimes well-armed persons. The department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

304.2.1 DUTY WEAPONS

The probation officer shall be issued a department firearm.

The probation officer shall be issued a department holster and three magazines.

Carrying a secondary weapon/backup weapon is not authorized by the department.

304.2.2 AMMUNITION

Probation officers shall carry only department-authorized ammunition. Probation officers shall be issued fresh duty ammunition in the specified quantity for all department issued firearms during the probation officer's first scheduled qualification each year. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the rangemaster when needed in accordance with this policy.

304.2.3 RESTRICTIONS ON CARRYING FIREARMS

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

- (a) Weapons shall not be carried by any probation officer who has consumed any alcoholic beverage or taken any drugs that would tend to adversely affect the officer's sense or judgment.
- (b) While injured or in physical condition causing inability to utilize a firearm effectively or properly, i.e. broken arm, eye injury causing impaired visions, etc.
- (c) While on disciplinary or investigative suspension.
- (d) While on leave of absence without pay, or other period of unpaid absence from the department or while on Workers' Compensation status.
- (e) When authorization to carry a firearm has been revoked.
- (f) While committing any violation of department policies.
- (g) Demonstrates inability to safely handle a firearm.
- (h) While attending department trainings unless it is required by the training or if approved by the arming supervisor.

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- (i) When directed by the rangemaster or a superior officer to cease carrying a firearm.
 - Any probation officer directed to cease carrying a firearm shall immediately surrender his/her firearm and shall immediately cease carrying any firearm on-duty.
 - If a suspension of authority to carry a firearm has been made by either the rangemaster or a superior officer, the person ordering the suspension shall submit a written report, within three (3) working days, to the Chief Probation Officer, indicating the circumstances that led to the suspension. A copy of the report shall be made available or delivered to the probation officer within one (1) workday following submission of the report.
 - A written request for a review of any suspension may be made by the probation officer to the Chief Probation Officer within ten (10) working days of the officer's receipt of the notification of suspension of authority to carry a firearm. The written request shall clearly state the reason(s) the authorization should be reinstated or specific objections to the decision. The Chief Probation Officer shall then make a determination whether or not to revoke the authorization. The Chief Probation Officer's decision is final and shall not be or become the basis for any grievance.

304.2.4 CARRYING THE FIREARM

- (a) Probation officers authorized to carry firearms shall only carry firearms and equipment that have been issued by the department or approved by the Chief Probation Officer as "In Lieu of" firearms and with which the probation officer has qualified pursuant to these policies.
- (b) The authorized and approved firearm must be encased in a holster approved by the department.
- (c) The firearm will be fully loaded with a round chambered.
- (d) Whenever an armed probation officer is in the field (i.e., on a school campus, conducting home visits, etc.) the officer shall carry the firearm in a department approved retention holster, unless otherwise authorized by the Chief Probation Officer.
- (e) Probation officers authorized to carry a firearm shall have in his/her possession, whenever carrying a firearm, his/her department issued badge and identification card. The badge should be displayed in close proximity to the weapon.
- (f) Probation officers authorized to carry a firearm shall wear department authorized body armor at all times while on duty and engaged in field activities, unless otherwise authorized by the Chief Probation Officer.
- (g) Probation officers authorized to carry a firearm shall wear a minimum of two additional loaded magazines in department approved magazine pouch at all times while engaged in field activities, unless otherwise authorized by the Chief Probation Officer.
- (h) Probation officers authorized to carry firearms shall carry a minimum of one less than lethal force option (i.e. O.C. spray) while on duty, unless otherwise authorized by the Chief Probation Officer.

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(i) Probation officers authorized to carry firearms are not authorized to carry their firearm while attending any Court proceedings, unless otherwise authorized by the Chief Probation Officer.

304.3 SAFE HANDLING OF FIREARMS

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

304.3.1 SAFETY CONSIDERATIONS

- (a) Every firearm handled shall be treated as a loaded firearm. Probation officers shall not unnecessarily display or handle any firearm.
- (b) Probation officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the rangemaster. Probation officers shall not dry fire or practice quick draws except under rangemaster supervision.
- (c) Probation officers shall not clean, repair, or unload a firearm anywhere in the department, except where clearing barrels are present, unless otherwise authorized by the Chief Probation Officer.
- (d) Any unholstered firearm that is brought into a probation department facility shall first be unloaded.
- (e) Probation officers shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail or Juvenile Rehabilitation Facility (JRF) section(s) or any part thereof when securing or processing a youth/offender, but shall place all firearms in a secured location. It shall be the responsibility of the detention/correctional officer to make sure that persons from outside agencies do not enter the jail/JRF section with any firearm.
- (f) Firearms equipped with safety devices shall be placed in a "safe" condition except when use is imminent.

304.3.2 STORAGE AT HOME

Probation 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 (Penal Code § 25100).

Probation officers shall not permit department-issued firearms to be handled by anyone who is not authorized by the department to do so.

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

304.3.3 STORAGE OF FIREARMS WHILE ON-DUTY

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

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(a) When not being carried during duty hours, the firearm and ammunition shall be stored in a secure and safe place that is not readily accessible to unauthorized persons. The firearm shall not be stored in a place where it is visible to unauthorized persons. If possible, the firearm should remain in the holster when being stored.

(b) Firearms shall not be kept in the unit office overnight, unless secured in an approved mounted gun lock box.

(c) Firearms are not to be stored overnight at any time in a County vehicle or private vehicle.

(d) If an on-duty, armed probation officer does not wish to carry his/her firearm into a residence or public building, he/she shall take the following precautions:

1. The firearm may be stored temporarily in a vehicle and officers shall comply with Section 304.3.4 of this policy.

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

(e) Under no circumstances may a firearm, ammunition, and/or other item, which threatens the security of a correctional facility, be brought into such facility, or be left in any unattended/unlocked vehicle on institutional grounds. Follow the procedures of the correctional facility as to safe storage of these items.

304.3.4 VEHICLE STORAGE

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

If the vehicle does not have a trunk or a locked interior container, then the firearm should be locked within the center utility console that can be locked with a padlock, key-lock, combination lock or other similar locking devices (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).

304.3.5 STOLEN OR LOST FIREARMS

(a) A probation officer shall file a report with the appropriate law enforcement agency immediately upon discovery that his/her on-duty firearm is missing.

(b) A probation officer shall immediately report a lost or stolen duty firearm to the arming supervisor, who will notify the Chief Probation Officer via the chain of command.

(c) The probation officer shall file a written report regarding the matter with the arming supervisor by the end of the assigned shift. The written report shall be submitted to the Chief Probation Officer through the chain of command.

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(d) The probation officer may be required to reimburse the department in the event that a department-owned firearm and related equipment is lost through negligence of the probation officer. The requirement may be imposed in addition to any disciplinary action imposed by the department for the officer's negligence.

(e) Arrangements may be made for the temporary or permanent issuance of another firearm if the Chief Probation Officer or Assistant Chief Probation Officer authorizes such issuance. The officer shall qualify with the newly assigned firearm before authorization to carry the firearm on-duty shall become effective.

304.4 FIREARMS TRAINING AND QUALIFICATIONS

Any probation officer authorized to carry and use a firearm must be certified as currently qualified to do so by the rangemaster. Probation officers are required to qualify quarterly with their duty weapon on an approved range course. The rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the training coordinator. In addition to regular qualification schedules, the rangemaster shall be responsible for providing all authorized probation officers with annual practical training designed to simulate field situations. At least annually, all probation officers carrying a firearm shall receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

(a) The minimum qualifying score for each type of firearm shall be a pass/fail score established by the rangemaster and approved by the Chief Probation Officer.

(b) Probation officers shall comply with the rangemaster's policies and directions.

(c) The rangemaster shall administer a firearms qualification program that ensures competency among all probation officers authorized to carry firearms.

(d) Each probation officer authorized to carry a firearm shall qualify quarterly.

(e) Any probation officer who fails to qualify shall have his/her authorization to carry a firearm suspended as described in Section 304.4.1 of this policy.

(f) Probation officers must qualify with their department issued firearm.

(g) Qualifications shall be during normal working hours. Request for qualifications outside of regular working hours may be approved by the Assistant Chief Probation Officer and scheduled with the rangemaster.

(h) The rangemaster shall prepare and submit quarterly firearms qualification report to the Chief Probation Officer via the chain of command.

(i) A probation officer may, with the Chief Probation Officer and rangemaster's approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearms practice under the supervision of the rangemaster.

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304.4.1 Non- Certification or Non-Qualification

Officers shall be provided two opportunities to pass the department approved quarterly qualification course of fire. Those who fail to qualify on their first course of fire shall be provided remedial training with rangemasters to overcome deficiencies and be given one additional opportunity to qualify at the next scheduled range session.

Officers who fail to respond to remedial training and fail to qualify after a second course of fire will have their authorization to carry a firearm temporarily revoked for a period of 6 months. In such a case, the rangemaster shall retake the officer's firearm and submit a written memorandum to the Chief Probation Officer indicating the circumstances in support of the retake of the firearm.

Upon the retake of the officer's firearm, the officer shall be required to complete remedial training at times determined by the rangemaster and shall successfully qualify prior to reissuance of the said firearm.

304.4.2 REQUIRED TRAINING

A probation officer shall satisfactory complete all training and qualification pursuant to this policy. Required training includes:

- (a) Cardiopulmonary Resuscitation and First Aid
- (b) Search and Seizure pursuant to Penal Code 832
- (c) Department Weaponless Defense Course
- (d) Oleoresin Capsicum (OC) Aerosol Spray
- (e) Firearms pursuant to Penal Code 832
- (f) Force and Weaponry Course and/or the SCPD Advanced Weaponry Course (40 hours)
- (g) A course on the Department policies concerning the carrying of firearms by probation officers.
- (h) The ethical and moral consideration of the use of firearms and deadly force.
- (i) The civil liabilities of probation officers

The Assistant Chief Probation Officer and rangemaster shall monitor all legislative and policy changes relating to the use of firearms by peace officers and shall provide necessary updates training in a timely manner.

The department training coordinator and rangemaster shall maintain the training records of all probation officers authorized to carry firearms and shall promptly notify the Chief Probation Officer and the arming supervisor when any such probation officer is not in compliance with the department's training requirements.

304.4.3 OTHER REQUIREMENTS

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

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- Firearm safety
- Shooting proficiency during scenario-based training
- Weapon retention
- All less than lethal self-defense options for which the officer is certified
- The care and cleaning of an authorized weapon

Probation officers shall be able to:

- Successfully complete a physical and a psychological evaluation to determine physical, emotional and mental fitness to carry a firearm.
- Complete and receive FBI fingerprint clearance.

304.5 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.

304.6 DESTRUCTION OF ANIMALS

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

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

304.6.1 INJURED ANIMALS

With the approval of a supervisor, a probation officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

304.7 REPORT OF FIREARM DISCHARGE

Except during training, any probation officer who discharges a department issued firearm intentionally or unintentionally, shall make a verbal report to his/her supervisor and the arming 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

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Shooting Policy. If a firearm was discharged as a use of force, the involved probation 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) The probation officer shall file a written report with his/her or supervisor and the arming supervisor and provide a recorded statement to investigators prior to the end of shift, unless otherwise directed by their supervisor.

304.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the rangemaster. All members attending will follow the directions of the rangemaster. The rangemaster will maintain a roster of all probation officers attending the range and will submit the roster to the training coordinator after each range date. Failure of any officer to sign in and out with the rangemaster may result in non-qualification.

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

The rangemaster certified as armorer for the department issued weapons has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by officers of this department to verify proper operation.

304.8.1 RANGE PERSONNEL

The Assistant Chief Probation Officer or designee shall serve as the rangemaster Administrator. The rangemaster shall maintain training records of armed personnel. The rangemaster will work with the arming supervisor. Department employees who have been assigned by the Chief Probation Officer to facilitate the quarterly qualifications of armed staff or other training relates to arming will be known as rangemasters.

Rangemasters must be qualified through an approved rangemaster school, e.g. Federal Bureau of Investigations, Gunsite Training Center, Inc. or State Department of Justice.

304.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition.

304.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The rangemaster shall be the only person authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the rangemaster must be approved in advance by the rangemaster and be completed by a certified armorer for the identified gun or by a gunsmith.

304.10 CARRYING FIREARMS OUT OF STATE/FLYING WHILE ARMED

Armed probation officers are not authorized to carry their department issued firearm out of State.

Armed probation officers are not authorized to fly while armed.

Search and Seizure

305.1 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 Shasta County Probation Department personnel to consider when dealing with search and seizure issues.

305.2 POLICY

It is the policy of the Shasta 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.

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

305.3 SEARCHES

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

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

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

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

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

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

Search and Seizure

305.4 SEARCH PROTOCOL

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

- (a) Officers of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practical to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

305.5 DOCUMENTATION

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

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

Each search conducted by probation officers shall be clearly documented in the case file and as otherwise directed by department policy. Written reports are required, at a minimum, on all searches as follows:

- Property or evidence was seized or found
- Injuries or damage occurred

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- Search of the opposite gender
- At the direction of a supervisor

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

305.6 PROBATION SEARCHES

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

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

Any peace officer may apply the search and seizure condition of probation if authorized by the court order granting probation. The deputy probation officer shall verify the existence of a valid search condition upon request from any law enforcement agency. If a law enforcement agency contacts the department during duty hours requesting assistance for a probation search, the deputy probation officer should advise their supervisor of the request. A copy of the court order that includes the search condition may be faxed at the request law enforcement officer. The probation officer should document the date and time, the name of the officer to whom the information was provided and the agency. If for any reasons it is unclear whether a valid search can be conducted, the probation officer shall either contact the District Attorney's Office or refer the requesting law enforcement agency to the District Attorney's Office.

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

Neither the probationer's presence nor the presence of any other common occupant or owner is necessary for the search of the residence, vehicle, or property of the probationer (*People v. Lilienthal*).

The probationer must be given notice of the reason and purpose of the search in advance of the search only if the probation condition actually requires such advance notice (*People v. Mason*).

For purposes of officer safety, the probationer or any person present may be handcuffed during the search.

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

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

Search and Seizure

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

The lead officer's supervisor shall be notified of the search prior to all planned searches by Probation personnel.

305.7 MULTI-AGENCY SEARCHES

Multiagency searches shall be conducted as follows:

- (a) The probation officer participating in the search shall notify his/her supervisor of the planned search.

- (b) An operations plan (ops plan) will be prepared listing all targets and necessary officer safety and case related information.

- (c) Each team will have a designated probation officer leader who will have final authority as to how the search will be conducted and shall keep the supervisor advised of any unusual circumstances including those issues that may generate a citizen complaint.

- (d) The lead probation officer shall be responsible to make sure the necessary reports are written and submitted.

Domestic Violence

306.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement of terms and conditions of supervision and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and offenders and to guide officers in the investigation of new domestic violence cases when applicable.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Penal Code Section 273.5 - A crime of corporal injury on an intimate partner—which may also be referred to as

- Domestic violence,
- Domestic abuse,
- Willful infliction of corporal injury,
- Intentional infliction of corporal injury, and/or
- Spousal abuse.

Intimate Partner - means someone who is

- the defendant's spouse or former spouse,
- the defendant's cohabitant or former cohabitant,
- the defendant's fiancé(e) or former fiancé(e),
- a person with whom the defendant has or used to have a dating relationship, or
- the father or mother of the defendant's child.

306.2 POLICY

The Shasta County Probation Department response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate treatment, civil remedies, and community resources whenever feasible.

Domestic Violence

306.3 OFFICER SAFETY

The investigation and/or the supervision of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

306.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. DV incidents that are in progress should not be approached without the proper back up or number of officers to assist. Initial investigation may be completed, however, other law enforcement agencies should be contacted for further investigation whenever possible.

306.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

306.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

306.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.

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- (d) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (e) Seek medical assistance as soon as practical for the victim if he/she has sustained injury or complains of pain.
- (f) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) Seek or assist the victim in obtaining an emergency order if appropriate.

306.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

306.6.1 PUBLIC ACCESS TO POLICY

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

306.6.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

Adult Abuse

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse.

307.2 DEFINITIONS

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

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

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

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

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

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

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

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

307.3 MANDATORY NOTIFICATION

Members of the Shasta County Probation Department are mandated reporters.

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Employees who observe, have knowledge of, or are told by an elder or dependent adult about any form of abuse (physical abuse, abandonment, abduction, isolation, financial abuse, neglect) shall make a report of suspected dependant adult/ elder abuse and notify Shasta County Adult Protective Services as soon as practicable (see Welfare and Institutions Code § 15630 for reporting details). Failure to make a report within two working days is a misdemeanor (Welfare and Institutions Code § 15630(h)).

Officers shall provide a copy of the adult/ dependant abuse report to Adult Protective Services and retain the original report within their files.

307.4 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

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(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, “representative” means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

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Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. "Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

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(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

Discriminatory Harassment

308.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department employees 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.

308.2 POLICY

The Shasta 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 (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights 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 an employee to discipline.

308.3 DISCRIMINATION PROHIBITED

308.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

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

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, 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 the department's commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

308.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee 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 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.

308.3.3 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 (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the employee improve the employee's work quality or output, that the employee report to the job site on time, that the member comply with County or [department/office] rules or regulations, or any other appropriate work-related communication between supervisor and member.

308.3.4 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.

308.4 RESPONSIBILITIES

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

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

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command and make the report to a higher ranking supervisor or Division Director. Complaints may also be filed with the Chief Probation Officer, the Director of Support Services or the County Executive Officer.

Any employee who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

308.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager 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 his/her subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief Probation Officer or Director of Support Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

308.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating

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

308.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee 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 or harassment shall be fully documented and promptly and thoroughly investigated. The participating or opposing employee should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

308.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional, or inappropriate.. However, if the employee feels uncomfortable, threatened or has difficulty expressing his/her 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.

308.5.2 FORMAL INVESTIGATION

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

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

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

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

308.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed or discriminated 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. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Discriminatory Harassment

308.6 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief Probation Officer, the County Executive or the Director of Support Services, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

308.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

308.7 TRAINING

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

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

308.7.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, Division Director, the Chief Probation Officer, Director of Support Services or the County Executive Officer, or they may contact the California Department of Fair Employment and Housing.

308.7.2 STATE-REQUIRED TRAINING

The Training Coordinator 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.

Discriminatory Harassment

If the required training is to be provided by DFEH online training courses, the Training Coordinator should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

308.7.3 TRAINING RECORDS

The Training Coordinator shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11023).

308.8 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).

Child Abuse

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines and procedures for reports of suspected child abuse.

309.1.1 DEFINITIONS

For purposes of this section the following definitions are provided:

Child - A person under the age of 18 years.

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

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

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

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

309.2 CHILD ABUSE REPORTING

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

Pursuant to Penal Code § 11166, any employee who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately or as soon as possible report the suspected child abuse to Shasta County Children and Family Services (CFS) and the local police agency with jurisdiction if appropriate. A written follow up report (using the 11166 form) shall be prepared and sent, faxed, or electronically transmitted to Children's Services within 36 hours of receiving the information concerning the incident.

Failure by a mandated reporter to report an incident of known or reasonably suspected abuse or neglect is a misdemeanor per Penal Code Section 11166..

Notwithstanding any other limitation or failure to report, an incident of sexual assault, as defined by Section 11165.1, may be filed at any time within five years from the date of occurrence of such offense per Penal Code Section 801.6.

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309.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166).

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 (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); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

309.3.1 NOTIFICATION PROCEDURE

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

- (a) Notification shall be made immediately, or as soon as practical, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

309.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. Probation staff will defer to these investigators to conduct interviews of suspected child abuse. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in, or coordinate with, multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

309.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Probation Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the Probation Officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if the Probation Officer interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practical.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

309.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately

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referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

309.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CFS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, employees of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CFS.

Whenever practical, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practical, the officer should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.

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3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

309.7 INTERVIEWS

309.7.1 PRELIMINARY INTERVIEWS

Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practical, officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

309.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A probation officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

309.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

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309.8 MEDICAL EXAMINATIONS

A Probation Officer will not initiate a medical examination of a suspected victim. If the officer believes a medical examination is necessary, Children and Family Services or local law enforcement shall be contacted.

309.9 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

Victim and Witness Assistance

310.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

310.2 POLICY

The Shasta County Probation Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Shasta County Probation Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

310.3 CRIME VICTIMS

Probation officers and/or probation assistants should notify victims of their rights pursuant to Marsy's Law, the California Constitution article I, Section 28, section (b), which provides victims with the following enumerated rights: oag.ca.gov/victimservices/content/bill_of_rights.

In addition, victims of violent crimes should be referred to the Shasta County District Attorney's Crime Victim Assistance Center.

Probation officers and probation assistants 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. Probation officers and probation assistants should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the Shasta County District Attorney's Crime Victim Assistance Center.

310.3.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

310.4 WITNESSES

Probation officers and probation assistants should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Probation officers and probation assistants may make practical safety suggestions to witnesses who express fear of future harm or retaliation. Probation officers and probation assistants are strongly encouraged to consult their supervisor and/or a victim advocate from the Shasta County District Attorney's Crime Victim Assistance Center in these circumstances.

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Probation officers and probation assistants should report allegations of witness intimidation to the appropriate law enforcement agency and take enforcement action with the consent of their supervisor and/or Division Director when lawful and reasonable.

Information Technology Use

311.1 PURPOSE AND SCOPE

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Shasta County Probation 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/Office] or [department/office] funding.

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

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

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

311.2 POLICY

It is the policy of the Shasta County Probation that employees 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.

311.3 SYSTEM INSPECTION OR REVIEW

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

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

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

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

311.4 AGENCY PROPERTY

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

311.5 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the IT department and only after being properly scanned for malicious attachments.

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

311.6 PROHIBITED AND INAPPROPRIATE USE

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

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

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

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

Information Technology Use

311.7 PROTECTION OF AGENCY SYSTEMS AND FILES

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

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

Investigative/Offense Report Preparation

312.1 PURPOSE AND SCOPE

Investigative/Offense Report preparation is an important part of each officer's job. The purpose of Investigative/Offense Reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

312.1.1 REPORT PREPARATION

Officers should ensure Investigative/Offense Reports are typed and sufficiently detailed for their purpose and free from errors prior to submission to their a supervisor.

It is the responsibility of the assigned officer to complete and submit all reports taken during the shift before going off-duty and within legal deadlines if the suspect is in custody unless permission to hold the report has been approved by a supervisor.

- (a) Generally, arrest reports where the suspect remains in custody should not be held.
- (b) Those out of custody should not exceed three (3) working days before submission to the supervisor.
- (c) If the subject is under our supervision, the report shall be created and saved in the subject's case management system file according to the Department's Investigative/Offense Report Procedures.
- (d) If the subject is not under our supervision, the report shall be created using the "Master Report" form located on the Department's intranet site and shall be saved on the H/Drive in the Investigative/Offense Report folder according to the Department's Investigative/Offense Report Procedures.

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

312.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

312.2.1 CRIMINAL ACTIVITY

When an officer becomes aware of any activity where a crime has occurred, the officer shall document the incident regardless of whether a victim desires prosecution. Incidents to be documented in a written Investigative/Offense Report include:

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- (a) All arrests for new charges
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) All misdemeanor crimes where a citation is not issued
- (e) Situations covered in the following policies:
 - (a) Use of Force Policy
 - (b) Domestic Violence Policy
 - (c) Child Abuse Policy
 - (d) Adult Abuse Policy
 - (e) Hate Crimes Policy
 - (f) Suspicious Activity Reporting Policy

Section 625.6 of the Welfare and Institutions Code requires that any youth 15 years of age or younger, must consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any rights. Officers shall comply with the law and document all actions in an Investigative/Offense Report.

312.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any found property or found evidence
- (e) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (f) All protective custody detentions
- (g) Suspicious incidents that may place the public or others at risk
- (h) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

312.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled by the law enforcement agency having jurisdiction of the incident. The involved officer may write a supplemental report if requested by the investigating agency and approved by the involved officer's supervisor.

Investigative/Offense Report Preparation

312.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Investigative/Offense Reports shall be written if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

312.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall be made to the law enforcement agency having jurisdiction of the incident when:

- (a) The injury is major/serious, where death could result
- (b) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

312.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be made to the law enforcement agency having jurisdiction of the incident when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound occurs. The Assistant Chief Probation Officer shall notify the California Department of Public Health (CDPH) of the incident, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

312.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

312.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

312.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

312.4 REPORT CORRECTIONS

Supervisors shall review Investigative/Offense Reports for content and accuracy. If a correction is necessary, the reviewing supervisor should make the corrections on the hard copy or utilizing a corrective computer program. The original report should be returned to the reporting employee

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for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

312.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the District Attorney's Office for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the District Attorney's Office may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

312.6 ELECTRONIC SIGNATURES

The Shasta County Probation Department has established an electronic signature procedure for use by all employees of the Shasta County Probation Department. The Probation Department shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Officers may only use their electronic signature for official reports or other official communications.
- Each officer shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

312.7 PUBLIC RECORDS ACT REQUESTS FOR VIDEO AND/OR AUDIO RECORDINGS

- A. This policy does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording.
 1. An agency shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording (Government Code Section 6254.4.5 (a) & Senate Bill 459).
 2. When balancing the public interests as required by this section, an agency shall consider both of the following:
 - (a) The constitutional right to privacy of the person or persons depicted in the recording.
 - (b) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being

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able to fully and accurately perceive the events captured on the recording. The recording shall not otherwise be edited or altered.

3. A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 6254.5.
4. Nothing in this section shall be construed to affect any other exemption provided by this chapter.

News Media Relations/ Presentations

313.1 PURPOSE AND SCOPE

This policy provides guidelines for sharing information to the public through the news media or public appearances all relevant information pertaining to the operations of the department and facilities. This policy is intended to restrict media contact in which an employee is identified as a department employee and not when an employee is acting as a private citizen as explained in the Employee Speech, Expression and Social Media Policy.

313.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Probation Officer, however, in situations not warranting immediate notice to the Chief Probation Officer, and in situations where the Chief Probation Officer has given prior approval, the Assistant Chief Probation Officer may prepare and release information to the media in accordance with this policy and the applicable law.

313.2.1 MEDIA REQUEST

Any media request for information or access to a probation situation shall be referred to the Chief Probation Officer.

All contacts with the media must be approved by the Chief Probation Officer or the Assistant Chief Probation Officer. Prior to releasing any information to the media, employees shall consider the following:

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

313.3 PRESENTATIONS

Staff is encouraged to participate in promoting the mission of the department. All speaking engagements, press releases, and other information / training related to the Probation Department and its services are to be approved by the Chief Probation Officer or Assistant Chief Probation Officer. If a staff person receives such a request, they should discuss it first with their Supervisor and/or Division Director. A brief outline of presentation content should be prepared prior to discussion with approval of the Chief Probation Officer or the Assistant Chief Probation Officer.

Court Appearance and Subpoenas

314.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department employees who must appear in court. It will allow the Shasta County Probation Department to cover any related work absences and keep the Department informed about relevant legal matters.

314.2 POLICY

Shasta County Probation employees will respond appropriately to all subpoenas and any other court-ordered appearances.

314.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of the subpoena to the authorized departmental employee (Staff Services Analyst) (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department. All subpoenas not accomplished by personal service on the employee shall be delivered to the authorized department agent.

314.2.2 ACCEPTANCE OF SUBPOENA

- A. Only the employee named on a subpoena or the analyst who has been authorized to accept subpoenas, shall accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena via email to the employee and employee's immediate supervisor .
- B. The employee named on the subpoena will immediately check his/her availability and place subpoena information on their calendar.
- C. If the employee has conflicts approved by this policy they shall immediately provide an affidavit to the District Attorney's Office or entity issuing the subpoena.
- D. If the employee is on leave, the employee's immediate supervisor shall check the employee's availability and if necessary, submit an affidavit on the employee's behalf to the District Attorney's Office or entity issuing the subpoena.

314.2.3 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court without direct approval from the supervisor of the employee named on the subpoena. If due to illness or injury the named employee is unable to appear in court as directed by a previously served subpoena he/she shall, at least one hour before the appointed date and time, inform his/her immediate supervisor

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of his/her absence. It shall then be the responsibility of the supervisor of the employee named on the subpoena to notify the issuing authority of the employee's inability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor shall notify the issuing entity.

If a subpoena is presented for service less than five working days prior to the date listed for an appearance and the supervisor of the employee named on the subpoena or other authorized employee is not reasonably certain that the service can be completed, he/she shall notify the issuing entity (Penal Code 1328(f)).

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

314.3 FAILURE TO APPEAR

Any employee 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.

314.4 STANDBY

To facilitate standby agreements, employees are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If an employee on standby changes his/her location during the day, the employee shall notify the designated department employee of how he/she can be reached. Employees are required to remain on standby until released by the court or the party that issued the subpoena.

314.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (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.

314.5.1 TESTIMONY

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

Court Appearance and Subpoenas

314.6 OVERTIME APPEARANCES

When an employee appears in court related to employment on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Mutual Aid and Outside Agency Assistance

315.1 PURPOSE AND SCOPE

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

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

315.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the respective supervisor. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency.

315.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed.

Registered Offender Information

316.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Shasta County Probation Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

316.2 POLICY

It is the policy of the Shasta County Probation Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

316.3 REGISTRATION

The probation officer or probation assistant shall inform the offender of the relevant registration procedure, location where the offender is to register, and how often the offender is required to register.

The refusal of a registrant to provide any of the required information or complete the process may result in a report to the appropriate law enforcement agency to initiate a criminal investigation for failure to register. Probation officers or probation assistants shall staff these instances with their respective supervisors, who may need to further staff the case with the Division Director for direction on how to proceed. Public safety shall be the primary consideration when determining how to proceed with failure to register.

316.4 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Probation officers or probation assistants who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Division Director if warranted. A determination will be made by the Division Director, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website.

Major Incident Notification

317.1 PURPOSE AND SCOPE

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

317.2 POLICY

The Shasta 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.

317.3 MINIMUM CRITERIA FOR NOTIFICATION

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

The following incidents require immediate notification to the Chief Probation Officer and/or Assistant Chief Probation Officer via the chain of command:

- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- In-custody deaths
- Death of a prominent Shasta County official
- Arrest of a department employee or prominent Shasta County official
- Cases involving a Shasta County employee (as victim or suspect)
- Cases involving a prominent Shasta County Official (as victim or suspect)
- Death of an adult or juvenile offender under probation supervision

If you are involved in the investigation in any of the incidents listed below, notification will be required upon completion of report or at least by end of shift via your chain of command:

- Homicides
- Traffic accidents with fatalities
- Aircraft crash with major damage and/or death

Major Incident Notification

317.4 SUPERVISING PROBATION OFFICER RESPONSIBILITY

The Supervising Probation Officer is responsible for making the appropriate notifications. The Supervising Probation Officer shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Supervising Probation Officer shall attempt to make the notifications as soon as practical. Notification should be made by calling the cell phone number first and then by any other available contact numbers.

317.4.1 STAFF NOTIFICATION

In the event an incident described in this Major Incident Notification Policy occurs, the Chief Probation Officer and/or Assistant Chief Probation Officer shall be notified along with the affected Division Director.

317.5 RELEASE OF INFORMATION TO THE MEDIA

Any media request for information or access to a probation situation shall be referred to the Chief Probation Officer.

All contacts with the media must be approved by the Chief Probation Officer or the Assistant Chief Probation Officer. Prior to releasing any information to the media, employees shall consider the following:

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

Limited English Proficiency Services

318.1 PURPOSE AND SCOPE

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

318.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Limited English proficient (LEP) - 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 or understanding) but still be LEP for other purposes (e.g., reading or 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 Shasta County Probation Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

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

318.2 POLICY

It is the policy of the Shasta County Probation Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its employees.

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

318.3 LEP COORDINATOR

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

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Shasta 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 employees.
- (c) Ensuring that a list of all qualified bilingual employees and authorized interpreters is maintained and available to each Division Director and Chief Probation Officer. The list should include information regarding the following:
 - 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 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 the Department to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

318.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that employees could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department employees, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

318.5 TYPES OF LEP ASSISTANCE AVAILABLE

Shasta County Probation employees should never refuse service to an LEP individual who is 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 utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

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

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

318.6 WRITTEN FORMS AND GUIDELINES

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

318.7 AUDIO RECORDINGS

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

318.8 QUALIFIED BILINGUAL MEMBERS

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for 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 employees must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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

318.9 AUTHORIZED INTERPRETERS

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

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

318.9.1 SOURCES OF AUTHORIZED INTERPRETERS

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

Other sources may include:

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

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318.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

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

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department employees 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, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

318.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any employee of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

318.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Shasta County Probation Department will take reasonable steps and will work with the Support Services Department to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

318.12 FIELD OPERATION

Field operations will generally include such contacts as home visits, resident verification, serving warrants, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Employees and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning

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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 employee or an authorized interpreter before placing an LEP individual under arrest.

318.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual employee 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 suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

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

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

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

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

318.14 BOOKINGS

When gathering information during the booking process, employees should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Employees should seek the assistance of a qualified bilingual employee whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

318.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding employees 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.

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

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

318.16 COMMUNITY OUTREACH

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

318.17 TRAINING

To ensure that all employees 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.

The Training Coordinator shall be responsible for ensuring new employees receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all LEP training provided, and will retain a copy in each employee's training file in accordance with established records retention schedules.

318.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Coordinator shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

319.1 PURPOSE AND SCOPE

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

319.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of 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, translators, sign language interpreters and intermediary interpreters.

319.2 POLICY

It is the policy of Shasta County Probation Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement 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.

319.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

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

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the Shasta County Support Services ADA coordinator regarding the Department's efforts to ensure equal access to services, programs and activities
- (b) Developing reports, new procedures, or recommending modifications to this policy

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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Supervising Probation Officer. The list should include information regarding the following:
 - 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 people with disabilities
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities

319.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Employees 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) Employees should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision)
- (c) The nature of the law enforcement 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.

Communications with Persons with Disabilities

319.5 INITIAL AND IMMEDIATE CONSIDERATIONS

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

Employees 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 an employee knows or suspects an individual requires assistance to effectively communicate, the employee shall identify the individual's choice of auxiliary aid or service.

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

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

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

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever auxiliary aids and services that 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 employee should inquire as to the individual's preference and give primary consideration to that preference.

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

319.6 TYPES OF ASSISTANCE AVAILABLE

Shasta County Probation Department employees shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they 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 individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Communications with Persons with Disabilities

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

319.7 AUDIO RECORDINGS AND ENLARGED PRINT

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

319.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement 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.

Employees 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 his/her own interpreter (28 CFR 35.160).

319.9 TTY AND RELAY SERVICES

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

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

319.10 COMMUNITY VOLUNTEERS

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

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

319.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees 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).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

319.12 REPORTING

Whenever any employee 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. Employees 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 employee 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.

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319.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control 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 employee of this department. Employees 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 employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

319.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, 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.

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

319.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

The officer shall document actions taken to comply with Section 625.6 of the Welfare and Institutions Code.

- (a) The law requires that any youth 15 years of age or younger, must consult with legal council in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any rights.

319.15 ARREST 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 indicates that he/she 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, employees should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, employees should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

319.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding employees 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 department 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 employees of this Department.

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319.17 COMMUNITY OUTREACH

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

Biological Samples

320.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses.

320.2 POLICY

The Shasta County Probation Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practical.

320.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

320.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

320.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1 or a court order.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

320.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

Biological Samples

with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (b) The judge at the person's next court appearance.
- (c) The person's attorney.
- (d) A chaplain.

The supervisor shall review and approve any plan to use force and be present to document the process.

320.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.6.1 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (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(a); Penal Code § 298(b)(2)).

320.6.2 LITIGATION

The Chief Probation Officer or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Child and Dependent Adult Safety

321.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

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

321.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Shasta 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.

321.3 PROCEDURES DURING AN ARREST

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

- (a) Inquire about and confirm the location of any 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 inquiring of 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 take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

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 non-productive, 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 he/she will receive appropriate care.

Child and Dependent Adult Safety

321.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

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. Unless there is evidence to the contrary (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 that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 2. 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.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or Adult Protective Services, if appropriate.
- (d) Notify the field supervisor or Division Director of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

321.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practical and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Child and Dependent Adult Safety

321.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. How, where and with whom or which agency the child was placed
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

321.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

321.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should another appropriate Law Enforcement Agency be contacted to transport the child or dependent adult to the police's facility, transported in a marked patrol car or taken into formal protective custody.

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

Volunteer/ Intern Program

322.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers/interns for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers/interns are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers/interns can be an important part of any organization and are proven to be a valuable asset to probation departments. Volunteers/interns help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

322.1.1 DEFINITION OF VOLUNTEER/INTERN

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include interns and/or persons providing administrative support.

322.2 PROCEDURE

The ACPO or designee is responsible for coordinating volunteers/interns.

- A. All potential volunteers/interns are to be given the Volunteer Packet (located on the Intranet) containing:
 1. Letter from the ACPO
 2. Volunteer/Intern Application
 3. Select Shasta County policies
 4. Volunteer Acknowledgement
 5. County certificate of volunteer applicant form
 6. Volunteer release and waiver of liability form
- B. The ACPO will oversee the background check process of the volunteer/intern.
 1. Completed volunteer/intern packets will be given to the ACPO.
 2. ACPO will request the Senior Staff Analyst responsible for human resources (SSA) to assign a Background Investigator.
 3. The ACPO or designee will arrange with a Juvenile Rehabilitation Facility supervisor to schedule the applicant for fingerprints.
 4. The Support Services, Personnel Assistant (SSPA) will receive the DOJ/FBI response electronically and notify the ACPO via email.
- C. When the background investigation is complete, the ACPO is responsible for the approval or denial of the volunteer/intern application.
 1. Approval can be acknowledged to the volunteer/intern via telephone or letter.

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- D. Applicants who are not approved to work will be sent a letter.
 - 1. The ACPO will notify SSA and the SSA will send a No Interest Letter to the volunteer/intern.
- E. The ACPO or designee will register the volunteer/intern in the County online Volunteer Registration System.
- F. The following paperwork shall be attached to the volunteer/intern's Online Registration System file:
 - 1. Volunteer/intern Application
 - 2. County Certificate
 - 3. Release and Waiver of Liability
 - 4. Intern Acknowledgement
 - 5. Tracking Sheet
 - 6. Any other pertinent documentation
- G. The Risk Management Assistant will advise the ACPO of Risk Management's approval via email.
 - 1. A volunteer/intern will not be allowed to work until the Volunteer Registration form has been approved by Risk Management.
- H. The Risk Management Volunteer Registration must be renewed annually or at the set expiration date.
 - 1. The ACPO or designee shall periodically review the all volunteer/interns in the Online Registration System to assure compliance.
 - 2. An email shall be sent to the SSPA for approval and the end/expiration date in the Online Registration System shall be changed to reflect the new end/expiration date.
- I. All volunteers/interns will participate in the volunteer program safety training plan as required by County policy 3-140. The Division Director shall forward the volunteer/interns information to the department's safety coordinator for enrollment in the program.
- J. All volunteers/interns are required to complete the following courses annually:
 - 1. Back injury prevention
 - 2. Disaster preparedness
 - 3. Fire extinguisher safety
 - 4. Slips, trips and falls prevention
 - 5. Security Training
- K. Volunteers/interns that collect urine tests or participate in other at risk activities will additionally need to complete the following courses:
 - 1. Aerosol Transmissible Diseases

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2. Blood Borne Pathogens
- L. The Division Director will send a letter of thanks to the volunteer/intern at the end of their service.
- M. The dates and type of service performed by the applicant will be documented in the Online Volunteer Registration System by the assigned Functional Supervisor.
- N. Juvenile Rehabilitation Facility (JRF) volunteers/interns who are associated with an organization such as AA/NA, community based organizations or a church are exempt from the above process.
 1. During the JRF volunteer orientation, the facilitator shall include an overview of "Slips, Trips and Falls Prevention training and provide the volunteer the entire "Slips, Trips and Falls training documents.
 2. Each orientation shall be documented.
 3. These volunteers are to be tracked by the JRF staff on the volunteer registration sheet/single event which is to be submitted monthly to the Risk Management according to County policy 3-140.

322.2.1 FITNESS FOR DUTY

No volunteer/ interns shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

- A. Volunteers/interns shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:
 1. Driver license
 2. Medical condition
 3. Arrests
 4. Criminal investigations
- B. All volunteers/interns shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

322.2.2 DRESS CODE

As representatives of the Department, volunteers/interns are responsible for presenting a professional image to the community. Volunteers/interns shall dress appropriately for the conditions and performance of their duties. Volunteers/interns shall conform to department dress code consistent with their duty assignment.

322.3 SUPERVISION OF VOLUNTEERS

Each volunteer/intern who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer.

- A. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer/intern and should be available to the volunteer/intern for consultation and assistance.

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- B. Functional supervision of volunteers/interns is the responsibility of the supervisor in charge of the unit where the volunteer/intern is assigned.
- C. The following are some considerations to keep in mind while supervising volunteers/interns:
 - 1. Take the time to introduce volunteers/interns to employees at all levels.
 - 2. Ensure volunteers/interns have work space and necessary office supplies.
 - 3. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

322.4 CONFIDENTIALITY

With appropriate security clearance, volunteers/interns may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer/intern will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer/intern is grounds for immediate dismissal and possible criminal prosecution.

Volunteers/interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, 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.

322.5 PROPERTY AND EQUIPMENT

Volunteers/interns will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer/intern shall remain the property of the Department and shall be returned at the termination of service.

322.5.1 VEHICLE USE

Volunteers/interns do not have permission to drive a county vehicle. They do have permission to be a passenger in a county vehicle.

322.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer/intern may be removed from the volunteer/intern program at the discretion of the Chief Probation Officer or the Assistant Chief Probation Officer. Volunteers/interns shall have no property interests in their continued appointment.

Volunteer/ Intern Program

Volunteers may resign from volunteer/intern service with the Department at any time. It is requested that volunteers/intern who intend to resign provide advance notice of their departure and a reason for their decision.

322.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers/interns who are leaving their positions. The interview should ascertain why the volunteer/intern is leaving the position and solicit the volunteer's/intern's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

322.7 EVALUATION

An evaluation of the overall volunteer/intern program will be conducted on an annual basis by the Assistant Chief Probation Officer. Regular evaluations should be conducted with volunteers/interns to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers/interns.

Off-Duty Law Enforcement Actions

323.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Shasta County Probation Department with respect to taking law enforcement action while off-duty.

323.2 POLICY

Initiating law enforcement action while off-duty is discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

323.3 FIREARMS

The Shasta County Probation Department neither encourages nor discourages probation officers from using or carrying their own firearms while off-duty. Any use of a firearm by a probation officer while off-duty is solely the officer's decision and is at the officer's own risk. Any use of a firearm off-duty shall be outside the course and scope of the probation officer's employment and any officer doing so shall be acting independently from the County. No use of a firearm shall be permitted under circumstances where an officer independently decides to take law enforcement action while off duty.

323.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs or OC.
- (d) The lack of cover.

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- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

323.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practical, the officer should loudly and repeatedly identify him/herself as a Shasta County Probation Probation Officer until acknowledged. Official identification should also be displayed.

323.4.2 INCIDENTS OF PERSONAL INTEREST

Officers shall refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

323.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel shall not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practical.

323.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

323.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify their supervisor as soon as practical. The supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Forced Entry

324.1 SCOPE AND PURPOSE

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

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

If subsequent to forced entry a residence is being left unoccupied, the probation officer is responsible for securing the location to the best of their ability.

324.1.1 KNOCK AND NOTICE

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

If the need to force entry is anticipated, prior approval from a supervisor is to be obtained and other law enforcement agencies more accustomed to such practices are to be requested to assist.

324.2 REPORTING OF FORCED ENTRY

When forced entry into a residence occurs, the Probation Officer shall prepare a written incident report. This report shall include a description of the location entered, the date and time of the entry, the names of persons in the residence, the grounds for the entry (exigent circumstance), and the names of the officers involved.

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

The Supervisor will make appropriate review and comments and will forward the Incident Report to the appropriate Division Director within 24 hours of the receipt of the report.

Critical Incident Reports

325.1 SCOPE AND PURPOSE

Incident reports should be filled out by staff effecting arrests on duty, or involved in incidents considered unusual, a possible subject to litigation, or a focus of the media. Examples of incidents that would require an incident report are, but not limited to:

- A citizen stating he/she would be pursuing legal action against the Department.
- Searches resulting in arrest, seized property, injury, or damage (Note: all searches will also be documented in the offenders JALAN case file)
- Forced entry
- Any use of force
- When an officer points a firearm at any person
- Exposure to communicable disease
- Traffic accident
- Rendering first aid to an injured civilian
- Damage to personal property

This investigative report shall include a description of the incident; the date, time and location; the names of persons involved; and the names of the officers involved.

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

The Supervisor will make appropriate review and comments and will forward the Incident Report to the appropriate Division Director within 24 hours of the receipt of the report.

Sensitive/High Profile Cases

326.1 SCOPE AND PURPOSE

Any case involving celebrities, well known members of the community, departmental employees or their families or other cases which have attracted special public attention are to be reviewed for classification as a sensitive case. If any employee receives a case that, by its nature, appears to be a "sensitive case," they shall report it to the appropriate Division Director via the chain of command.

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

If necessary, to avoid charges of bias or any questions of ethics, a Division Director may determine that preparation of a juvenile dispositional report or an adult presentence investigation report dealing with an employee, any member of an employee's family or any other person with what might be perceived to be close ties to this department should be transferred to another county. Arrangements are to be made by the Division Director after discussion with the Assistant Chief or Chief Probation Officer.

Property and Evidence

327.1 PURPOSE AND SCOPE

The collection, preservation, and chain of custody of evidence by a probation officer may be a crucial factor in determining the outcome of a case. This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

(a) In the event that contraband is located relating to a new law violation (e.g., illegal weapon, stolen property or drugs), the probation officer may process the evidence for booking should he/she have the proper training and experience to process the evidence safely and with consideration of the chain of custody and contamination concerns. The probation officer may also contact local law enforcement for assistance. If the probation officer collects evidence they are required to complete the Property Control Receipt and provide a copy of the receipt to the offender or other persons residing in the home.

(b) Upon collecting evidence relating to a violation of probation (e.g., gang paraphernalia, gang clothing, gang indicia, knife, drug paraphernalia) the probation officer shall immediately complete the Property Control Receipt form and provide a copy to the offender or persons residing in the home.

(c) Only property related to a violation of supervision or a new crime may be seized. Probation officers shall not seize property and fail to take action according to division procedure.

327.2 DEFINITIONS

Evidence: Property seized from an individual that is to be used in criminal proceedings (violation of supervision or new criminal charges).

Safekeeping: Property that is not contraband that needs to be held due to being too large or bulky to be booked into a custodial facility with an individual (such as a bicycle or large backpack).

Found Property: Property that has been lost or abandoned by its owner and located in public

327.3 PROPERTY CONTROL RECEIPT

When property is taken or received a receipt shall be issued. This can be accomplished by completing a Property Control Receipt, itemizing articles taken, and providing the yellow copy of the Property Control Receipt to the individual.

Copies of the Property Control Receipt shall be distributed as follows:

(a) A copy to the probationer or residents of the home upon the seizure of property (Copy of the property control receipt is acceptable if the Chain of Custody form was not utilized in the field). If no responsible party is present at the time of the seizure, a copy shall be left in a conspicuous place inside the residence.

Property and Evidence

(b) A copy attached to the evidence bag.

(c) A copy to the probation case file.

NOTE: The back of the yellow copy of the Property Control Report has information that is of value to the officer and receipted person. Officers should check the appropriate categories/notices on the back of the yellow copy that apply to their circumstances. Notification can then be documented by marking the appropriate check box on the front of the Property Control Receipt.

327.3.1 ELECTRONIC ENTRY INTO SPILLMAN

All evidence and property shall be documented in Spillman . Officers will enter case information and evidence item information as completely as possible. This includes, but is not limited to: case number: crime code and description: date and location of occurrence: date of submission: officer name and ID number; search warrant number; involved parties' information (victim, suspect, owner, finder, etc.) including addresses and phone numbers; full descriptions of the property such as make, model, serial number, color, size and location received or taken.

NOTE: Officers should seek assistance with seizing items with I.D./serial numbers, especially weapons or vehicles unless they have received the proper training to process these items correctly. The seizing of these types of property will require an entry to be made into the appropriate data center (i.e., CLETS, NCIC, Automated Firearms Systems, Stolen Vehicle System, etc. A file control number (FCN) for each entry will be obtained and should be included, when practical, with the description of the property in Spillman).

327.3.2 EVIDENCE TAGS

Evidence tags are to be used for items too large or bulky that they cannot be placed into standard evidence packages. This insures each item has a case number, item number, officer I.D., owner information, and chain of evidence. The Sheriff's Office utilizes a yellow colored tag for evidence items.

327.4 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

327.4.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

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- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

327.4.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

327.4.3 EXPLOSIVES

Probation officers shall not handle or attempt to book in to evidence any explosives that are known or suspected to be armed or live, other than fixed ammunition. The local law enforcement agency assigned to the area shall be called to assist in any situations where explosives are discovered. Officers who encounter an explosive device shall immediately notify their supervisor and/or Division Director. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

327.4.4 BOOKING OF CASH

All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. All cash shall be placed into a cash only evidence envelope available in the Crime Lab lobby.

327.4.5 RELINQUISHED FIREARMS

Under no circumstances shall any staff accept the relinquishment of a firearm or ammunition. Offenders shall relinquish firearms via the following methods:

- (a) Surrendering the firearms to the control of a local law enforcement agency (Redding Police Department, Shasta County Sheriff's Office, or Anderson Police Department)
- (b) Selling the firearms to a licensed firearms dealer
- (c) Transferring the firearms for storage to a licensed firearms dealer

327.5 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

Property and Evidence

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

327.5.1 PACKAGING CONTAINER

Officers shall package all evidence, except narcotics and dangerous drugs in a suitable SCSO envelope, bag or box available for its size. Knife boxes should be used to package open blade knives, and syringe tubes should be used to package syringes and needles.

327.5.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such evidence in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated SCSO narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other evidence.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

327.6 Temporary Storage Evidence Lockers Purpose and Scope

At times it may not be feasible to process evidence for booking into the Sheriff's Office Lab. In these circumstances, officers may utilize the designated temporary storage evidence lockers. Evidence should not remain in temporary storage beyond the end of the next working day. Firearms, explosives or cash shall not be stored in a temporary storage evidence locker. This may also pertain to found property or safekeeping items.

327.7 Non-Evidence Property Room Purpose and Scope

There may be unusual circumstances which requires efforts to protect a person's property. Officers are to make reasonable efforts to release personal property to someone at the location. Should that not be possible, in accordance with our Homeless Policy, officers may need to take control of the property for safekeeping. Firearms, explosives or cash shall not be stored in the Non-evidence Property Room and should be handled according to this policy.

Property and Evidence

327.8 DISPOSITION OF EVIDENCE

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

Deadly Force Review

328.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of deadly force by employees of this department.

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

328.1.1 POLICY

The Shasta County Probation Department will objectively evaluate the use of force by its members to ensure that their actions were appropriate and consistent with training and policy.

328.1.2 REMOVAL FROM DUTY

Generally, whenever an employee's actions or use of force, in an official capacity or while using department equipment, results in death or very serious injury to another, that employee may, depending upon the circumstances, be placed on a minimum of three days paid administrative leave. Employees involved in critical incidents may also be required to participate in post-traumatic incident counseling, and may be subjected to an examination by clinical psychologist or psychiatrist to determine their fitness for return to duty. Upon a recommendation that the employee be allowed to return to duty, that employee may be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer may exercise discretion and choose not to place an employee in an administrative assignment in any case.

328.1.3 REVIEW BOARD

The Shasta County Probation Department is charged with the important responsibility of objectively evaluating the use of deadly force by an employee. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a department issued firearm, whether the employee is on or off duty, excluding range training or recreational use.

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

It will be the responsibility of the Assistant Chief Probation Officer or Division Director of the involved employee to notify the Chief Probation Officer of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

Deadly Force Review

328.1.4 COMPOSITION OF THE BOARD

The Use of Deadly Force Review Board shall be comprised of the following persons:

- A designee of the Chief Probation Officer who shall act as the Chairperson
- A Division Director designated by the Chief Probation Officer
- A Supervising Probation Officer designated by the Chief Probation Officer

The chairperson will convene the Use of Deadly Force Review Board as necessary.

328.1.5 RESPONSIBILITIES OF THE BOARD

The Use of Deadly Force Review Board is empowered to conduct an administrative investigation into the circumstances of an incident. The board members may request further investigation, call persons to present information, and may request that the involved employee appear before the board. The involved employee will be notified of the meeting of the board and may be represented by legal counsel and/or other representation through all phases of the review process. The employee will be afforded all rights and protections pursuant to the Public Safety Officers Procedural Bill of Rights Act.

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

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

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, the board will conduct the interviews in accordance with department disciplinary procedures. The board does not have the authority to recommend discipline.

The board may 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 appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

The board shall make a finding and such finding will be limited to one of the following:

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

A finding will represent the majority or consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief Probation Officer.

The Chief Probation Officer shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief Probation Officer's final findings will be forwarded to the involved employee's Division Director for review and appropriate

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action. If the Chief Probation Officer concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief Probation Officer and a copy will be placed in their internal investigation file or Supervisor's site file.

Supervised Offenders as Informants

329.1 POLICY

The Shasta County Probation Department will allow the use of offenders as confidential informants (CI) under the following guidelines:

(a) An offender who requests or is requested to act as a confidential informant will be screened by a Division Director for appropriateness. The following criteria will be considered by the Division Director when determining appropriateness:

1. Scope of involvement
2. Duration of activity
3. The offender's current involvement in criminal activity and stage of change
4. The agency the offender will work with as a CI
5. Perceived credibility of the offender

(b) Under no circumstances will Probation Officers make informal agreements with offenders for their use as informants in order to hold in abeyance a violation of supervision.

329.2 INDIVIDUAL INFORMANT FILES

If an offender is allowed to be used as a confidential informant, all documents pertaining to the offender's role as an informant will be kept in a separate, locked, confidential file and retained under the control of the Division Director of the appropriate unit or his/her designee. Files are to be reviewed by the Probation Officer utilizing the informant every six months to ensure compliance with the rules of probation, laws and determine if they are still being used as informants.

329.3 REVEALING THE IDENTITY OF INFORMANTS

The responsible prosecutor, in concurrence the Chief Probation Officer or his/her designee shall determine whether the informant's identity should be revealed. No Probation Officer shall refuse to reveal the identity of an informant while testifying in court, when ordered to do so, by the presiding judge or magistrate. Probation Officers may ask for an in camera hearing, pursuant to California Evidence Codes 1040-1042, before revealing an informant's identity. If a conflict does arise as to whether or not to reveal an informant's identity, the matter shall be resolved by the Chief Probation Officer or his/her designee.

329.4 VIOLATIONS OF SUPERVISION WHILE ACTING AS A CI

Should an offender who is acting as a confidential informant commit a significant violation of supervision, the Supervising Probation Officer or Division Director will confer with the agency working with the CI and the District Attorney's Office regarding the appropriate action to take.

Supervised Offenders as Informants

329.5 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Shasta County Probation Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Shasta County Probation Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

329.6 INTERACTION WITH THE CI

To maintain officer/informant integrity, the following must be adhered to:

- (a) Probation Officers shall not withhold the identity of an informant from their Division Director
- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants, outside the scope of an investigation, shall not be condoned
- (d) Informants shall be told they are not acting as probation officers or any other type of law enforcement employee or agent of the Shasta County Probation Department, and that they shall not represent themselves as such
- (e) The relationship between Probation Officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of a supervisor
- (g) Probation Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional Probation Officer or with prior approval of a supervisor. Probation Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments probation officers shall arrange for the presence of another officer, whenever possible

329.7 JUVENILES AS INFORMANTS

Juveniles are not to be used as informants under any circumstances.

Transportation of In Custody Juvenile Offenders

330.1 PURPOSE AND SCOPE

This policy governs the transportation of in custody youth by officers to court hearings, placement failure returns to the JRF, transportation between counties, and Department of Juvenile Justice (DJJ) commits.

330.2 PROCEDURE

All officers providing in custody transportation will review all necessary procedural documents on the intranet before assisting with an in custody transportation. Each officer will be cross-trained/observed at least once with a Juvenile Detention Officer before being assigned the transportation duty. Each type of transportation duty will be cross-trained before a staff is assigned to cover that duty. The Juvenile SPO/DD will work with the JRF Division SPOs to establish a cross-training schedule. When a need for assistance arises, the SPO or Division Director will contact the other division SPO or Director and relay the date(s), time(s), and type(s) of transportation assistance needed.

Transport officers shall obey the policies and procedures outlined in Sections 7.1 and 7.2 of the Shasta County Juvenile Rehabilitation Facility Policy and Procedures Manual. All in custody transports shall be conducted in a caged department vehicle by trained staff. All transfer of JRF in custody juveniles to vehicles for court shall occur through the Booking area and the Vehicle Sallyport of the JRF. Staff are prohibited from making unauthorized stops during transports.

330.4 USE OF MECHANICAL RESTRAINTS

Section 210.6 of the Welfare and Institutions Code authorizes the use of mechanical restraints for juveniles under the following circumstances:

1. Mechanical restraints, including, but not limited to, handcuffs, chains, irons, straitjackets or cloth or leather restraints, or other similar items, may be used on a juvenile detained in or committed to a local secure juvenile facility, camp, ranch, or forestry camp, as established pursuant to Sections 850 and 881, during transportation outside of the facility only upon a determination made by the probation department, in consultation with the transporting agency, that the mechanical restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight.

- a. If a determination is made that mechanical restraints are necessary, the least restrictive form of restraint shall be used consistent with the legitimate security needs of each juvenile.

- b. A county probation department that chooses to use mechanical restraints other than handcuffs on juveniles shall establish procedures for the documentation of their use, including the reasons for the use of those mechanical restraints.

This authorization does not apply to mechanical restraints used by medical care providers in the course of medical care or transportation.

Transportation of In Custody Juvenile Offenders

2. Mechanical restraints may only be used during a juvenile court proceeding if the court determines that the individual juvenile's behavior in custody or in court establishes a manifest need to use mechanical restraints to prevent physical harm to the juvenile or another person or due to a substantial risk of flight.

a. The burden to establish the need for mechanical restraints pursuant to paragraph (1) is on the prosecution.

b. If the court determines that mechanical restraints are necessary, the least restrictive form of restraint shall be used and the reasons for the use of mechanical restraints shall be documented in the record.

330.4 DEPARTMENT OF JUVENILE JUSTICE TRANSPORT

All youth being transported to the Department of Juvenile Justice (DJJ) shall be transported by two trained staff.

Radio Policy

331.1 PURPOSE

To promote consistent and professional use of law enforcement radio channels by trained members of the Probation Department.

331.2 POLICY

Probation Officers and Juvenile Detention Officers are authorized to use law enforcement radios in the course of their work for the Probation Department. Radios are only to be used for department business.

I. When using the radio, employees are to utilize proper radio procedures.

- A. Accepted radio codes and terminology shall be used whenever possible. (10 Codes, 11 Codes, and phonetic alphabet are currently used by the Shasta County Sheriff's Office.)
- B. Radio transmissions shall be brief, clear and concise, and professional in content and tone; obscene language shall not be used.
- C. Probation Officers shall use their department issued identifier.
- D. Juvenile Detention Officers are not assigned specific identifiers; therefore they are to identify themselves as "Juvenile Hall" when communicating with SHASCOM.
- E. When an officer is participating in a multi-agency operation (special operation), they shall use the operation identifier when contacting SHASCOM rather than their personal identifier, i.e. SAGE 1, SAFE 2. If partnered with a patrol unit while conducting compliance checks, the officer shall use the patrol unit identifier(i.e. 3D4, 2G5 etc.).

II. Probation Department staff may use the following radio channels:

- A. The Probation Department has 2 Tac/ Radio to Radio channels unmonitored by SHASCOM and they are available for the use of all probation department staff authorized to use radios. One channel is identified as Probation Tac and the second channel is identified for Juvenile Hall to be utilized by Juvenile Detention Officers during the course of their daily duties. Staff will use these channels in accordance with the Policy and Procedures of their respective division.
- B. CALAW (California Law Enforcement Mutual Aid Radio System) CALAW is available to all law enforcement agencies in California. This channel is available for probation officers to use when speaking with another probation officer on the radio. It is to be used only for law enforcement purposes (can be used while transporting to obtain emergency assistance.) Staff shall determine that CALAW is not in use by another law enforcement agency prior to using this channel for probation communication.
- C. The Shasta County Sheriff's Office primary channel.

III. Employees who use the Shasta County Sheriff's Office frequencies are to first complete training:

Radio Policy

- A. Employees shall complete the department radio training and updates as required.
- B. Employees shall pass the written and practical radio usage tests.
- C. Employees shall demonstrate proficiency with 10 Codes, 11 Codes, and phonetic alphabet utilized by law enforcement personnel in Shasta County.
- D. Employees shall complete a two-hour sit-along with a dispatcher at SHASCOM.

IV. For use of the Shasta County Sheriff's Office radio frequency, the Probation Department has the following agreement with the Shasta County Sheriff:

Probation is hereby authorized to use Sheriff's radio frequencies whenever officers encounter a situation in which the threat level may escalate to a point that additional law enforcement personnel are required to assist. These types of situations can include, but are not limited to the following:

- A. SHASCOM notification of officer location when there is a likelihood that law enforcement backup assistance may be required, because the situation may be harmful or life threatening to the officer or other persons.
- B. SHASCOM notification of the need for emergency services, i.e., fire department, ambulance, other law enforcement agencies, etc.
- C. SHASCOM request for warrant check or wanted vehicle check when other means are not available. Repeated random wanted person and vehicle checks should not be conducted. If possible, attempt to contact Probation Department staff to minimize the impact on radio traffic.
- D. SHASCOM notification of a prisoner transport or request for a caged unit; Sheriff agrees to assist by sending a caged unit if one is available.
- E. SHASCOM notification of arrival and "Code 4" during a search warrant service; detailed information regarding the search warrant service, such as location, personnel involved, etc., should be conducted through a preliminary telephone contact with SHASCOM in order to alert SHASCOM to the potential need for backup assistance and to notify uninvolved local agencies that may encounter the operation.
- F. SHASCOM notification of an officer's location when a compliance check or probation search is planned for a residence absent additional law enforcement resources; (when an officer(s) from another agency is present it is likely that SHASCOM has been notified by the beat officer or investigator of the location and activity).
- G. SHASCOM notification of any situation of exigent circumstances or any situation in which a reasonable and prudent peace officer believes that the radio transmission information would be immediately beneficial for other law enforcement personnel.
- H. In every situation in which circumstances and time are not of the essence, Probation shall utilize other forms of communication to conduct notifications and/or requests for information.

Peer Support During Critical Incidents

332.1 PURPOSE AND SCOPE

This policy establishes guidelines for trained Peer Support Officers to provide all Probation Department employees involved in critical incidents the opportunity to receive emotional and tangible peer support through the crisis and to help anticipate and address potential difficulties.

332.1.1 DEFINITIONS

1. "Peer Support Officer" - A specifically trained colleague, not a counselor or therapist. A peer support program can augment outreach programs such as employee assistance programs, chaplaincy programs, and County treatment programs, but not replace them. Peer Support Officers should refer cases that require professional intervention to a mental health professional.

2. "Officer involved critical incident," "critical incident," or "incident": Any incident in which an officer is involved and serious injury, death, or the serious likelihood of death, results. Such incidents include, but are not limited to:

- (a) Intentional or accidental shootings;
- (b) Intentional or accidental use of physical force or any other deadly or dangerous weapon/object.
- (c) Death of a person while in law enforcement custody or under law enforcement control.
- (d) Any other incident upon the request of the department head or their designee of the employing agency.

3. "Jurisdictional agency" - The agency or agencies within whose geographic jurisdiction the incident occurs. The jurisdictional agency shall establish the command post for the incident.

4. "Employing agency" - The agency which employs the officer involved in the incident. The jurisdictional agency shall establish the command post.

5. "Officer" or "involved officer" - Any law enforcement agency personnel whose act, whether intentional or unintentional, may be a contributing or proximate cause of the injury or death of another person.

6. "Investigating agency" - The law enforcement agency that leads the critical incident investigation. The investigating agency is responsible for the coordination of the overall investigation and shall ensure all reports necessary to conduct booking and criminal prosecution are submitted to the District Attorney in a timely manner.

7. "Incident investigators" - Those persons assigned by the jurisdictional or investigating agency to conduct or assist in the critical incident investigation.

332.2 POLICY

The Shasta County Probation Department will provide voluntary peer support to all staff during officer involved shootings and other times where critical incidents occur. All Peer Support

Peer Support During Critical Incidents

Officers will be trained and knowledgeable regarding criminal and internal investigation policy and procedure.

332.3 ROLE OF PEER SUPPORT OFFICER

Duties: As soon as possible after an officer involved critical incident, the Peer Support Officer should remain with the involved probation officer. Peer Support Officer should not be a probation officer who was involved in the original incident. All Peer Support officers should be both familiar with and comply with the Shasta County Critical Incident Protocol.

At the scene, the involved probation officer will be required to give a public safety statement to a supervisor. This statement is to assist probation officers in determining the perimeter of the crime scene, additional suspects, and number and direction of rounds fired.

The involved probation officer's weapon and associated gear should not be removed at the scene except for medical reasons.

The involved probation officer should be driven from the incident scene to the designated Investigation Division when authorized by the Incident Commander. During this trip, the involved probation officer should be informed as to what will occur during the next several hours.

The involved probation officer should be allowed to contact his/her spouse as soon as practical. This can be done by cell phone at the scene or at the designated Investigations Division. The Peer Support Officer should offer support for the spouse of the involved probation officer (i.e., Chaplain, friend, spouse of another probation officer). The probation officer should also be allowed the option to have his/her spouse respond to the designated Investigations Division to see his/her spouse.

Under no circumstance is the involved probation officer to be subjected to questions from the media or photographs when avoidable. The Peer Support Officer is also to avoid statements to the media.

Sometime during the investigation, the involved probation officer will be asked to submit to a chemical test to determine the presence of alcohol and/or drugs.

332.3.1 CRIMINAL INVESTIGATION

During the criminal investigation, the involved officer may be asked for a voluntary urine or blood sample. It is for the involved officer's protection. If there were objective symptoms of alcohol or drug use, the blood/urine test would not be optional but mandatory and seized by way of a search warrant or probable cause. The assigned investigator will transport the involved officer where a urine/blood specimen will be collected.

332.3.2 INTERNAL INVESTIGATION

The involved officer may be administratively ordered to provide a urine sample as necessary for the administrative investigation. Nothing should be eaten or drunk by the involved officer prior to the specimen collection. The validity of this test is important. All guidelines/procedures will be followed in compliance with County policy. The involved officer will then be returned to the designated Investigation Division where the investigation will continue.

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The involved officer should be afforded the opportunity to call a representative of the PORAC Legal Defense. The Peer Support Officer should obtain the contact information for the involved officer. The contact information can be obtained by a PPOA board member. If a chemical test has not been conducted at that time, the matter should be cleared prior to the attorney hanging up and being inaccessible while traveling to Redding. Defense Fund Attorneys usually leave their offices and drive to Redding immediately after notification. Previous assigned attorneys have had offices in Concord, Walnut Creek, and Sacramento. Driving time is 2 ½ to 3 ½ hours. After the Legal Defense Fund Attorney arrives and has had an opportunity to speak with the officer, who will be interviewed by one or two of the assigned investigators. The statement will be taped, which is the standard practice for taking statements from all involved officers. It is also possible that, while the officer is giving his statement, the interview will be monitored remotely.

The involved officer will also be instructed to accompany a qualified ID Tech into a private room where his/her complete uniform and duty belt will be collected and photographed. The officer should be advised the ID Tech may be from another agency. The collection of these items is done as a standard routine procedure in all incidents. The officer will obviously need a change of clothing prior to the ID Technician's collection. The Peer Support Officer should arrange for someone to retrieve the officer's clothes from his/her duty bag or residence and bring them to the officer. The officer's movement outside the designated Investigations Division should be restricted until the uniform, equipment, and blood/urine are collected.

If the incident involves more than one officer, the Peer Support Officer should allow the involved officers to see each other. The Peer Support Officer shall ensure the involved officers do not talk about the incident. Involved officers shall not have physical contact (i.e., hugging) with each other until their uniform is collected. This ensures any physical evidence on the uniform will not be compromised.

The Peer Support Officer should begin making arrangements for the involved officer to be seen by the current Officer Involved Critical Incident counselor as designated by the Chief Probation Officer. You should ask the involved officer to determine whether he/she would prefer to have a spouse accompany him/her. If the involved officer wishes to be accompanied, and the spouse agrees, the Peer Support Officer should make all the necessary arrangements. The Peer Support Officer will work with an administrative representative to make appointments with the psychologist.

Administration Division personnel are here to help, do not be afraid to ask for help.

The Peer Support Officer should check the involved officer's schedule for the time the involved officer will be on administrative leave. The Peer Support Officer will provide any scheduled court dates to the respective officer's Division Director. The Division Director will contact the District Attorney and ensure the involved officer is excused from court. The Division Director will contact the involved officer if the court is not canceled. The role of the Peer Support Officer is to provide support for the officer. The support officer is not part of the criminal or administrative investigation. The Peer Support Officer is not a legal advocate and should never offer advice or interfere in the investigation or officer's rights. The Peer Support Officer should avoid getting involved, where possible, in the chain of evidence. The support officer should never be part of the investigation

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or interviewed as to statements made by the involved officer. Procedures will change, however, the Peer Support Officer's role is the same.

332.4 FOLLOW UP AFTER CRITICAL INCIDENT

Things to be considered for the probation officer after initial incident:

Check if probation officer has:

- (a) Subpoena(s) for Court
- (b) If officer is an FTO, any trainee responsibilities/scheduled overtime
- (c) Scheduled training put on by probation officer
- (d) Training the probation officer may be attending
- (e) Other scheduled conflicts regarding admin leave from incident, time off for mandatory counseling, etc.

Contact probation officer within a day or two for the following:

- (a) Anything we can do for the probation officer or family; possibly coordinate with Chaplains
- (b) Simply to see how probation officer is doing!!!

Consider debrief session within 72 hours:

- (a) Chaplains are Critical Incident Stress Management trained by ICISF (International Critical Incident Stress Foundation) and can help coordinate and facilitate the debriefing.

332.5 PEER SUPPORT OFFICER CHECKLIST

- Stay with the probation officer. Your job is to support him/her.
- Offer a Chaplain. Chaplains provide privileged communication.
- Ensure involved probation officers do not speak about the incident to each other prior to their statements being obtained.
- Do not give legal advice. You are there for support.
- Keep officer away from media interviews.
- When possible, contact probation officer's spouse by phone or in person.
- Offer Chaplain support for the probation officer's family. If requested, Chaplain will go to the home and wait with spouse.
- Arrange for change of clothing for the probation officer.
- Let the probation officer know what will happen (statements, test, protocol).
- Allow the probation officer to talk to attorney in private and receive guidance.

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- With the exception of water, do not allow probation officer to eat or drink prior to urine test.
- ID Technician collects uniform and duty belt and photographs the probation officer.
- A new duty belt and weapon may be provided ASAP if authorized.
- Interview by Criminal Investigators. Advise the probation officer this interview may be monitored by a DA representative via video monitor.
- Interview by Administrative Investigators (if necessary). Interview may be recorded, but will not be monitored by DA representative.
- Arrange counseling (per Chief Probation Officer/Assistant Chief Probation officer).
- Coordinate support (in all areas, family, dispatch, probation officers, support staff).

Chaplains

333.1 PURPOSE AND SCOPE

The Public Safety Chaplaincy of Shasta County is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

333.2 POLICY

It is the policy of this department that all staff will have access to Chaplains with the Shasta County Chaplaincy Program. The Shasta County Sheriff's Office is the Parent agency for the Chaplaincy program and all Sheriff's Office policy and procedures governing this program shall be enforced at all times.

333.3 PURPOSE OF CHAPLAIN RESPONSE

Members of the Shasta County Chaplain Program can be called under the following circumstances:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.
- (d) By being alert to the spiritual and emotional needs of department personnel and their families.

333.4 DUTIES AND RESPONSIBILITIES OF THE SHASTA COUNTY CHAPLAIN PROGRAM

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.

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- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shasta County Sheriff's Office Watch Commander or supervisor or Shasta County Probation Division Director or supervisor.
- (h) Counseling deputy probation officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

333.5 CLERGY-PENITENT CONFIDENTIALITY

Shasta County chaplains are familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain will consider referring the member to a non-department counseling resource.

Marsy's Law

334.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure compliance with the rights of victims as designated by Marsy's Law. This policy provides guidelines for employees to provide information to victims.

334.2 POLICY

The Shasta County Probation Department will provide information and assistance to victims of crime in compliance with Marsy's Law.

334.3 VICTIM'S BILL OF RIGHTS

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) now provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

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9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

13. To restitution.

A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

14. To the prompt return of property when no longer needed as evidence.

15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

17. To be informed of the rights enumerated in paragraphs (1) through (16).

334.4 DEFINITION OF VICTIM

Prior to the passage of Proposition 9, "Victim" was defined under the Penal Code "as the person against whom a crime had been committed." With the passage of Proposition 9, "victim" as used in the California Constitution article I, § 28 is defined as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.

The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal. Const., art. I, § 28(e).)

334.5 VICTIM NOTIFICATION

Victims have the right to reasonable notice of all public proceedings, including delinquency proceedings, upon request. This is typically done by the DA's office or the Victim-Witness Assistance Program. Further, upon request, the victim has the right to be heard, at any proceedings in which the right of the victim is at issue.

Victims also have the right to the following aspects that will be the responsibility of the Probation Department:

1. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
2. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
3. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape of the defendant from custody.

These rights are also enumerated in the Victim's Bill of Rights.

Mourning Bands

335.1 PURPOSE AND SCOPE

The mourning band is the traditional way for a law enforcement officer to publicly mourn the death of a fellow officer. The purpose of this policy is to establish a department standard regarding the wearing of mourning bands.

335.2 POLICY

The preferred mourning band is a department issued solid black band not to exceed ½ inch that will fit tightly around your department issued badge. The mourning band should be worn straight across the center of the badge and for star badges, the mourning band should be worn from 11 to 5, as if looking at the face of a clock.

Black mourning bands shall be worn on law enforcement badges only in the following circumstances:

- Upon the line of duty death of an active law enforcement officer (LEO) of this department or other county law enforcement departments. The mourning band should be worn for a period of thirty days from the date of death.
- Upon the line of duty death of a LEO from a neighboring jurisdiction. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.
- While in uniform or in civilian clothing and displaying a badge when attending the funeral of an active LEO. Upon the completion of the funeral, the mourning band shall be removed.
- National Peace Officers Memorial Day (May 15th).
- At the direction of the Chief Probation Officer, when special circumstances dictate that a department display of official mourning is appropriate.

Gun Violence Restraining Orders

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide information regarding gun violence restraining orders. guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

336.2 POLICY

It is the policy of the Shasta County Probation Department to assure that officers understand gun violence restraining orders and comply with state law.

336.3 GUN VIOLENCE RESTRAINING ORDERS

A person who is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving or otherwise having custody of a firearm may have a law enforcement officer file a petition with the court for a gun violence restraining order (Penal Code 18105).

336.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

Any officer from the Shasta County Probation Department involved in serving any gun violence restraining order under the direction of a lead law enforcement agency shall:

- (a) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (b) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (c) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (d) Transmit the original proof of service form to the issuing court as soon as practical but within one business day (Penal Code § 18115).
- (e) As soon as practical, but by the end of his/her shift, submit proof of service to the lead law enforcement agency Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that

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are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

336.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, any officer with the Shasta County Probation Department shall follow the direction of the lead law enforcement agency who shall (Penal Code § 18140):

- (a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
- (b) File a copy of the order with the court as soon as practical after issuance.
- (c) Ensure the order is provided to the Records Supervisor for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

336.5 DOCUMENTING GUN VIOLENCE RESTRAINING ORDERS

All Shasta County Probation Department staff shall enter information into the JALAN case management system if a person under supervision, or a person residing with the offender, is the subject of a Gun Violence Restraining Order. This information shall be entered into Person Alerts as well as the offenders's field sheet.

336.6 POLICY AVAILABILITY

The Chief Probation Officer or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

Firearms Relinquishment

337.1 OVERVIEW OF THE LAW

On November 8, 2016, the people of California voted to enact Proposition 63, “The Safety for All Act of 2016.” Effective January 1, 2018, defendants subject to firearms and ammunition prohibitions upon conviction are required to relinquish firearms as detailed in Penal Code Section 29810.

Pursuant to Section 29810 (c)(1) and (c)(2) when a defendant is convicted of a qualifying offense, the court must immediately assign the matter to a probation officer to investigate whether the Automated Firearms System (AFS) or other credible information, reveals that the defendant owns, possesses, or has under his/her custody or control any firearms. As part of the investigation, the probation officer shall contact the defendant, receive required paperwork from the defendant or designee, and check the AFS.

337.2 JUDICIAL RESPONSIBILITIES

When a defendant is convicted of a qualifying offense, the courts must instruct the defendant that he/she is prohibited from owning, purchasing, receiving, possessing, or having under his/her control any firearms, ammunition, and ammunition feeding devices. The Court must order the defendant to relinquish all firearms. The court must provide the defendant with the (PPRF) and if appropriate, , and . Forms are available on the California courts website www.courts.ca.gov/forms.htm Further the court will notify the defendant that it is his/her responsibility to ensure firearms lawfully owned by cohabitant(s) of the defendant are stored according to Penal Code Section 25135.

The court will refer the defendant forthwith to the probation department for investigation and a report. The court will direct the defendant to complete and take required forms with them to the probation department. The court shall utilize the internal integrated justice system to refer defendant.

337.3 PROBATION OFFICER'S INVESTIGATION

Screening

1. The probation department shall receive notification from the Court upon conviction of any offense that renders a person subject to Section 29800 or 29805 of the Penal Code.
 - a. The probation department shall review referrals from the Court on a daily basis to ensure convictions meet the criteria for the investigation pursuant to Section 29800 or 29805 of the Penal Code.
 - b. If the conviction does not meet the criteria for investigation, probation shall notify the Court via report that an investigation will not be conducted.
 - c. If the conviction does meet the criteria for investigation, probation shall conduct the investigation and complete all appropriate documentation within the outlined timelines.

Firearms Relinquishment

Investigation

1. The probation department shall investigate whether the Automated Firearms System (AFS) or other credible information, such as a police report, reveals that the defendant owns, possesses, or has under his or her custody or control any firearms.
 - a. The probation department shall receive the Prohibited Persons Relinquishment Form (PPRF) (BOF 1022) from the defendant or the defendant's designee, as applicable.
 - b. The probation department shall review and report whether the AFS has been properly updated to indicate that the defendant has relinquished those firearms.
 1. If the PPRF is received, along with documentation/receipt demonstrating the relinquishment has been completed, but the AFS has not been updated, the probation officer's report shall indicate that information and provide copies of the documentation to the Court.

Documentation

1. Upon receipt of referral from the Court, the probation department shall file a report with the Court within specified timelines.
 - a. If the investigation is done pre-sentencing, the report shall be filed at least 3 calendar days prior to the defendant's sentencing date.
 1. Should the court order a sentencing report, this report shall be referenced in the report and filed as an attachment to the report.
 - b. If the investigation is done after sentencing (as allowed per the law 29810 (c)(3) PC), the report shall be filed within 10 calendar days after the sentencing as the court must make and enter findings within 14 calendar days of sentencing.
 - c. The report shall include:
 1. Whether the defendant relinquished all firearms as required.
 2. Whether the court received a completed Prohibited Persons Relinquishment Form, along with the receipts described in paragraph (1) of subdivision (d) or paragraph (1) of subdivision (e).
 4. If the defendant has failed to comply the appropriate check box will be marked on the report recommending a search warrant and the matter to be referred to the District Attorney for appropriate action.
2. The probation department shall report to the Department of Justice as required pursuant to Section 29810(c)(2) PC. Reporting includes:
 - a. Completing the Probation Officer Verification Form (BOF 1026).
 - b. Attaching the Automated Firearms System (AFS) printout
 - c. Mailing the forms to the Department of Justice
 - d. This shall be done in no more than 30 days from the date of the defendant's sentencing.

Firearms Relinquishment

Non-Compliance: Search Warrant

1. If notification for a search warrant is ordered; the matter shall be referred to the prosecuting agency (District Attorney's Office) of the county for appropriate action as outlined in the Prohibited Persons Relinquishment Form Findings (CR-210).

2. At no time shall a probation officer take the lead in serving a search warrant for relinquishment of firearms.

3. If law enforcement requests probation to participate in the serving of a search warrant for the removal of a firearm, the probation officer shall immediately notify the supervising probation officer (SPO) and division director (DD) via email and orally for further direction.

a. If approved, prior to the search warrant operation, the probation officer shall review all department policies and applicable laws.

b. If a firearm is located, the probation officer shall not take possession of or store any firearm or ammunition. The law enforcement agency conducting the search is responsible for securing, transporting the firearm(s) and/or ammunition to a secure evidence division.

Relinquishment of Firearms

Under no circumstances shall any staff accept the relinquishment of a firearm or ammunition.

Offenders shall relinquish firearms via the following methods:

- (a) Surrendering the firearms to the control of a local law enforcement agency (Redding Police Department, Shasta County Sheriff's Office, or Anderson Police Department)
- (b) Selling the firearms to a licensed firearms dealer
- (c) Transferring the firearms for storage to a licensed firearms dealer

Data

The Probation Department shall track the following data elements:

1. Number of convictions referred to the probation department for investigation
2. Number of convictions that were Felony or Misdemeanor
3. Number of referrals that required investigation
 4. Number of defendants that were compliant with law
 5. Number of warrants that were recommended

Commercially Sexually Exploited Children (CSEC)

338.1 PURPOSE AND SCOPE

This policy seeks to reduce the prevalence of child sex trafficking by providing guidelines and establishing a process to ensure compliance with provisions enacted by the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L.) 113-183, Senate Bill (SB) 794, as well as recent changes made by P.L. 114-22 to the federal Child Abuse Prevention and Treatment Act (CAPTA).

338.2 POLICY

In accordance with the federal requirements under Title IV-E, and pursuant to Welfare and Institutions Code

Section 16501.35(a), county Social Workers (SW) and Deputy Probation Officers (DPO) are required to do all of the following:

- (a) Identify children receiving child welfare services, including dependents or wards in foster care, non-minor dependents (NMD), and youth receiving services pursuant to section 677 of Title 42 of the United States Code (USC), who are, or are at risk of becoming, victims of CSE;
- (b) Document individuals identified pursuant to paragraph (a) in the Child Welfare Services/ Case Management System (CWS/CMS) and any other agency record as determined by the county;
- (c) Determine appropriate services for the child or youth identified in paragraph (a); and
- (d) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (a).

338.3 DEFINITIONS

Child Sex Trafficking / CSE : Federal law provides the definition of child sex trafficking at 22 USC section 7102 (9) and (10). The term “sex trafficking” is defined as “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.” “Severe forms of trafficking in persons” is defined as “sex trafficking in which the commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not attained 18 years of age.” This means that any child under age 18 who is induced to perform a commercial sex act is considered a sex trafficking victim regardless of whether force, fraud, or coercion is present. State law incorporates this federal definition in Penal Code (PC) section 236.1, and also includes the sex trafficking of a child within the definition of “CSE” set forth in PC section 11165.1(d). A commercial sex act is defined by federal law at 22 USC Section 7102 (4) as “any sex act on account of which anything of value is given to or received by any person.” State law at PC section 11165.1(d)(2) clarifies that this includes the provision of food, shelter, or payment to a child in exchange for the performance of a sexual act.

Commercially Sexually Exploited Children (CSEC)

Children Receiving Child Welfare Services

As used in this policy, "child welfare services" means public social services that are directed toward the accomplishment of any or all of the following purposes: protecting and promoting the welfare of youth, including youth on wardship, informal probation, youth arrested and come in contact with the probation department; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse exploitation, delinquency of a youth; preventing the unnecessary separation of youth from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of the removal of youth are desirable and possible.

Applicability:

- (a) Youth in foster care and under age 18 (or up to age 21 if they are receiving Title IV-E foster care assistance);
- (b) Youth who have not been removed from the home but for whom the agency has an open case file (including reasonable candidates for foster care);
- (c) Youth and non-minor dependents (NMD) who have run away from foster care, provided they have not reached the age at which the state ends Title IV-E assistance (21) (or have not been formally discharged from care); or
- (d) Non-minor dependents (NMD), up to age 21, who are receiving services under the Chafee Foster Care Independence Program (including closed cases).

At Risk of Commercial Sexual Exploitation (CSE) : A child/youth shall be considered "at risk" of CSE if they: Have a minimum of one of the following indicators:

- Youth exhibits behaviors or otherwise indicates that the youth is being controlled or groomed by another person;
- Youth spends time with people known to be involved in commercial sex;
- Youth 's use of internet, cell phone, or social media involves social or sexual behavior that is atypical for their age;

OR have a minimum of two of the following indicators:

- Youth has a history of chronically unstable housing, running away, and multiple foster care placements, or, youth has extended periods of homelessness associated with unstable housing and/or caregiver support;
- Youth has had prior involvement with law enforcement or the juvenile justice system;
- Youth is frequently and chronically truant, and the youth and/or parent is unresponsive to interventions;
- Youth's relationships are not age-appropriate and unhealthy, placing them at risk or in danger of exploitation;

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Commercially Sexually Exploited Children (CSEC)

- Youth has a history of chronic substance abuse, specifically narcotics, opiates, crack/cocaine and amphetamines.

Assessment : A process used to determine if a youth is at risk, or a victim of, CSE that may use any combination of the following:

- Formal screening tools identified for use in this population;
- Direct conversation and observation of the youth that determines the safety and well-being of the youth;
- Verifying the location of the youth;
- Monitoring the youth's physical, emotional, social, and educational development;
- Talking to family and other collateral contacts;
- Contacting other agencies that have worked with the youth/family;
- Checking previous delinquency and child welfare history;
- Gathering information about the youth to identify needed services to be included in the case plan, and monitoring the effectiveness of those services provided to meet the youth's needs.

338.4 PROCEDURES

The following procedures provide direction regarding identification, documentation, staff training, and determination of appropriate services for any youth receiving child welfare or probation services who is, or is at risk of becoming, a victim of commercial sexual exploitation.

338.4.1 IDENTIFICATION OF CHILDREN WHO ARE VICTIMS OR AT RISK OF CSE

Department employees may become aware that a youth who may or may not be receiving child welfare services is a suspected victim or at risk of CSE through various means. For example, a youth may be arrested for an alleged act of prostitution, solicitation, or loitering; or the DPO may receive information from other sources, such as a caregiver, family member, school, or service provider that the youth may be a victim; or the youth may disclose that they have been a victim or exhibit behaviors indicating risk of exploitation. In any of these circumstances, to identify whether the youth is a victim or at risk of CSE, the DPO shall:

- Initiate an investigation and/or assessment, as appropriate;
- Complete an assessment, as appropriate.

338.4.2 INTAKE & INVESTIGATIONS

Upon determination through investigation and/or assessment that a youth is the victim of commercial sexual exploitation, the DPO shall immediately report this information to Children and Family Services (CFS) who will then complete an Emergency Response Protocol to determine whether an in-person investigation is required, and the law enforcement agency of jurisdiction if warranted. If it is determined that a CFS investigation is necessary, the child welfare agency is responsible for conducting the investigation related to the allegations of abuse or neglect, and

Commercially Sexually Exploited Children (CSEC)

shall complete an investigation to assess the situation and determine whether the youth is within the description of Welfare and Institutions Code Section 300 and in need of services.

338.4.3 ONGOING ASSESSMENT & IDENTIFICATION

DPOs should be aware that the youth they are currently supervising may be victims or at risk of CSE. It is critical that the DPO visit each youth in accordance with the existing case plan. One of the purposes of youth contact includes assessing the safety and well-being of the youth, verifying the location of the youth, monitoring the youth's physical, emotional, social, and educational development, gathering information about the youth to identify needed services to be included in the case plan, and monitoring the effectiveness of those services provided to meet the youth's needs. These activities constitute an ongoing assessment of whether the youth may be at risk or a victim of CSE. When evaluating whether a youth may be at risk of CSE, DPOs shall refer to the definition provided in this policy.

338.4.4 ASSESSMENT & IDENTIFICATION UPON THE RETURN OF A MISSING OR RUNAWAY CHILD

When a youth returns to care after having been missing or having run away, the DPO shall assess and determine whether the youth is a possible victim of CSE (WIC Section 16501.35(b)(2)(D)). A youth shall be considered missing/runaway/abducted if their whereabouts are unknown to the probation department. That is, after allowing a reasonable amount of time for the youth to return and taking into account the youth's age, intelligence, mental functioning, and physical condition, the caregiver or DPO simply do not know the youth's/ NMD's location.

338.4.5 DOCUMENTING CHILDREN/YOUTH WHO ARE VICTIMS OR AT RISK OF CSE

Deputy Probation Officers shall document youth receiving services identified as victims or at risk of CSE in the department's case management system as well as CWS/CMS if applicable and any other agency record as determined by the county (WIC Section 16501.35(a)(2)). In addition, pursuant to Welfare and Institutions Code Section 16501.45, specific data measures must be collected and documented for those youth with placement orders. These data measures will be documented in the department's Case Management System as well as in the CWS/CMS as required.

CFS can assist in completing this documentation. Please refer to [ACL No. 16-49](#) for definitions and detailed information regarding documentation of CSEC in CWS/CMS.

338.4.6 DETERMINING APPROPRIATE SERVICES

Deputy Probation Officers shall determine appropriate services for youth receiving probation services identified as victims or at risk of CSE (WIC Section 16501.35(a)(3)).

If the youth is currently receiving Child and Family Services, the DPO shall work with Child and Family Services to determine which agency is more appropriate to provide the services.

When a youth receiving services has been identified as a victim or at risk of CSE, the DPO shall determine appropriate services for the youth. In determining appropriate services for the youth, the DPO shall immediately convene a CSEC multi-disciplinary team meeting as outlined in Shasta

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County's CSEC Interagency Protocol. The team shall consider the following when determining appropriate services:

- (a) Complete an assessment and determine appropriate case plan goals to address CSE concerns.
- (b) Assess the safety and well-being of the youth including the youth's risk for becoming a victim of CSE, and gather information about the youth to identify needed services to be included in the case plan at each visit with the child.
- (c) Engage the youth and the caregiver in identifying supports and services and in the development of the case plan.
- (d) Convene a Child and Family Team (CFT), when applicable, and meet with the team to identify the supports and services needed to achieve positive outcomes for safety, permanency, and wellbeing (WIC Section 16501.1(2)(B) and Section 706.6). If the county is currently using the Multi-Disciplinary Team (MDT) structure as identified in WIC Section 16524.7(2), the county may fulfill the MDT requirement through the use of the CFT and including the mandatory partners.
- (e) Document in the case plan the services provided to address the CSE (WIC Section 16501.1(g)(19)) and other case management system.

Types of services that a CSEC or youth may need include, but are not limited to:

- Specialized and safe housing;
- Specialized counseling;
- Medical treatment;
- Reproductive health/healthy relationships education;
- Pregnancy / Parenting services;
- Survivor peer groups;
- Legal assistance, including immigration relief, if applicable;
- Services addressing gang affiliation;
- Tattoo removal;
- Financial education training;
- Vocational, life skills, and other trainings;
- Other trauma-informed rehabilitation services.

For youth who are identified as at risk of CSE, appropriate services may include CSE prevention education, as well as services that address the youth's specific circumstances or vulnerabilities that place them at risk of CSE, such as housing stability, employment assistance, or substance abuse. The purpose is to determine appropriate services that may prevent an at risk youth from later becoming a victim of sex trafficking.

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338.4.7 TRAINING TO IDENTIFY, DOCUMENT AND DETERMINE APPROPRIATE SERVICES

Deputy Probation Officers shall receive relevant training in the identification, documentation, and determination of appropriate services for any youth receiving services identified as a victim or at risk of CSE (WIC Section 16501.35(a)(4)).

All DPOs working with youth receiving services shall, at a minimum, complete an online course developed by the University of California, Berkeley School of Social Welfare designed to give an overview of the three types of Human Trafficking, the impacts and implications for the juvenile justice system, child welfare system, current federal, state, and local efforts to address the wide variety of issues associated with trafficking, and identification, assessment, and promising intervention strategies that can be employed. The overarching goal of the course is to educate and foster a deeper awareness of human trafficking and CSEC throughout the probation and child welfare community. This course can be located at <https://calswec.instructure.com/courses/169>. DPOs will further be encouraged to attend additional training opportunities on the subject as they become available.

The Supervising Deputy Probation Officer with the assistance of the senior staff analyst over training, shall ensure that proper training is arranged, provided, and documented for all officers working with youth receiving services.

338.4.8 REPORTING CSEC/YOUTH TO LAW ENFORCEMENT

Probation officers shall immediately, or in no case later than 24 hours from receipt of the information, report a youth who:

- (a) Is receiving child welfare services, AND;
- (b) Is reasonably believed to be the victim of, or at risk of being a victim of, CSE, AND,
- (c) Is reported missing or has been abducted.

When calling to report the youth missing to law enforcement, the DPO should document in the department's case management system (CMS) which law enforcement agency was contacted and the corresponding missing person report number. The DPO should also confirm with the law enforcement agency that the information will be entered into the Federal Bureau of Investigation's National Crime Information Center (NCIC) database.

The DPO must attempt to locate the youth and document those attempts in the CMS. The DPO must also assure it is documented in CWS/CMS that the youth's whereabouts are unknown once every 30 days from the date of the initial discovery that the youth went missing or was abducted. The DPO shall contact CFS and request they enter the information into their system (CWS/CMS) if the youth is in their system. The request shall be documented in the probation department's CMS.

The probation officer shall further report the missing/abducted youth immediately or within 24 hours to the National Center for Missing and Exploited Children (NCMEC) by calling 1-800-843-5678. This call should further be documented in the case management system and CWS/CMS.

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When making a report to NCMEC, it is important to have the following information readily available in order to expedite the reporting process:

- Youth's full name;
- Youth's date of birth;
- Date and location the child/youth went missing (to the best of your knowledge);
- Name and contact of the investigating law enforcement agency;
- Law enforcement report/case number;
- Guardian information (for dependent youth and NMDs this will be the SW; for all other children/youth, this will most likely be the parent/guardian).

Authorization to release photographs of the missing/abducted child/youth, other than to law enforcement agencies responsible to locate missing youth, shall be obtained from the Chief Probation Officer or designee and will comply with all other applicable laws and policies.

The DPO shall notify the law enforcement agency with jurisdiction over the case, the local child protective services agency, and the NCMEC within 24 hours of the child's return. These notifications shall be documented in CMS, and an end date of the youth's status entered into CWS/CMS via contacting CFS.

338.4.9 FOLLOW UP ON INVESTIGATION OF CSEC YOUTH WHO ARE MISSING/ RUNAWAYS

Probation officers shall investigate the following when a youth with placement orders or is a nonminor dependant is missing and/or has run away:

- (a) Determine the primary factors that contributed to the youth or nonminor dependent running away or otherwise being absent from care.
- (b) Follow up and respond to factors identified, to the extent possible.
- (c) Determine the youth's or nonminor dependent's experiences while absent from care.
- (d) Determine whether the youth or nonminor dependent is a possible victim of commercial sexual exploitation.
- (e) Document the efforts and information in the department's Case Management System as well as in the CWS/CMS system as required.

SERVICE ANIMALS

339.1 PURPOSE AND SCOPE

Service animals play an important role in helping people with disabilities overcome limitations they face. The Shasta County Probation Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 113903 of the California Health and Safety Code to permit the use of service animals that are individually trained to assist a person with a disability.

339.2 DEFINITIONS

"Americans with Disabilities Act" (ADA) is a civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life; to enjoy employment opportunities; to purchase goods and services; and to participate in state and local government programs and services.

"Community Based Organization" is any for profit or nonprofit organization that provides services i.e.: housing programs, residential treatment programs, treatment program, day reporting centers, etc.

"Section 113903 of the California Health and Safety Code" is a State law that defines what a service animal is within the State of California.

"Contract Provider" is any government, non-profit, or community based organization that provides services to those supervised by the probation department and has a contract for services with the Shasta County Probation Department.

"Emotional Support Animals" are animals whose sole function is to provide comfort or emotional support.

"Offender" is any person the Shasta County Probation Department supervises as a condition of their case.

"Fair Housing Amendment Act" is a Federal Amendment to the Fair Housing Act of 1968 that provides the same protections against discrimination to individuals with disabilities as it does to other protected classes.

"Psychiatric Animals" are animals that provide assistance to people with psychiatric disabilities, such as severe depression, anxiety disorders, and post-traumatic stress disorder.

339.3 SERVICE ANIMALS

Section 113903 of the California Health and Safety Code defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or that is in training

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to do that work or perform those tasks. Service animal does not include any other species of animals, whether wild or domestic, trained or untrained.

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of 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 owner's disability (28 CFR 35.104).

339.3.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable, however many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

The work or tasks performed by a service animal can include but are not limited to:

- 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.
- Alerting a person with anxiety to the onset of panic attacks or 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.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of Section 113903(b) of the California Health and Safety Code.

339.4 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department employees are expected to treat individuals with service animals with the same courtesy and respect that the Shasta County Probation Department affords to all members of the public.

If an animal exhibits vicious behavior; poses a direct threat to the health of others; or unreasonably disrupts or interferes with normal business operations an employee, after receiving authorization from a supervisor, should direct the owner 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

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the animal. 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. Employees of this department shall provide all services as are reasonably available to an individual with the disability.

If it is apparent, or if an employee is aware the animal is a service animal, the owner 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 employee shall ask the individual only the following questions:

- 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 shall be asked. The person shall not be questioned about his/her disability nor shall the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department employees shall not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, employees of this department shall remain neutral and shall be prepared to explain the ADA and California Health and Safety Code requirements concerning service animals. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA or California Health and Safety Code Section 113903, officers shall take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability shall be referred to the Civil Rights Division of the U.S. Department of Justice, and the employee shall immediately notify, in writing, the Assistant Chief Probation Officer through the chain of command.

339.5 CONTRACTED PROVIDERS AND COMMUNITY BASED ORGANIZATIONS

The ADA and California Health and Safety Code Section 113903, Fair Housing Amendments Act, and others regulations provide clear rules concerning the the use of service, emotional support, and therapy animals. The building and/or services being provided dictates which laws apply.

General guidelines:

- When providing and/or referring offenders with a service animal to contract providers or community based organizations for services, employees shall assure the offender receives the same opportunities as a non-disabled offender.
- If a provider or community based organization refuses to allow a probationer with a service animal into the program because of the service animal, the employee shall

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explain our policy and refer them to the ADA, California Health and Safety Code Section 113903, and the Fair Housing Amendment Act.

- The employee shall notify the Assistant Chief Probation Officer in writing within 24 hours via the chain of command, any time a CBO or contract provider refuses to admit a person with a service animal into their program and the reasons given.
- The supervisor shall provide direction and, if necessary, seek direction from their Division Director.
- The Division Director shall notify the Chief Fiscal Officer in writing within 24 hours.

Community Relations

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship building.

340.2 POLICY

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

340.3 EMPLOYEE RESPONSIBILITIES

Employees should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department to identify issues and solve problems related to community relations and public safety.

340.4 TRANSPARENCY

The department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, offenders, or case numbers. The Chief Probation Officer should work with Division Directors to identify information that may increase transparency regarding department operations.

340.5 TRAINING

Subject to available resources, employees 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) Community policing and problem-solving principles.
- (e) Enforcement actions and the effects on community relations.

Where practical and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Juvenile Record Access and Sealing of Records

341.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a reference and procedure for juvenile record seals and access to juvenile case file information for data collection and research purposes.

341.2 POLICY

All juveniles who come before the probation department and/or the court may have their record sealed in accordance with Welfare and Institutions Code Section 781 and Section 786 except specific exceptions set forth in the law. Juvenile record seals and access to juvenile case files shall be processed as follows:

341.3 PROCESSING REQUESTS FOR TERMINATIONS BEFORE JANUARY 2015

Pursuant to Section 781 WIC, all juveniles whose delinquency petitions were dismissed before January 1, 2015, must contact the probation department to file a petition with the court requesting their record be sealed. The youth will be given a form entitled "Instructions to Minors Concerning Sealing of Records" and a Juvenile Record Seal Application. Probation staff will conduct an investigation which includes CLETS and DMV record check to determine if adult crimes or new crimes have been committed which makes the applicant ineligible. Inquiries are also mailed to law enforcement. Upon completion, the packet is given to the Juvenile Division Director for approval. If approved, it is sent to the District Attorney's Office for review. If approved at the District Attorney's office it is submitted to the court.

341.3.1 RECORD SEALING FEES

Per Welfare and Institutions Code Section 781.1, neither the Court nor the Probation Department may charge fees for the filing of the petition per 781 WIC.

341.4 COURT ORDERED SEALED RECORDS

Section 786 WIC, requires the court to seal records, without the filing of a petition, for any child 14 years of age or older who was not adjudicated of a serious or violent offense listed in Welfare and Institutions Code Section 707(b) and who satisfactorily completed probation. For all successfully terminated cases after January 1, 2015, the court will order the record sealed at the time of termination. A probation clerk will process the information in the case management system.

Section 786 WIC, requires the court to seal records for any case that the court dismisses on the motion of the prosecution, on its own motion, or because the petition is not sustained after an adjudication hearing. A probation clerk will process the information in the case management system.

Probation Department staff submit a request for termination to the court when a youth should be terminated from probation. The request includes a summary of the progress the youth while under supervision and a recommendation for successful or unsuccessful termination. This request is submitted to the District Attorney's Office for their approval. If approved, it is submitted to the court.

Juvenile Record Access and Sealing of Records

If the DA denies the request, it can be set for a hearing with the court or the employee can choose to continue to provide services to the youth and refile the petition at a later date.

341.5 DIVERSION CASES

Section 786.5, requires the probation department to seal the records of any juvenile who successfully completes a diversion program for an arrest that does not lead to the filing of a petition with the juvenile court and to notify any agency overseeing the diversion program to seal its records. If the probation department determines that the diversion program was not successfully completed, section 786.5 requires that notice of that determination be provided to the youth and that the youth have an opportunity to petition the court for a review of that determination. The probation department shall file with the court a request for the court to review the determination for the youth and that the court appoint counsel for any youth seeking review in a court hearing before or during the hearing.

341.6 707(B) WELFARE AND INSTITUTIONS CODE OFFENSES

Pursuant to Welfare and Institutions Code Section 786, records for offenses committed by individuals aged 14 or older listed in Section 707(b) WIC are ineligible for sealing under Section 781 unless the finding of that offense was dismissed or reduced to a misdemeanor or to a lesser offense which is not listed in 707(b) WIC.

341.6.1 707(B) OFFENSES RETENTION OF RECORDS

Pursuant to Penal Code Section 29820, youth who have been adjudged a Ward because of crimes(s) listed in the following sections are ineligible to own or possess a firearm until age 30:

- 707 (b) WIC
- 1203.073(b) WIC
- 29805 PC
- 25850 PC
- 25400(a) PC
- 26100(a) PC

As a result, all sealed records can be destroyed upon the date in which the person turns 33 years of age.

341.6.2 SEX OFFENSES

Records may be sealed under specific circumstances for registrable sex crimes per Penal Code Section 290.008 that are not listed in 707(b) WIC. However, access to these records is allowed in future proceedings for a variety of reasons, and there is a prohibition to the destruction of the Court's records in these cases.

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341.7 ACCESS TO JUVENILE CASE FILES

Access to juvenile case files, Rule of Court 5.552 and 827.12 WIC allows for access for data collection and research purposes. Any unauthorized access under Section 827 or 828 WIC requires a petition be filed with the juvenile court. Section 827.12 WIC allows law enforcement, probation, the Court, the Department of Justice, and other state and local agencies with custody of a juvenile delinquency case file to access those records for data collection or reporting requirements imposed under the terms of a grant or as required by state or federal law, provided that personally identifying information is not released. In addition, it gives provisions for the Chief Probation Officer to make a request of the juvenile court that access and data be provided from juvenile delinquency case files and related juvenile records in the possession of the probation department for the purpose of data sharing or research, provided that the court finds that the methodology to protect confidentiality is sound and that any personally identifying information that is accessed is not further released.

Effective 1/1/2019, 786 WIC was amended to authorize the prosecuting attorney access to records under specific criteria in which judicial procedure occurs. When the prosecuting attorney is requesting access to sealed records, they are required to provide a specific date upon which the files are needed.

341.8 RECORDS RETENTION

All Shasta County Probation Department records shall be destroyed according to the department Records Retention Schedule.

Continuous Electronic Monitoring/Global Positioning System

342.1 PURPOSE AND SCOPE

To provide guidelines and information to staff relative to placing offenders on continuous electronic monitoring/GPS in accordance with the following California Penal Code Sections: 1202.8, 1203.016, 1203.018, 1210.7-1210.16 and 3450(8)(C).

342.2 POLICY

It is the policy of the Shasta County Probation Department to adhere to the California laws regarding the use of continuous electronic monitoring.

342.2.1 SEX CRIMES

Per Section 1202.8 of the California Penal Code, all defendants who score high risk on the Static 99/99R (6 or higher) shall be continuously electronically monitored while on probation unless the court determines that such monitoring is unnecessary for a particular person.

342.2.2 ELECTRONIC MONITORING PROGRAMS

Per Section 1203.016 (a) of the California Penal Code, the Board of Supervisors may authorize the correctional administrator, to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or program under the auspices of the probation officer. The participant shall agree to the use of electronic monitoring, which may include global positioning system devices or other supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the home detention program. The devices shall not be used to eavesdrop or record any conversation, except conversations between the participant and the person supervising the participant which is to be used solely for the purpose of voice identification.

Per section 1203.018 of the California Penal Code the Board of Supervisors may designate a correctional administrator to offer an electronic monitoring program to those inmates being held in lieu of bail in a county jail. The electronic monitoring may include global positioning system devices or other supervising devices for the purpose of helping to verify the participant's compliance with the rules and regulations of the electronic monitoring program.

A Resolution has been passed by the Board of Supervisors regarding sections 1203.016 and 1203.018 of the California Penal Code.

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342.2.3 PRCS OFFENDERS

California Penal Code Section 3450(8)(C) allows for the use electronic monitoring, including GPS, for offenders on Post Release Community Supervision as a sanction or for programming in response to criminal or non-compliant activity.

342.2.4 OFFENDERS ON PROBATION

Per Penal Code Section 1210.12, the Chief Probation Officer has sole discretion, consistent with the terms and conditions of probation to decide which persons shall be supervised using continuous electronic monitoring. No individual shall participate in continuous electronic monitoring for any period of time longer than the term of probation.

All offenders on formal probation and mandatory supervision shall have a specific term and condition ordered by the Court allowing for the use of GPS.

342.2.5 JUVENILES ON GPS

Prior to placing a youth on GPS, as a pre-adjudication term of home supervision pursuant to Welfare and Institutions Code Section 628.1 or a part of a community detention program, the case shall be staff with the Supervising Probation Officer or Division Director for approval.

342.3 INVESTIGATIONS UNIT

The recommendation will be staffed with the Supervising Probation Officer for all defendants referred for a PSI where the sex crime requires the completion of a Static-99R and the defendant scores high risk to reoffend (6 or higher). The case will be staffed to determine the best recommendation for the defendant taking into consideration the public safety concerns of having a high risk sex offender remain in the community.

Per the law, all high risk sex offenders supervised in the community must be placed on GPS monitoring unless the court determines that such monitoring is unnecessary for a particular defendant. If a defendant is a high risk sex offender the Investigations Unit SPO will notify the Supervision Unit SPO and the Division Director of the recommendation that will be made for the defendant.

If there is a probation recommendation for any high risk sex offender, the probation officer will add the GPS conditions to the defendant's recommendations. It will be up to the court if he/she strikes the conditions per Penal Code Section 1202.8.

At the time of the authoring of a Pre-Sentence Investigative (PSI) report, if GPS is deemed appropriate for an offender, the specific term and condition should be added to the recommendation.

342.4 SUPERVISION UNIT

The probation officer assigned to the sex crimes caseload will supervise all sex offenders under GPS monitoring using the containment model approach (treatment and polygraph). Regular conversations will occur with the agency partners regarding the offender and these partners will be notified that the defendant is supervised using GPS monitoring.

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The probation officer assigned to the offender will supervise the offender while on GPS monitoring.

This may include after hours response as needed. The probation officers and probation assistants assigned to the Supervised Own Recognizance (SOR) Program will supervise all offenders placed on SOR via court order.

All probation officers supervising offenders on GPS monitoring will have GPS training prior to being assigned to perform supervision duties.

The probation officer/probation assistant will meet with each offender/youth placed on GPS monitoring to review the agreement, obtain the defendant's signature and set-up the defendant on GPS monitoring.

342.4.1 GOALS OF SUPERVISION WITH CONTINUOUS ELECTRONIC MONITORING

The goals for the use of GPS as a supervision tool are as follows:

- (a) Enhanced daily supervision of the offender.
- (b) Monitoring of the location and movement of those offenders under GPS supervision by the Probation Officer and local law enforcement.
- (c) Aid in the investigation of violations of probation or new law violations.
- (d) Strengthen the partnership between the local law enforcement agencies.
- (e) Work to reduce the number of violations of supervision or Failures to Appear for court dates.

The following guidelines shall be considered when determining if an offender meets the criteria for enhanced monitoring via GPS. All offenders placed on GPS monitoring using the discretion of this section shall staff the case with a SPO or Division Director.

- Current Offense
- Criminal History
- Victim Concerns
- Compliance with terms/conditions of supervision and/or treatment
- Gang Involvement
- Substance Use

342.4.2 SUPERVISING PROBATION OFFICER RESPONSIBILITIES

The SPO in charge of case assignments shall notify the case carrying officer immediately upon assignment of an offender who will require GPS monitoring.

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Will use the GPS vendor's caseload report to determine the number of offenders currently monitored.

Will report to the Division Director the number of cases per month that are subject to GPS monitoring.

Ensure that all conditions of supervision related to GPS are appropriately imposed.

Ensure all GPS call trees are kept up-to-date with all pertinent information and provide the information to all necessary parties.

Ensure a GPS-trained staff is available to complete daily GPS Track Reviews, including events, violations, and alerts in the event the offender's officer is unavailable.

During case reviews, ensure GPS events, violations and alters are be resolved and noted in the GPS database and are documented in JALAN for those events/notifications/alerts that require further investigation or action.

Transfer cases in abscond status per protocol.

Review the daily summary reports to ensure that alerts and violations are being addressed by the probation officer.

342.4.3 ABSCOND CASES

All GPS offenders that become unable to be supervised shall have a warrant requested within three working days. The probation officer shall submit a BOLO to local law enforcement within one working day.

Upon arrest, the offender shall go back to "Active" status regarding GPS monitoring.

342.4.4 INTERSTATE CASES

All cases submitted for transfer to California who meet the requirements of GPS monitoring, shall be advised that failure to comply with the GPS conditions/requirements will result in a denial of his/her transfer request. Willful noncompliance with the GPS conditions will result in immediate contact with the offender's sending state.

342.6 ENROLLMENT OF OFFENDER ON GPS

The probation officer/assistant shall perform all necessary GPS enrollment and supervision tasks associated with the caseload including:

Preparing the GPS device for use: Remove device from inventory; charge, update (if necessary), and test the device; verify GPS acquisition; and prepare the device for installation.

Enrolling the Offender in the Vendor's GPS Database System:The probation officer/assistant will enter and update all required information into the offender's profile in the GPS Database.

Updating the Offender's GPS Profile: The probation officer/assistant will update all required information into the offender's profile in the GPS Database. The probation officer will also update the offender's JALAN profile when information is updated.

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Installing the GPS device on the Offender: The probation officer/assistant will verify the fit of the device on the offender's ankle; attach the device; and activate for GPS monitoring. The device will be placed on the offender at the time of the first face-to-face meeting. If the Officer of the Day (OD) is processing a sex offender for the first face-to-face meeting, the OD will contact a probation officer/assistant assigned to the Supervised Own Recognizance (SOR) program to assist with the installation of the device on the offender.

The probation officer/assistant will:

Upon release or re-release, instruct the offender on the components of the equipment and the procedures to be followed by the offender to charge the equipment and specific behaviors that constitute noncompliance. Signed documents shall be placed into the offender's file and a copy supplied to the offender.

Physically inspect the device and strap for evidence of tampering at each face-to-face contact with the offender and document the inspection in the offender's JALAN file. This shall be completed no less than once a month.

Recognize behaviors that constitute noncompliance with proper maintenance of GPS equipment, including GPS charging requirements, and take corrective appropriate action.

342.6.1 GPS ZONES

The placement of zones allows the probation officer to be notified if the offender enters or exits a specified location. Inclusion zones can be utilized to determine if an offender remains within or leaves a particular location during a specified timeframe. Exclusion zones can be utilized for locations which an offender is prohibited from entering or can be used to determine if the offender enters a location during a specified timeframe.

Zone(s) may include, but are not limited to, the offender's residence, employment, treatment locations, victim's residence, areas of known narcotics activity, prior arrest locations, or other areas of restricted travel. All inclusion and exclusion zones that require immediate notification must have approval from the respective unit SPO prior to establishing the zone.

Zone(s) may be utilized on an informal basis for informational purposes or to determine compliance with conditions of supervision. Informal zones may or may not result in a violation of an offender's conditions of supervision; this will be determined on a case-by-case basis.

The following zones will be placed on all offenders upon activation and installation of the GPS device:

- Inclusion zone around the offender's residence. When transient, a ten-mile zone shall be placed around the city/county center in which the offender registers as a sex offender or around the location where the offender indicates they intend to sleep/stay for the day and/or night.
- Inclusion zone around Shasta County or any other specific mile designation per the offender's conditions of supervision.

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- Exclusion zone to provide notification if the offender were to leave the State of California.

The probation officer will create and/or update zones as appropriate.

342.6.2 OFFENDERS WITH PHYSICAL DISABILITIES

Offenders with physical disabilities, which would preclude them from wearing a GPS monitoring device in the traditional manner, may be considered for modified GPS supervision. If traditional or modified GPS supervision may cause serious injury or death, a court date shall immediately be set and the Court shall be notified of the concerns. The probation officer shall notify the Court of the modification options regarding traditional GPS that are available and provide the appropriate conditions to modify the offender's current GPS conditions. Only the court can determine if GPS monitoring will not be utilized for an offender with physical disabilities.

Such physical disabilities may include, but are not limited to:

- Amputated limb(s) which prohibit traditional placement of the GPS device.
- Diabetes or other medical condition(s) which cause swelling of limbs potentially resulting in harm due as a result of placement of a traditional GPS monitoring device.
- Offender's current and/or continual placement in a medical facility with diagnostic monitoring equipment which would adversely affect GPS monitoring or potential exposure to infection.

Supporting Documentation of Physical Disability:

If it is determined that a physical disability does exist that prohibits an offender from the traditional use of a GPS device, the offender must provide a letter from his/her licensed medical physician. Letters from physician assistants or other designee will not be accepted.

The letter shall describe:

- The medical condition of the offender and if the condition is acute or chronic.
- How the condition prohibits the offender from participating in traditional GPS monitoring.
- How wearing a GPS monitoring device is likely to cause serious injury or death due to his/her current medical condition or location in a medical facility.

This documentation is not required if the offender's condition is clearly visible.

The probation officer will confirm the physician signing the offender's letter is a currently licensed to practice medicine. This can be done by accessing the Medical Board of California's website at <http://www.mbc.ca.gov/> and clicking "Check Up On Your Doctor's License".

The letter shall be attached to the modification of conditions of supervision filed with the Court.

Modifications to Traditional GPS Monitoring:

To comply with GPS monitoring, modifications can be made to the traditional placement of the GPS monitoring device. The modifications include the following:

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- Offender must carry the GPS monitoring device on his or her person at all times (fanny pack, back pack, belt, etc.) and must be kept within reach when showering and sleeping.
- The GPS device may be attached to any device that enables a non-ambulatory offender the ability to move around (i.e. wheelchair).

If a modification of the GPS device is approved by the Court, the probation officer will supply the offender with the modified condition of GPS monitoring. These conditions will be signed and a copy shall remain in the offender's file and a copy shall be supplied to the offender.

The specific directive shall include but not be limited to:

342.7 GPS TRACK REVIEW

All offenders who are placed on GPS will be considered in either "active" (AS) or "passive" (PS) status.

Active (AS) GPS Track review shall consist of the following:

Sex offenders with a Static 99/99R that is 6 or higher will be monitored under the active status.

Offenders released on to the Supervised Own Recognizance (SOR) Program with a no contact order or a pending serious or violent crime involving one or more victims will be monitored under the active status. Overrides to this practice must be approved by the SPO or Division Director.

Active status (AS) GPS tracks will be monitored on a daily basis. The review will be conducted from the last GPS point monitored up to the most current view of the day of review. Track review will be conducted for every day an offender is in the community.

Tracks for non-working days (to include weekends) will be processed on the first working day the officer returns to the office. Another trained officer will cover tracks for all approved time off requests. Coverage will be made in advance and approved by the SPO. The respective SPO will assign coverage for tracks if the officer is out of the office for personal or family sick leave.

If exigent circumstances prevent the GPS Track Review from being completed on a particular working day, the probation officer will obtain approval from the SPO to complete the GPS Track Review the next working day. If the SPO determines there are exigent circumstances, the SPO shall immediately notify the Assistant Chief Probation Officer.

Passive (PS) GPS Track Review shall consist of the following:

Sex offenders with a Static 99/99R that is 5 or lower will be monitored under the passive status unless it is determined by the SPO or Division Director that the offender will be monitored under the active status requirements. This override will be documented by the authorizing personnel in the offender's JALAN file.

All other offenders released on to the Supervised Own Recognizance Program who do not fit the criteria for Active Status will be monitored under the passive status unless it is determined by the

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SPO or Division Director that the offender will be monitored under the active status requirements.

This override will be documented by the authorizing personnel in the offender's JALAN file.

Passive status (PS) GPS tracks will be reviewed a minimum of two Track Reviews each calendar month. Each Track Review will consist of two consecutive days (48-hour period).

The Probation Officer will:

Review and analyze GPS tracks by playing the GPS points one by one. As necessary and/or when appropriate, pause, zoom, and utilize available tools to identify patterns of travel or areas of loitering to assist with track review analysis and/or further investigation.

Investigate zone notifications or alerts, instances where the device is unable to acquire a GPS or cellular signal, and instances of suspected shielding.

Once tracks have been reviewed a case note shall be entered into the offender's JALAN record immediately, noting any significant findings or concerns that may warrant further investigation. Alerts/notifications and locations frequented by the offender shall also be entered into the JALAN file.

Use GPS technology to investigate violations of the offender's conditions of supervision. All violations shall be documented in JALAN and addressed according to policy.

All notifications/alerts shall be resolved by clearing the system and noting the action taken in the vendor database system.

342.7.1 ALERTS AND DAILY SYSTEM REPORTS

Immediate alerts: The probation officer will receive notification for immediate alerts including, but not limited to: strap/device tampering, exclusion zone alerts, specific case specific inclusion zone alerts, and low battery alerts.

If the officer is contacted by the GPS monitoring center or the offender due to hardware failure or malfunction (to include strap failure), the officer will contact the offender to determine the nature of the malfunction and to determine if further action should be taken. If the offender is compliant and the probation officer can order the offender to go to the Shasta County Jail to have jail staff assist with the repair or replacement of the device. If the incident occurs during regular business hours, the probation officer should order the offender to come to the probation department where staff will repair or replace the device.

If the offender is not compliant or there was intentional destruction of the equipment, the probation officer will contact a supervisor via the chain of command to determine if there is a need for an immediate call out to address the issue.

Business hours:

If an immediate call out is authorized, the probation officer assigned to the case will contact the law enforcement agency (via dispatch) that has jurisdiction over the offender. A request for an agency assist to take the offender into custody will be initiated. Probation staff will respond to the

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offender's last known location to assist the respective law enforcement agency. If the offender is located, probation staff will offer to transport the offender to the jail.

If the offender is unable to be located, probation staff will collect whatever GPS equipment can be located and a BOLO will be immediately issued with local law enforcement agencies regarding the offender. If appropriate, a warrant will be requested for the offender within 24 hours.

If no one is available for call out, the probation officer will notify a supervisor to determine further course of action.

Non-business hours:

If an immediate call out is authorized the probation officer will contact the law enforcement agency (via dispatch) that has jurisdiction over the offender. A request for an agency assist to take the offender into custody will be initiated.

If the local law enforcement agency is unable to assist due to other pressing priorities, the probation officer assigned to the case will respond to the jail to team up with a member of the Sheriff's Office and respond to the offender's last known location.

If no one is available for call out, the probation officer will respond the next morning to attempt to locate the offender. If the offender is unable to be located, probation staff will collect whatever GPS equipment can be located and a BOLO will be immediately issued with the local law enforcement agencies regarding the offender. If appropriate, a warrant will be requested for the offender within 24 hours.

Home Electronic Confinement/Supervised Own Recognizance after hours alerts will be monitored by staff at the Jail. Jail staff will contact the respective probation staff on an as needed basis.

Reports: The probation officer will receive a daily report via the BI database regarding the previous day(s) activities. This report shall be reviewed to assist with the daily GPS Track Review.

342.8 UN-ENROLLMENT OF OFFENDER ON GPS

For all sexual offenders placed on GPS, prior to the removal of a GPS device from an offender and/or an offender from the vendor system, a case review shall be completed with the SPO. The case review shall be documented in the offender's JALAN file. The arrest or discharge of an offender are the only exceptions.

The Probation Officer will:

Perform all required tasks associated with the removal of a GPS device:

- Un-enroll the offender in the BI GPS database including noting the reason for removal from the GPS system.
- Retain the GPS device and prepare it for future use or return to vendor for repair/replacement.
- Upon notification of an offender's arrest, abscond, or completion of the program, un-enroll the offender from the vendor's database within one working day.

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When an offender is arrested and placed in local custody, retrieve the device from the jail within three working days.

In the event an offender removes the GPS device (absconds, cut the strap from his/her ankle) and the location of the device is known, retrieve the GPS device within three working days. All attempts to retrieve the device (successful or unsuccessful) shall be documented in the offender's JALAN file.

Remove the GPS equipment and un-enroll and offender from the GPS database on the offender's termination of supervision date. If the termination date is on a non-business day, the probation officer shall un-enroll the offender in the system on the termination date and make arrangements with the offender to turn in the equipment on the next business day.

342.9 VIOLATIONS

Per 1210.9 PC, information gained from the GPS system regarding geographic location and tampering may be used as evidence to prove a violation of the offender's terms and conditions.

Per Penal Code Section 1210.14 the probation officer may arrest any individual on GPS if she/he has reasonable cause to believe that the individual is not in compliance with the rules set-up for GPS monitoring.

Violations of the offender's GPS conditions shall be staffed with the unit SPO (or designee) to determine the course of action that will be taken.

342.10 GPS EQUIPMENT CONTROL

The probation officer shall be issued a cellular phone to be used to conduct GPS business.

This equipment shall be left with the unit SPO in the event of vacation or extended leave.

At no time shall the GPS equipment be left in plain view in a vehicle. If assigned equipment is lost or damaged, staff shall immediately notify his/her supervisor. An incident report shall be completed and submitted within two working days outlining the loss or damage. The SPO will follow his/her chain of command regarding notification and request for replacement of equipment.

Staff may be held financially responsible and required to reimburse the County for the cost of replacement of the equipment if the loss was due to negligence or the employee's culpability.

GPS Vendor Equipment:

For security purposes, all GPS equipment shall be safely secured. At no time shall an offender be left unattended with the GPS equipment.

At no time shall GPS equipment be left in plain sight in a vehicle.

Defective GPS devices shall be returned immediately to the vendor for repair or replacement.

Used or defective collars, straps, and clips shall be destroyed by the probation officer by cutting them into unusable pieces (no longer than one inch in length).

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Lost, Destroyed or Damaged GPS Equipment:

If an offender intentionally loses, destroys or damages a GPS unit, the probation officer will staff the case with the unit SPO and at minimum an incident report will be submitted by the probation officer. At the direction of the SPO, the case may be submitted to the District Attorney's Office for prosecution.

342.11 SUBPOENAS PROCESS

If a Subpoena Duces Tecum is received regarding an offender's GPS documents or data, the probation officer will immediately contact the unit SPO. Once it has been determined that we will produce these records, the probation officer will contact the GPS vendor to request the records.

342.12 TRAINING

All staff assigned to monitor offenders using GPS shall complete training supplied by the vendor. Internal meetings/training will occur on an as needed basis. All staff will review and sign the GPS policy.

Opiate Antagonist- Naloxone Hydrochloride

344.1 AUTHORITY

Chief Probation Officer.

State of California-Health and Human Services Agency; Department of Public Health: Naloxone Standing Order.

344.2 PURPOSE

To help reduce morbidity and mortality associated with opioid overdose by facilitating the distribution and administration of Naloxone.

344.3 DEFINITION

Naloxone is a drug that antagonizes morphine and other opiates. Naloxone is a pure opiate antagonist and prevents or reversed the effects of opioids, including respiratory depression, sedation and hypotension.

344.4 TRAINING

All sworn Deputy Probation Officers, Juvenile Detention Officers, and Probation Assistants will receive initial training that will include an overview of 2014's Senate Bill 1438 that permits law enforcement's use of Naloxone, patient assessment (e.g., signs/symptoms of overdose), universal precautions, rescue breathing, seeking medical attention, and the use of intra-nasal Naloxone, as detailed in the standing order. Additional Juvenile Rehabilitative Facility (JRF) staff as determined by the Division's Director may also receive this training. Upon completion of training, officers will have their training recorded with the Shasta County Probation Department.

Training shall comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code Section 1714.22) and Standards and Training for Corrections (STC).

344.5 DISTRIBUTION OF NALOXONE

Naloxone shall be distributed for all trained staff's use. Deputy Probation Officers, Juvenile Detention Officers and Probation Assistants whose duties include regular business conducted off site in the community, at the discretion of administration, shall have doses issued to them individually. The doses will be carried on those employee's person, in field bags, or in other item holding container utilized by the employee (ie: backpack or messenger bag. Doses will be stored for trained staff's use in the medical kits available in all Probation buildings i.e.: Adult Probation, the Community Corrections Center, Juvenile Probation and the Juvenile Rehabilitation Facility Booking Area.

Opiate Antagonist- Naloxone Hydrochloride

344.6 <P><U>ADMINISTRATION/USE OF NALOXONE</U></P>

Employees may administer department issued opioid overdose medication while on duty in accordance with their training on any individual they believe to be experiencing opioid overdose, including fentanyl exposure and overdose.

Employees shall request and ensure the immediate response of trained medical staff to the individual whom Naloxone was administered.

Reporting:

After the administration of an opioid overdose medication, the employee shall submit an Investigative/Offense Report detailing the nature of the incident, the care the patient received and the fact that Naloxone was deployed. The report shall be forwarded through the chain of command to their Division Director. The incident report should be scanned, and a case note entered into the case management system where applicable.

344.7 <U>MAINTENANCE OF NALOXONE</U>

User Responsibilities:

Employees who are qualified to administer opioid overdose medication, such as Naloxone, should handle, store and administer the medication consistent with their training. Employees shall check the medication and associated administration equipment at least monthly to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment shall be reported to their Supervisor to obtain a replacement. On site doses shall be inspected and replaced in the same manner and is the responsibility of the Division's Director to ensure it is reviewed.

Any employee who administers an opioid overdose medication shall contact dispatch or call 911 immediately to request response by Emergency Medical Services (EMS).

Transportation of Offenders

351.1 POLICY

As part of the field supervision process, probation staff has the responsibility of transporting probationers who have been taken into custody. Probation staff should carefully plan the circumstances of the transportation including an assessment of potential problems when dealing with unstable or dangerous probationers, securing an appropriate county vehicle and acquiring assistance if needed. Probation staff shall not transport hostile or volatile offenders alone or offenders of the opposite sex unless unavoidable. Arrangements must be made for the assistance for another staff member or from another law enforcement agency.

(a) Persons under arrest and being transported while in custody shall be handcuffed and searched for weapons and contraband per departmental policy. Prior to placing the arrestee into the County vehicle, the back seat area should be searched thoroughly. Once the vehicle is searched, the arrestee shall be placed in the back seat of the vehicle on the right hand side with the seat belt fastened on the arrestee.

(b) Whenever possible, a caged car should be used for transportation. If one is not available, a non-caged car may be used however, another probation staff must sit in the back seat next to the arrestee/minor. When transporting an arrestee, staff shall comply with the department radio procedures.

(c) Staff shall not use their own personal vehicles to transport clients.

(d) When transporting offenders, staff shall comply with department radio procedure.

It is permissible for staff to transport offenders out of custody, for example to treatment, medical appointments, school. Staff should be mindful of officer safety concerns and comply with the above policy and the radio procedures.

Shasta County Multi-Agency Officer Involved Critical Incident Protocol

355.1 FORWARD

Investigations of critical incidents involving law enforcement agency personnel (hereafter referred to generically as "officers"), are frequently more complex and demanding than other critical incidents which do not involve law enforcement officers. Applicable administrative and criminal statutory and case law is complex. Scientific evidence collection and analysis are frequently required and often at issue long after the incident. Questions may arise about the propriety of a law enforcement agency conducting an investigation in which one of its officers is the subject of an investigation. Public and news media attention are usually intense.

The potential social, civil, administrative, and criminal consequences of an officer's actions can be profound and affect many parties. The various competing interests may adversely affect the investigation of such a matter if adequate safeguards are not delineated in advance. When several agencies are involved, differences in policy, procedure, personnel, resources, and interests may potentially conflict with and hamper the investigation process.

In consideration of these factors, the guidelines set out in this protocol were developed to serve as a general "model" for individual agencies to aid in development of appropriate policies, directives, and procedures for the investigation of officer involved critical incidents. The goal of these guidelines is to help ensure that such incidents are fully and fairly investigated and that proper dispositions of critical incident investigations are made based upon all the legally available relevant evidence.

While this document represents the consensus in concept of member agencies as to how such cases are to be investigated, the guidelines permit individual agencies to make modifications in order to meet individual agency requirements. These are guidelines. They are not statutes, ordinances, policies, or regulations. Furthermore, these guidelines are not intended to increase the civil or criminal liability of member agencies or their officers and they shall not be construed to create any mandatory obligations to, or on behalf of, third parties.

Agencies who are signatories to this protocol have agreed to review their related policies and make every effort to modify them to avoid conflict with these guidelines.

355.2 GENERAL POLICY STATEMENT

Investigations of critical incidents involving law enforcement agency personnel, hereafter referred to as officer involved critical incidents, will be performed to develop all available relevant information about the incident for ultimate presentation to the District Attorney for his determination of whether criminal liability exists. This type of investigation shall hereafter be referred to in this protocol as an "incident investigation." Incident investigations shall be performed in a manner which provides for a thorough and professional investigation that avoids conflicts of interest. This

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protocol is not intended to interfere with an employing agency's policy of providing peer support, family notifications, or other personal needs to an officer involved in a critical incident.

The investigation of each critical incident will commence as promptly as possible after its occurrence. It shall be the jurisdictional agency's department head or designee's responsibility to determine whether or not to activate this protocol.

The goals of an incident investigation are to:

1. Determine the existence or nonexistence of a crime; that is, to determine whether the nature and quality of the conduct are of a type prohibited by statutes, the violation of which is punishable by criminal penalties;
2. If a crime has occurred, determine:
 - a. The identity of the person(s) responsible;
 - b. The degree of the crime;
 - c. Any legal or factual defenses to the crime; and
 - d. The existence of any factors which would mitigate or aggravate punishment for the criminal conduct.

355.3 DEFINITIONS

1. "Officer involved critical incident," "critical incident," or "incident":

Any incident in which an officer is involved and serious injury, death, or the serious likelihood of death, results. Such incidents include, but are not limited to:

- a. Intentional or accidental shootings;
- b. Intentional or accidental use of physical force or any other deadly or dangerous weapon/object;
- c. Death of a person while in law enforcement custody or under law enforcement control. Exception: If an officer is not believed or suspected to be involved in the serious injury or death of a jail inmate (e.g., suicide), the provisions of this protocol will not automatically apply;
- d. Any other incident upon the request of the department head or their designee of the employing agency.

2. "Jurisdictional agency"

The agency or agencies within whose geographic jurisdiction the incident occurs. The jurisdictional agency shall establish the command post for the incident.

3. "Employing agency"

The agency which employs the officer involved in the incident. The jurisdictional agency shall establish the command post.

4. "Officer" or "officer involved"

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Any law enforcement agency personnel whose act, whether intentional or unintentional, may be a contributing or proximate cause of the injury or death of another person.

5. "Proximate cause"

A cause which, in a natural and continuous sequence, produces the injury or death, and without which the injury or death would not have occurred.

6. "Contributing cause"

A factor that, though not the primary cause, plays a part in producing the injury or Death.

7. "Investigating agency"

The law enforcement agency that leads the critical incident investigation. The investigating agency is responsible for the coordination of the overall investigation and shall ensure all reports necessary to conduct booking and criminal prosecution are submitted to the District Attorney in a timely manner.

8. "Incident investigators"

Those persons assigned by the jurisdictional or investigating agency to conduct or assist in the critical incident investigation.

9. "Electronic request"

Electronic requests for the attached protocol can be, but is not limited to, department-issued electronic devices, such as cell phones, laptops, PDA's and MDC's, etc.

355.4 INVESTIGATIVE RESPONSIBILITY

Personnel trained in officer involved shooting or critical incident investigation techniques will be maintained by those agencies who are signatories to this protocol.

1. The responsibility for investigating officer involved critical incidents shall be retained by the jurisdictional agency, except that:

a. The jurisdictional agency may seek investigative assistance from other law enforcement agencies;

b. The jurisdictional agency may elect to relinquish the investigation authority to another agency; if so, that other agency will thereafter be designated as the investigating agency;

c. In the event that officers from more than one agency are involved in the critical incident, consideration to utilize an uninvolved outside agency may be deemed appropriate by the jurisdictional agency; and

d. In implementing the attached protocol the lead agency may elect to utilize the unified command ICS system. This is primarily to be utilized in a critical incident protocol where more than one agency is being investigated.

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2. The District Attorney has independent investigatory powers and responsibilities and may conduct a separate investigation of the incident.

355.5 ROLE OF DISTRICT ATTORNEY

The District Attorney or his designee has the following roles in an officer involved critical incident investigation:

Assigned Deputy District Attorney(s):

1. Assist and advise the incident investigators on the various legal issues which may arise, including assistance in the preparation of search warrants, if necessary.
2. Monitor the law enforcement investigation, with the assistance of District Attorney investigators if deemed necessary by the assigned Deputy District Attorney(s), to objectively and independently ensure the integrity of the investigation and process, and to obtain first-hand knowledge of the facts and circumstances involved in the incident so that the District Attorney is ultimately able to determine if the officer(s) actions were justified or if potential criminal liability exists.
3. Following completion of the incident investigation, the investigation reports, and evidence collected, determine if criminal liability exists. If so, prosecute as appropriate within the sound discretion of the District Attorney.

Assigned District Attorney Investigator(s):

1. Upon the request of the jurisdictional and/or investigating agency and with the concurrence of the District Attorney or his designee, assist in the incident investigation.
2. When deemed necessary by the District Attorney or his designee, conduct an independent investigation separate from that of the jurisdictional and/or investigating agency.

355.6 NOTIFICATIONS

Upon identifying an incident as being an "officer involved critical incident," the jurisdictional agency shall make the following notifications as promptly as possible:

1. Intra-department personnel as required by that agency's procedures
2. Employing agency
3. District Attorney or his designee
4. Upon confirmation of a fatality, the Sheriff-Coroner's Office

355.7 INTERVIEWS

1. Interviews with officers or other individuals, whether they are directly involved or witnesses in an incident, should be audio and/or video tape recorded.
2. Each officer who is interviewed should be interviewed separately from other witnesses unless circumstances dictate otherwise.

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3. With the input of the investigating agency, the employing agency shall determine the location of the officer(s) interview(s).
4. If and when the interview of an officer becomes a custodial interrogation, the provisions of the Fifth Amendment and *Miranda v. Arizona* line of cases shall be applicable.
5. To ensure the voluntariness of an interview with an officer who was involved in a critical incident, but where the interview has not reached the level of a custodial interrogation, the incident investigator(s) may wish to advise the officer as follows:
 - a. The officer is not obligated to answer incriminating questions and answers which he/she provides may be used against him/her in court.
 - b. The officer is not in custody and is free to leave and/or terminate the interview at any time.
 - c. Punitive action will not be taken against the officer if he/she refuses to answer incriminating questions posed by the incident investigators. (Note: Punitive action may result from refusal to answer questions posed by the internal affairs or administrative investigators of the employing agency).
6. Except for interviews or interrogations to which the Fifth Amendment and *Miranda* line of cases may apply, a request by an officer involved in the critical incident to consult with his/her representative prior to being questioned by the incident investigators will be honored except when the information being sought concerns compelling public safety issues. Due to the timeliness of the information needed to manage the scene of a critical incident, the first supervisor on scene should ask the involved officer public safety questions. If the officer involved refuses to answer these types of questions, he/she should be ordered to do so by a supervisor from his/her employing agency. (If the officer is ordered to answer questions, the response is deemed to have been coerced.) Examples of compelling public safety issues include, but are not limited to:
 - a. Crime scene perimeters
 - b. Type of weapon(s) used or possessed
 - c. Number of rounds fired
 - d. Direction and angle of rounds fired
 - e. Number, description, and/or identity of persons involved and their last known location or direction of travel
 - f. Description of vehicle(s) involved and last known location or direction of travel
7. Except as specified by Government Code section 3303, a request by an officer to have a representative present during the interview may be applicable.
 - a. The request can be treated as if it were a request by a civilian witness for the same privilege.
 - b. To ensure the integrity of each interview, the officer's representative should be admonished that the officer's recollections and other comments about the incident are not to be discussed or shared with other witnesses.

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8. If an officer involved in a critical incident discusses the incident with their representative, the representative has no privilege to refuse to disclose the contents of that discussion unless the representative is a lawyer, physician treating the officer, clergyman, or psychotherapist.

9. A peace officer may not be compelled to submit to a polygraph or voice stress analyzer examination and, should the officer refuse to submit, Government Code Section 3307 prohibits several specific uses of that refusal.

10. Administrative interview:

The criminal investigation shall take precedence over, and be separate from, the administrative or internal investigation.

a. Administrative interviews should be conducted separately and independently from the incident investigation and associated interviews. However, the employing agency may elect to monitor the incident investigation and interviews in the interest of avoiding duplication of effort and/or duplicate interviews.

b. The employing agency should follow their agency's established policy for the administrative investigation.

c. If and when the interview focuses on matters which are likely to result in punitive action against a public safety officer, he/she has the right, upon his/her request, to have a representative (as defined in Government Code Section 3303(h)) present during the interview. For other law enforcement agency employees, the rights afforded to the employee by the employing agency as established by that agency or its governing body should be complied with.

11. Government Code Section 3300, et seq., also known as the "Public Safety Officer Procedural Bill of Rights Act," may be applicable to some interviews of public safety officers who are questioned in connection with an incident.

a. The Act is not applicable to interviews with public safety officers who are being interviewed by other than their employing agency.

b. The Act is not applicable to interviews with public safety officers (even when being interviewed by their employing agency) when the investigation is concerned solely and directly with alleged criminal activities.

355.8 INTOXICANT TESTING

1. If the incident investigators determine that an officer's state of sobriety is relevant to the incident investigation, they shall proceed as they would with any civilian subject in a similar situation. Specifically, the investigators should obtain a blood sample for alcohol testing and/or a urine sample for drug and/or alcohol testing after obtaining the officer's valid consent, pursuant to a search warrant, probable cause exists to arrest, or incidental to the arrest of the officer for a crime.

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2. In the event that appropriate physiological samples are not obtained from an officer as part of the incident investigation, the employing agency may wish to obtain such sample(s) for employment-related purposes. The options are to:

a. Obtain the sample(s) with the officer's valid consent; or

b. Obtain the sample(s) by ordering the officer to provide such sample(s) based upon the employer-employee relationship.

3. Some departments may wish to establish blanket orders regarding intoxicant testing of any officer involved in a critical incident.

4. If the employing agency wishes to seek a physiological fluid sample for administrative purposes after the incident investigators have either been unable to obtain a sample or have decided against obtaining one, the employing agency will be accommodated as much as possible. The employing agency's efforts to obtain a sample should not interfere with the incident investigation.

5. An officer may volunteer to provide a physiological fluid sample for intoxicant testing even if the incident investigators and employing agency have not obtained one. Similarly, the officer from whom a sample has been taken by the incident investigators or the employing agency may wish to have a second sample taken for independent testing.

355.9 NEWS MEDIA RELATIONS/PUBLIC INFORMATION OFFICER

While any agency with knowledge of a critical incident cannot be prohibited from making statements to the news media, these guidelines are established:

1. A representative of the investigating agency, which may also be the jurisdictional agency, is in the best position to comment about the facts of the case and the progress of the investigation.

2. Other agencies may also be contacted by the news media for information about an incident.

3. As a reminder the general public will have access to a variety of department communication. (Review number 4 below).

4. It should be noted that all officers are subject to public information requests when utilizing department issued equipment, such as laptops, PDA's, MDC's, cell phones, emails etc.

a. The employing agency

Fewer problems will arise, especially at the early stages of the investigation, if the employing agency limits its comments to the following areas:

(1) The employer-employee relationship

(2) Factual material revealed by the employing agency's own internal investigation of the incident (as opposed to information gained from the incident investigators)

(3) Information which has been cleared for release by the investigating agency

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(4) It shall be the employing agency's responsibility to release the name of the involved employee. This can be accomplished by the investigating agency with the approval from the employing agency.

b. The District Attorney.

c. The Criminalistics Laboratory.

Information released will generally be confined to laboratory procedures including scientific facts, principle, and testing. The results or conclusions of forensic analysis will generally not be released without clearance from the investigating agency.

d. The Sheriff-Coroner's Office.

The Sheriff-Coroner's Office may release information which generally will be limited to the following:

(1) The Coroner's role and responsibilities in the investigation

(2) Date, time, and location of the autopsy, the forensic pathologist's name, and the agency representatives present

(3) Autopsy findings, including the cause, mode, and manner of death, and toxicology test results

5. If incident investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

6. Interruptions of the assignments being carried out by the incident investigators will be minimized if the investigating agency assigns a particular individual (e.g., a "public information officer") to be the sole contact person with the news media. If this is not feasible, a lead investigator or supervisor should be assigned to media relations.

7. Agencies and individuals who are not well informed and intimately involved with the progress of the investigation should not make statements to the news media.

8. As in all law enforcement investigations, care must be taken to ensure that intentionally misleading, en-oneous, or false statements are not made.

9. The interest of the public's right to know what occurred must be balanced with the need to maintain the integrity of the investigation and the right of a defendant to receive a fair trial.

355.10 ACCESS TO REPORTS AND EVIDENCE

Investigative material (e.g., reports, diagrams, photographs, or tape recordings) prepared, created, or collected by the incident investigators, will be made available in a timely manner to those agencies which have a "need to know" and which are legally authorized to receive the information. Agencies which have a "need to know" may include:

1. Investigating agencies

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2. The employer of officers involved in the critical incident
3. The District Attorney
4. The Criminalistics Laboratory
5. The Sheriff-Coroner's Office
6. Other authorized personnel within the chain of command of those agencies which are signatories to this protocol

355.11 PROCESSING OF INVOLVED OFFICER(S)

Each officer involved in the critical incident should be processed in a timely manner according to the investigating and/or employing agency policies and procedures to collect and document forensic evidence necessary for a thorough and complete investigation. An identification technician should be assigned to these and other relevant tasks, including but not limited to, the following:

1. Arrange for the collection of the involved officer's blood/urine sample. This collection may include DNA, buccal swabs and will be on a voluntary basis absent probable cause.
2. Document, photograph, and examine the involved officer's clothing, duty belt, weapon(s), and other equipment that may have been utilized during the incident. Physical collection of these items should be done on a case by case basis as necessary to complete a thorough investigation.
3. When an officer utilized any type of duty weapon that is relevant to this protocol that duty weapon will be released in compliance with California Department of Justice Law Enforcement Gun Release (LEGR) process. The requirement in Section 12021.3 for "any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned to him or her" to submit an approved LEGR, likely does not apply to law enforcement agency that is seeking the return of an agency-owned firearm because an agency is not a person and therefore, cannot be subject to a firearms eligibility determination. If the officer involved shooting involved a firearm that is owned by an individual officer rather than the employing agency a LEGR is required by law.
4. All crime scenes should be identified as soon as possible. Reasonable effort should be made to secure each crime scene with crime scene tape and security personnel. These crime scenes shall comply with jurisdictional agency policy until such a time when the crime scene is turned over to the investigating agency. The investigating agency shall have primary jurisdiction in the processing of each crime scene. The crime scene staff shall work closely with the lead investigator so as to maintain integrity of each crime scene.

To summarize the above, if a firearm is used pursuant to this protocol and is department owned it shall be released to the owner upon release by the District Attorney's Office and the ID until holding the fun. If the weapon used pursuant to this protocol is a personally owned duty weapon the officer is required to go through the above listed DOJ waiting process (12021.3 PC).

Chapter 4 - Field Operations

Racial- or Bias-Based Profiling

400.1 PURPOSE AND SCOPE

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

400.1.1 DEFINITION

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

400.2 POLICY

The practice of racial/bias based profiling is illegal and will not be tolerated by this department (Penal Code § 13519.4(f)).

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

The Shasta County Probation Department will investigate all complaints of alleged racial/bias based profiling complaints against its employees. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy.

Crime And Disaster Scene Integrity

401.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

401.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor or another law enforcement agency who is taking control of the scene.

401.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

- (a) Ensure no suspects are still in the area.
- (b) Broadcast emergency information, including all requests for additional assistance.
- (c) Provide first aid to injured parties if it can be done safely.
- (d) Evacuate the location as required.
- (e) Secure the inner and outer perimeter if needed.
- (f) Protect items of apparent evidentiary value.
- (g) Identify potential witnesses.
- (h) Start a chronological log noting critical times and personnel allowed access.

401.2.2 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

401.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons

Crime And Disaster Scene Integrity

to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

401.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

Hazardous Material Response

402.1 PURPOSE AND SCOPE

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

402.1.1 HAZARDOUS MATERIAL DEFINED

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

402.2 HAZARDOUS MATERIAL RESPONSE

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

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

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

402.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded to the Department Safety Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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

402.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

Response to Suspicious Objects

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist employees of the Shasta County Probation Department in their initial response to suspicious objects. Under no circumstances should these guidelines be interpreted as compromising the safety of employees or the public. When confronted with an incident involving suspicious objects, safety should always be the primary consideration.

403.2 POLICY

It is the policy of the Shasta 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.

403.3 SUSPICIOUS OBJECTS

1. If a suspicious object, package or material is located, delivered and/or left in a building, **DO NOT TOUCH IT; DO NOT MOVE IT. DO NOT USE CELL PHONES OR RADIOS.** In all instances when a suspected object is located, the area in close proximity to the suspicious package is to be cleared of personnel and the public immediately. Notify a supervisor immediately who will then notify SHASCOM and the Chief Probation Officer or designee.
2. No one will be permitted to re-enter the building until clearance is given by the lead law enforcement agency and/or the Incident Commander. The Chief Probation Officer or designee will work with the lead law enforcement agency and/or the Incident Commander and assist in an effort to maintain order and public safety.

403.4 BUILDING RE-ENTRY

1. If a device or other hazardous object or material has not been found after thorough search and a reasonable time has passed, the decision to allow evacuated persons back into the building will be left to the official in charge of the facility after consultation with the lead law enforcement agency and/or Incident Commander.
2. An after action review and critique shall be completed within 24 hours to determine deficiencies and recommend improvements in procedures. The Chief Probation Officer or designee, and the responding agencies should participate in a critique of the incident.

403.4.1 SUSPICIOUS PACKAGE/MAIL CHARACTERISTICS

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words

Response to Suspicious Objects

- Oil stains, discolorations or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope
- Protruding wires or aluminum foil
- Excessive security material such as masking tape, strings, etc.
- Visual Distractions
- Ticking or other noises
- Marked with restrictive endorsements, such as "Personal" or "Confidential"
- Shows a city/state in a postmark that does not match the return address

Cite and Release Policy

404.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

404.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

404.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

404.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

404.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

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404.3.2 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with [Watch Commander] approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed below.

404.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
 1. The Shasta County Probation shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
 1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
 2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.
 3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.
- (j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.)

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the [Watch Commander] for approval and included with the case file in the Records.

404.3.4 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.33, the [Watch Commander] shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record
- (b) The person lacks ties to the area, such as a residence, job, or family
- (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

404.3.5 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

404.4 CITATION RELEASE ON MISDEMEANOR WARRANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence
- (b) The misdemeanor cited in the warrant involves a firearm
- (c) The misdemeanor cited in the warrant involves resisting arrest
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics

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- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

404.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Shasta County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the [Detective Bureau] for further action including diversion.

404.6 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Arrest or Detention of Foreign Nationals

405.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that officers of the Shasta County Probation Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

405.2 POLICY

The Shasta County Probation Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

405.3 CLAIMS OF IMMUNITY

If an officer comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the officer should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

405.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, officers shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members.
 - 2. Diplomatic agents and recognized family members.
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members.
 - 4. Career consular officers, unless the person is the subject of a felony warrant.
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations.
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers.
- (f) Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

405.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

405.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

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Arrest or Detention of Foreign Nationals

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Shasta County Probation Department for investigating and enforcing immigration laws.

406.2 POLICY

It is the policy of the Shasta 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 immigration status.

406.3 U.S IMMIGRATION & CUSTOMS ENFORCEMENT (ICE) HOLDS

The department will comply with the federal district court case of Maria Miranda-Olivares v. Clackamas County. The federal district court ruled:

1. ICE detainer requests are voluntary, not mandatory on local agencies.
2. A detention of the individual in connection with an ICE detainer request must be based on probable cause.

Individuals may only be held on ICE detainers if the detainer is supported by judicial probable cause. Holds without this probable cause will result in a violation of the individual's Fourth Amendment rights and the agency may be held responsible for damages under 42 U.S.C. § 1983.

Field Training and Evaluation Program

407.1 PURPOSE AND SCOPE

The Field Training and Evaluation Program (FTEP) is intended to give the officer/trainee instruction, direct supervision, guidance, and evaluation so that the officer/trainee may develop sound judgment, efficiency, confidence, effective counseling, and officer safety skills.

The FTEP is designed to achieve the following goals:

- To produce a competent Deputy Probation Officer capable of working a field supervision assignment in a safe, productive, and professional manner.
- To provide standardized training to all officers newly assigned to a field supervision caseload.
- To provide clear standards for rating and evaluation and to provide the officers every reasonable opportunity to succeed.
- To enhance the professionalism of Deputy Probation Officers.

407.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in supervising, training and evaluating other probation officers.

407.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

Minimum Qualifications:

- Currently in a classification of Deputy Probation Officer II or higher
- In good standing
- Currently or previously in an active field supervision position
- Minimum of three (3) years of field supervision experience

Ideal Candidate:

- Balance between rehabilitative and law enforcement skills
- Excellent communication skills
- Supports the mission, goals and philosophy of the Department
- Strong interpersonal relations
- Ability to multi-task and manage current workload and FTO assignment
- Have an understanding of and apply the principles of evidenced-based practices

Field Training and Evaluation Program

407.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course as assigned.

407.3 FTEP SUPERVISOR

The FTEP supervisor should be selected from the rank of Supervising Probation Officer or above by the Chief Probation Officer or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTEP supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTEP meetings.
- (c) Ensure FTEP/trainee performance evaluations are completed and maintain evaluation files.
- (d) Maintain and update the FTEP Manual. Issue FTEP manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTEP Program.
- (g) Serve as liaison between Shasta County Probation and FTO coordinators of other agencies.
- (h) Develop ongoing training for FTOs.

The FTEP supervisor will be required to successfully complete a POST approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

407.4 TRAINEE DEFINED

Any Deputy Probation Officer assigned to the FTEP Program who is not an FTO is a trainee. A trainee may be a new officer, tenured officer or lateral transfer.

407.5 REQUIRED TRAINING

Assigned trainees shall be required to successfully complete FTEP, consisting of a minimum of 80 hours.

The training period for a lateral or tenured probation officer may be modified depending on the trainee's demonstrated performance and level of experience.

To the extent practical, all trainees should be assigned to a variety of FTOs, shifts and geographical areas during their Field Training Program.

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Field Training and Evaluation Program

407.5.1 FIELD TRAINING MANUAL

Each trainee will be issued a Field Training/Certification Program Manual and Guide at the beginning of his/her training phase. These provide an outline of the subject matter and/or skills necessary to properly function as an independent officer with the Shasta County Probation Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual and guide.

407.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

407.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- (a) Complete the Daily Observation Report (DOR) and review with the assigned trainee in accordance with procedure.
- (b) Submit the signed DOR to the FTEP Supervisor in accordance with procedure.
- (c) Review the DOR with the trainee each day.
- (d) Sign off all completed topics contained in the Field Training/Certification Guide.

407.6.2 FTEP SUPERVISOR

The FTEP Supervisor will review and approve the DORs submitted by the FTO .

407.6.3 TRAINEE

At the completion of the Field Training and Evaluation Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training and Evaluation Program.

407.7 DOCUMENTATION

All documentation of the Field Training and Evaluation Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports.
- (b) FTEP guide.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

Obtaining Air Support

408.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

408.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

408.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Supervisor will call the closest agency having helicopter support available. The Supervisor will apprise that agency of the specific details of the incident prompting the request.

408.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

Use of Criminal Intelligence Systems

409.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Shasta County Probation Department appropriately utilizes criminal intelligence systems.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

409.2 POLICY

The Shasta County Probation Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

409.3 CRIMINAL INTELLIGENCE SYSTEMS

No department employee may create, submit to or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for overseeing each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Staff 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.

409.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained. Any supporting documentation

Use of Criminal Intelligence Systems

for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained are appropriately marked as intelligence information. These documents may not be purged without the approval of the designated supervisor.

409.3.2 GANG DATABASES

The Chief Probation Officer may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Employees must obtain the requisite training before accessing any such database.

It is the responsibility of the supervisor of any employee who has access into CALGANG to determine whether any report or field interrogation (FI) contains information that would qualify for entry into the database. Prior to designating any person under the age of 18 as a suspected gang member, associate or affiliate in a shared gang database; to submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor (Penal Code § 186.34(b)).

The person or his/her parent or guardian may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department decision within 60 days of receipt of the written documentation contesting the designation (Penal Code § 186.34(c)).

The department shall provide a response to a person or his/her parent or guardian who requests information as to whether a person has been designated as a suspected gang member, associate or affiliate, unless doing so would compromise an active criminal investigation or the health or safety of the minor (Penal Code § 186.34(d)).

The location of the person to be designated shall not be disclosed to the parent or guardian if there is a determination that doing so would compromise an active criminal investigation or the health or safety of the minor (Penal Code § 186.34(e)).

The supervisor should clearly mark the report/FI as gang intelligence information. It is the responsibility of the supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

409.4 TEMPORARY INFORMATION FILE

No employee may create or keep files on individuals that are separate from the approved criminal intelligence system. However, employees may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved

Use of Criminal Intelligence Systems

CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

409.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals, but should be copies of, or references to, retained documents such as copies of reports, field interview forms, records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

409.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

409.5 INFORMATION RECOGNITION

Department employees should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work to train officers to identify information that may be particularly relevant for inclusion.

Use of Criminal Intelligence Systems

409.6 RELEASE OF INFORMATION

Department employees shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department employees and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

Audio/Video Recordings: Criminal, Non-Criminal and Citizen Recordings

410.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of audio/video recording devices by employees of this department while in the performance of their duties in regard to criminal investigations and non-criminal matters. This policy also addresses when an employee is recorded either by audio/video by a citizen. Audio/video recording devices include all recording systems whether body-worn, hand held or integrated into stationary or mobile equipment.

410.2 POLICY

The Shasta County Probation Department may provide officers with access to portable and stationary recorders, either audio or video or both, for use during the performance of their duties. Officers of this department may use a recording device during performance of their duties during a criminal investigation interview as outlined by the law. The use of recorders is intended to enhance the mission of the department by accurately capturing contacts between officers of the department and those we supervise and/or the public.

No officer shall use a recording device without written authorization from the Chief Probation Officer or authorized designee with the following exceptions:

- (a) During a criminal investigation interview as outlined by law.
- (b) As outlined in the Use of Force Policy
- (c) During trainings where the instructor/facilitator has given express permission.
- (d) As a part of training or continuous quality improvement processes where recordings are submitted for review by contracted parties or for the officer to review.

410.3 PRIVACY EXPECTATION

All recordings made by officers acting in their official capacity shall remain the property of the department regardless of whether those recordings were made with department-issued or personally owned recorders. Officers shall have no expectation of privacy or ownership interest in the content of these recordings.

410.4 RESPONSIBILITIES

Prior to any officer taking and/or using a recorder, they shall receive written permission from the Chief Probation Officer or authorized designee. The written permission will be placed in the site file. If the written permission is ongoing, it will be reviewed annually.

Prior to the use of a recording device, an officer shall gain the permission of the person being recorded. An officer will note consent on the recording each time recording is conducted.

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When using a recorder, the assigned officer shall record his/her name, SCPD identification number and the current date and time at the beginning of the recording.

Officers shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the officer deactivated the recording. Officers shall include the reason for deactivation.

410.4.1 SUPERVISOR RESPONSIBILITIES

Supervising Probation Officers shall take custody of a audio/video recording device as soon as possible when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded on a storage device.(Penal Code § 832.18). The storage device shall be stored as outlined in procedures.

The recording shall be kept until the District Attorney's Office releases the evidence and the Chief Probation Officer authorizes the destruction of the recording in writing.

410.5 ACTIVATION OF THE RECORDER

Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the employee that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criteria. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

At no time is an officer expected to jeopardize his/her safety in order to activate a portable recording device or change the recording media. However, the recorder should be activated in situations described above as soon as practical.

410.5.1 SURREPTITIOUS USE OF THE RECORDER

Officers of the department shall not surreptitiously record any conversation.

Officers shall not surreptitiously record another department employee without a court order.

410.5.2 CESSATION OF RECORDING

Once activated, the recorder should remain on continuously until the officer's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Officers shall cease audio/video recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

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410.5.3 EXPLOSIVE DEVICE

Many recorders, including portable, body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

410.6 PROHIBITED USE OF RECORDERS

All officers are prohibited from using personally owned recording devices while on-duty without the express written consent of the Chief Probation Officer or designee. Any officers who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any officer for the purpose of embarrassment, intimidation or ridicule. Recordings shall not be used for any other purpose than the intended use, (i.e., training, coaching, etc.) without expressed written permission from the Chief Probation Officer or designee. Offices shall not make personal copies of any recording without express written permission from the Chief Probation Officer or designee.

410.7 RETENTION OF RECORDINGS

Any time an officer records any portion of a contact that the officer reasonably believes constitutes evidence in a criminal case, the officer shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers shall occur at the end of the officer's shift, or any time the storage capacity is nearing its limit.

Any time an officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the officer shall promptly notify a supervisor of the existence of the recording.

Recordings of the following shall be kept for a minimum of two years (Penal Code § 832.18)

- (a) Incident involving use of force by an officer
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an officer or the Shasta County Probation Department

Recordings containing evidence that may be relevant to a criminal prosecution shall be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings shall be retained permanently (Penal Code § 832.18).

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410.8 REVIEW OF RECORDINGS

When preparing written reports, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors shall receive expressed written permission from their Division Director to review relevant recordings any time they are making inquiries concerning alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the Officer's performance.

Recorded files may also be reviewed:

- (a) Upon written approval by a Division Director, Assistant Chief or Chief Probation Officer, by any officer of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief Probation Officer or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Assistant Chief Probation Officer prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

410.9 DISCLOSURE OF VIDEO AND/OR AUDIO RECORDINGS

- A. This policy does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording.
 1. An agency shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording (Government Code Section 6254.4.5 (a) & Senate Bill 459).
 2. When balancing the public interests as required by this section, an agency shall consider both of the following:
 - (a) The constitutional right to privacy of the person or persons depicted in the recording.
 - (b) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images

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showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being able to fully and accurately perceive the events captured on the recording. The recording shall not otherwise be edited or altered.

3. A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 6254.5.
4. Nothing in this section shall be construed to affect any other exemption provided by this chapter.

410.10 AN EMPLOYEE IS RECORDED BY AUDIO/VIDEO BY A CITIZEN

At any a given time, a citizen may use a an audio/video recording device to capture probation staff conducting field duties. If this occurs and when reasonable, the officer is to immediately report this recording to the Assistant Chief Probation Officer.

Medical Marijuana

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees of this department with guidelines to ensure compliance with state and local guidelines.

411.2 POLICY

It is the policy of the Shasta County Probation Department to comply with all state regulation and laws and local ordinances.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

California medical marijuana laws however do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Shasta County Probation Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

All Probation Department employees shall comply with California Health and Safety Code Section 11362.5. et seq., and Shasta County Medical Marijuana Inter-Agency Guidelines.

411.3 PROCEDURE

Pursuant to California Health and Safety Code Section 11362.795, while a defendant is being supervised under formal probation, mandatory supervision and/or post release community supervision, the officer may request a modification of the conditions of supervision to authorize the use of medical marijuana, if a physician recommends that a person under supervision use medical marijuana.

Those under formal probation and mandatory supervision may only use medical marijuana when they are granted permission from the Court. The Division Director will approve modifications of conditions of post release community supervision.

If someone under supervision has not obtained a modification of their conditions of supervision to authorize use of marijuana and is found in possession of marijuana or to have used marijuana, the officer will treat the possession or use of marijuana as a violation of their grant of supervision.

411.4 TREATMENT

The goal of treatment is to improve the offender/youth's quality of life, increase self-sufficiency, and to promote health by addressing substance abuse (sobriety and relapse prevention) as well as physical and mental health and reducing criminality through supervision and the monitoring of non-compliance. The use of medical marijuana affects the ability to participate in treatment and support long-term change.

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This department supports the individual policy of the various treatment providers in creating a drug-free environment and program. The use of medical marijuana by offenders/youth while in treatment will be addressed on a case-by-case basis in conjunction with the treatment provider.

Foot Pursuits

412.1 PURPOSE AND SCOPE

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

412.1.1 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect/offender is rarely more important than the safety of the public and department personnel.

412.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit; however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area
- (b) Canine search
- (c) Saturation of the area with patrol personnel

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- (d) Aerial support
- (e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

412.3 GUIDELINES FOR FOOT PURSUIT

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

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with Dispatch or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

412.4 RESPONSIBILITIES IN FOOT PURSUITS

412.4.1 INITIATING OFFICER DEPUTY RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practical, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practical and available:

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

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

412.4.2 ASSISTING OFFICER DEPUTY RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

412.5 REPORTING

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

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

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

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

Homeless Persons

413.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Shasta County Probation Department recognizes that members of the homeless community are often in need of special protection and services. The Shasta County Probation Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

413.1.1 POLICY

It is the policy of the Shasta County Probation Department to provide enforcement and rehabilitative services to all offenders under our supervision, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or enforcement action.

413.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for rehabilitative purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity or a violation of an offender's conditions of supervision. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

413.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.

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- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with Policy § 326.
- (f) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

413.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. If the officer deems appropriate, personal property may be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should contact the local law enforcement agency with jurisdiction over the location if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of that agency to determine if enforcement actions will occur.

413.4 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Ride-Along

414.1 PURPOSE AND SCOPE

The Ride-Along Program is designed to allow interested citizens to become familiar with the Probation Department, its functions, and its responsibilities in the community.

414.2 POLICY

Citizens shall be permitted to participate in the Ride-Along Program only after completion of a ride-along application/waiver and approval of the Ride-Along Supervisor. The signed application/waiver shall be turned into the supervision unit supervisor before the participant rides.

Ride-Along Coordinator will be designated by the Assistant Chief Probation Officer. The Supervisor shall:

- A. Ensure that all scheduled riders are paired with a seasoned field Supervision officer.
- B. Ensure that no more than one rider will be allowed per day. However, the supervisor may allow more, at his/her discretion, when special circumstances dictate.
- C. Ensure that the completed application/waiver is placed in the historical file for two years.

414.3 PROGRAM REQUIREMENTS

1. Any interested citizen, 16 years or older, may apply as follows:

- A. An application/waiver may be obtained at the front counter of any division of the Department.
- B. Complete and submit the application/waiver, which will be forwarded to the Supervisor.
- C. Citizens shall participate in no more than one, four hour, ride-along within a six-month period.
- D. Citizens shall satisfactorily pass a records check and warrant check, including a criminal history via the California Department of Justice and the Federal Bureau of Investigations records.
- E. Whenever possible all riders shall stay within or at the probation vehicle until high risk situations are stabilized.
- F. Riders are prohibited from possessing any type of weapon. This includes firearms, chemical agents, knives, stun-guns, or any weapon deemed inappropriate by the supervision unit supervisor (see Section 8 for exceptions).
- G. Attire for riders shall conform to acceptable standards. The wearing of shorts, tank tops, or other exceptionally informal or provocative attire is prohibited. Shoes shall be worn. Reasonable dress for males shall consist of a sport-shirt with collar and long pants. For females, a dress, skirt and blouse, or long pants and blouse are appropriate.
- H. An officer assigned a rider has the responsibility to act with due care and shall make every effort to prevent the rider from being placed in a position of danger. In the event the officer elects to leave

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the rider in an “open” public location while enroute to a dangerous call, the officer is responsible for making arrangements to have the rider picked up as soon as possible.

2. Local law enforcement agency cadets, explorers, chaplains, and employees are exempt from the conditions of section #1 and are not required to complete ride-along applications/waivers.

3. The wearing of body armor is prohibited by ride-alongs.

4. After meeting the requirements of Section #1, the Ride-Along Coordinator shall:

A. Contact the applicant and schedule the ride or inform the applicant he/she will not be allowed to participate.

B. Enter the applicant’s name, assigned date, and time on the ride-along calendar.

C. Enter the date and time on the application/waiver and forward it to the appropriate supervision unit supervisor.

5. Clerical personnel shall advise the supervision unit supervisor of the arrival of a scheduled rider.

6. If an officer, relative, or friend from wishes to participate in the Ride-Along Program, the supervision unit supervisor may schedule a ride-along after seeking permission from the respective Division Director. No officer shall be in the field concurrently with their realtive, friend or significant other. Riders falling under this category must complete and sign an application/waiver and may not ride more than once during a four-month shift rotation. Previously scheduled riders shall not be canceled to accommodate an unscheduled rider.

The Division Director or, in his/her absence, the supervision unit supervisor shall have the final authority in canceling or discontinuing any ride-along.

7. No Ride-Along Program participant shall be allowed to otherwise accompany a Shasta County Deputy Probation Officer in a search of a suspect’s home or vehicle, unless that participant has a direct police function, such as the purpose of identifying stolen property belonging to the participant.

8. Only sworn peace officers authorized by their employing agency to carry firearms off-duty may possess a firearm during a ride-along.

A. Sworn peace officer riders will comply with the ride-along dress code. (see Section 1G).

B. Information will be given out to all probation officers participating in field work as well as our local dispatch agency whenever there is an armed rider. This information will include which officer the rider is with and a clothing description of the rider.

C. Armed ride-along officers should never be assigned to cover or assist in any way unless their own safety or the safety of other officers is in jeopardy.

D. Armed ride-along officers should never take the place of back-up from other law enforcement units.

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E. Armed ride along officers' firearms shall be carried concealed on their persons or in a device similar to a fanny pack.

9. All ride-along participants will be required to display a ride-along identification card . The supervision unit supervisor will issue the ride-along ID card to the rider at the beginning of the ride-along and ensure the ride-along ID card is returned at the conclusion of the ride-along. The ride-along ID card number will be recorded on the rider application/waiver in the upper right hand corner. The ID card is not required for Shasta County Probation Department employees or uniformed officers, chaplains, explorers, or volunteers.

First Amendment Assemblies

415.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

415.2 POLICY

The Shasta County Probation Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

415.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech
- Civil disobedience (typically involving minor criminal acts)
- Rioting

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants
- (b) Harass, confront or intimidate participants
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest

Supervisors should continually observe department employees under their commands to ensure that employees' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

415.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

Medical Aid and Response

416.1 PURPOSE AND SCOPE

This policy recognizes that employees often encounter persons who appear to be in need of medical aid and establishes a response to such situations.

416.2 POLICY

It is the policy of the Shasta County Probation Department that all officers and other designated staff be trained to provide initial medical aid and to facilitate an emergency medical response.

416.3 FIRST RESPONDING EMPLOYEE RESPONSIBILITIES

Whenever practical, employees should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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 employee can safely do so.

Prior to initiating medical aid, the employee should contact SHASCOM or call 911 and request response by emergency medical services (EMS) as the employee deems appropriate.

Employees should obtain consent to provide care. Employees should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Employees should use a breathing barrier to perform rescue breathing.

When requesting EMS, the employee should provide SHASCOM with 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 employee.
 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.

Employees should stabilize the scene whenever practical while awaiting the arrival of EMS.

Employees should not direct EMS personnel whether to transport the person for treatment.

Medical Aid and Response

416.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, employees 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.

Employees should not provide emergency escort for medical transport or civilian vehicles.

416.5 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 care or be transported. However, employees may assist EMS personnel when EMS personnel determine the person lacks 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 Crisis Intervention Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she 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 who is in custody 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.

Employees shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

416.6 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 Techniques policies.

416.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Medical Aid and Response

416.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An employee 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).

416.8.1 AED USER RESPONSIBILITY

All AEDs should be inspected quarterly for functionality by the department Safety Representative or designee. Maintenance and battery replacement should follow manufactures guidelines. Any AED that is not functioning properly will be taken out of service and given to the department safety representative who is responsible for insuring 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 employee who uses an AED should contact the department Safety Representative and County Risk Management as soon as possible.

416.8.2 AED REPORTING

Any employee using an AED will complete an incident report detailing its use.

416.8.3 AED TRAINING AND MAINTENANCE

The Training Coordinator should ensure appropriate training and refresher training is provided to employees authorized to use an AED. A list of authorized employees and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Safety Representative 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).

416.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should transport the arrestee to a hospital to obtain medical clearance.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

Medical Aid and Response

416.10 FIRST AID TRAINING

The Training Coordinator should ensure employees receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

416.11 NALOXONE

Naloxone can be used to help reduce mortality associated with opioid overdose. An employee may administer naloxone in line with their training on any individual as they deem necessary. The employee shall contact dispatch or call 911 immediately to obtain trained medical response. Any employee deploying naloxone will complete an incident report.

Crisis Intervention Incidents

417.1 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.

417.1.1 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 his/her 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; non-compliance 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.

417.2 POLICY

The Shasta 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 employees' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

417.3 SIGNS

Employees 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, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Employees should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

417.4 FIRST RESPONDERS

Safety is a priority for first responders. 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 alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving 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 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) To check our case management system for caseload, person alert, or case notes that indicate mental health issues.
- (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 his/her 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.
- (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.

417.5 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.

Crisis Intervention Incidents

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding employees should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

417.6 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

417.7 SUPERVISOR NOTIFICATION

The officer involved should notify their direct supervisor of the incident as soon as feasible.

Crisis Intervention Incidents

417.8 INCIDENT REPORTING

Employees 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.

Employees 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.

417.8.1 DIVERSION

Individuals who are not being arrested may be processed pursuant to Section 5150 of the Welfare and Institutions Code. Officers considering this action should first staff the case with a supervisor and/or Division Director for prior approval.

417.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn employees may be required to interact with persons in crisis in an administrative capacity

- (a) Employees should treat all individuals equally and with dignity and respect.
- (b) If an employee believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Employees should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the employee feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the employee to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

417.10 TRAINING

The Department will provide comprehensive education and training to all department officers and probation assistants to enable them to effectively interact with persons in crisis, such as Mental Health First Aid, Crisis Intervention Training, and/or suicide prevention training.

IMMIGRATION REPORTING AND INFORMATION SHARING PRACTICES

419.1 PURPOSE AND SCOPE

The purpose of this policy is to memorialize the Shasta County Probation Department's immigration reporting and information sharing practices in accordance with the TRUST Act (AB 4; Government Code Sections 7282- 7282.5), the TRUTH Act (AB 2792; Government Code Section 7283), the California Values Act (Senate Bill 54), and 8 USC Section 1373, and 8 USC 1644.

419.2 POLICY

419.2.1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) HOLDS

As required by the California Values Act (Senate Bill 54), the Shasta County Probation Department shall not detain an individual on the basis of a hold request, Government Code Section 7284.6(a)(1)(B).

A "hold request" is defined as a request from immigration authorities "that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate a transfer" to immigration authorities, Government Code Section 7283(b).

419.3 ADULTS/YOUTH UNDER PROBATION SUPERVISION

As required by the California Values Act, the department shall not use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, Government Code Section 7284.6(a)(1).

The Shasta County Probation Department will comply with all restrictions outlined in Government Code Section 7284.6. In particular, the Shasta County Probation Department shall not:

1. Inquire into an individual's immigration status, Government Code Section 7284.6(a)(1)(A).
2. Make or intentionally participate in arrests based on civil immigration warrants, Government Code Section 7284.6(a)(1)(E).
3. Perform the functions of an immigration officer.
4. Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody, Government Code Section 7284.6(a)(5).
5. Provide office space exclusively dedicated for immigration authorities for use within a county law enforcement facility, Government Code Section 7284.6(a)(5).

The law establishes exemptions from the above restrictions. If an officer requires further direction, they shall immediately contact the Chief Probation Officer or Assistant Chief Probation Officer for further direction.

IMMIGRATION REPORTING AND INFORMATION SHARING PRACTICES

The Juvenile Rehabilitation Facility (JRF) and Juvenile Probation shall make available materials containing information regarding immigrants' rights, including information regarding resources and referral information for legal assistance regarding their rights, removal proceedings, and obtaining citizenship. Resources can be found online at [Citizenship Resource Center](#). All youth detained in the JRF desiring services from the above listed resources shall be allowed a supervised phone call to the resource. The supervised phone call shall be made at a time workable for the supervising staff.

419.4 SHARING INFORMATION WITH IMMIGRATION AUTHORITIES

As required by the California Values Act (SB 54), the Shasta County Probation Department shall not:

1. Provide to immigration authorities personal information about an individual unless that information is available to the public. "Personal information" means any information maintained by the Probation Department that identifies or describes an individual including, but no limited to, his or her name when linked to other information that identifies or describes the person, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It also includes statements made by, or attributed to, the individual.
2. Provide to immigration authorities information regarding a person's release date or respond to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Government Code Section 7282.5.

The decision to report personal information or release dates concerning a youth or adult to immigration will only occur if, in the judgment of the Chief Probation Officer or Assistant Chief Probation Officer, the decision falls within the guidelines stated above.

Nothing in this policy prohibits or restricts the sending to, or receiving from, immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual or from requesting from immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity pursuant to 8 USC Section 1373 and 8 USC 1644.

419.5 PROCEDURES FOR ICE INTERVIEWS AT THE JRF

Before an individual in custody at the JRF is made available for an interview with ICE (whether in person or by phone) for questioning:

- The individual must be given a copy of the attached written consent form (***Consent Form for Immigrations and Customs Enforcement (ICE) Interview***), which explains that the purpose of the interview is to investigate potential immigration violations, that the interview is voluntary, and that he or she may decline to be interviewed and/or may choose to be interviewed only with his or her attorney present.

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- The consent form shall be provided in the individual's preferred language, as indicated by the individual.
- The individual may indicate whether he or she consents to the interview by marking the form.
- If the individual does not affirmatively consent to the interview by signing the form, the individual shall not be made available for an ICE interview.
- If the individual indicates that he or she is only willing to speak to ICE with an attorney present, the individual shall not be made available for an interview until ICE has scheduled a meeting with the individual's attorney, and the attorney is present.
- The officer must also sign and date the form, indicating that it has been provided to the individual in his or her preferred language and when this occurred.

419.5.1 TRANSFERRING AN INDIVIDUAL TO IMMIGRATION AUTHORITIES

The California Values Act prohibits the Shasta County Probation Department from transferring an individual to immigration authorities unless (1) authorized by a judicial warrant or a judicial probable cause determination, or (2) in accordance with Government Code Section 7282.5.

A "judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

A "Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists, that an individual has violated federal criminal immigration law, and that authorizes a law enforcement officer to arrest and take into custody the individual.

In the absence of a "judicial warrant" or "judicial probable cause determination," a county law enforcement agency may only transfer an individual to immigration authorities under the following circumstances as outlined in Government Code Section 7282.5:

1. The individual has been convicted for specified offenses, as stated in Government Code Section [7282.5\(a\)\(1\),\(2\),\(3\),\(5\), & \(6\)](#).
2. The individual is a current registrant on the California Sex and Arson Registry, Government Code Section [7282.5\(a\)\(4\)](#).
3. The individual is the subject of an outstanding felony federal arrest warrant, Government Code Section [7282.5\(a\)\(5\)](#).

419.6 PROVIDING NOTICE TO AN INDIVIDUAL

Upon receiving a hold, notification, or transfer request from ICE, a copy of the document will be given to a Probation Department representative who will take the following steps:

- The identified individual shall promptly be given a copy of the request sent by ICE.

IMMIGRATION REPORTING AND INFORMATION SHARING PRACTICES

- The identified individual shall be given a copy of the form, titled ***Immigration and Customs Enforcement Request***, indicating whether the Probation Department intends to comply with the request. Any decision to comply shall be made in accordance with Probation Department policy, Welfare and Institutions Code Section 707(b), the California TRUST Act, Government Code Sections 7282- 7282.5, and the California Trust Act. If a decision has not yet been made regarding compliance with the request, the individual will be informed that a decision is pending; notified of a timeline for an expected decision; and the criteria that will be used in making the decision.
- If the Probation Department intends to comply with an ICE notification request (I-247N or other such form), or has not yet made a decision about compliance, the individual shall be given the opportunity to provide contact information for his or her attorney or any other individual the inmate chooses to designate. The information will be recorded on the bottom portion of the ***Immigration and Customs Enforcement Request*** form.
- If the Probation Department notifies ICE that an individual is being, or will be, released on a certain date and time, the Probation Department shall promptly provide the same notice, using the form titled ***Immigrations and Customs Enforcement Notified of Your Release***, to the individual. The Probation Department shall also notify the individual's attorney or other designee, using the contact information provided by the individual. If notification to the attorney or designee is provided by phone, the Probation Department shall subsequently provide, by email, the attorney or designee with a written copy of the notice given to the individual.

Copies of all documents will be included in the case file.

A “hold” request means a request from immigration authorities to maintain custody of an individual beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to immigration authorities.

A “notification” request means a request from immigration authorities to inform immigration authorities of the release date and time in advance of the public of an individual in custody.

A “transfer request” means a request from immigration authorities facilitate the transfer of an individual in custody to immigration authorities.

419.7 PUBLIC ACCESS TO RECORDS

Upon receiving any request pursuant to the California Public Records Act, Government Code Sections 6250- 6276.48 for information related to ICE's access to individuals, responsive records shall be produced consistent with the Act's requirements.

419.8 DATA TO BE PROVIDED TO THE SHASTA COUNTY BOARD OF SUPERVISORS ANNUALLY

Commencing January 1, 2018, the local governing body of Shasta County in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment.

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As part of this forum, the local law enforcement agency shall provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means. Data may be provided in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

Arrest

421.1 PURPOSE AND SCOPE

This policy establishes guidelines and provides information to officers relative to the authority to arrest. It is understood that this policy cannot address every variable or circumstance that can arise during an arrest as this task can involve rapidly evolving and unique circumstances.

421.2 ARREST AUTHORITY

Per Section 830.5 of the California Penal Code, all probation officers and juvenile detention officers, as peace officers, have the authority to arrest while in the performance of their duties. Arrest authority extends beyond those under the supervision of the probation department. All arrests should be made in accordance with controlling legal authority.

Arrest authority is granted only to those officers who have successfully completed a course of training in compliance with Section 832 of the California Penal Code.

421.2.1 JUVENILE DETENTION OFFICERS

Juvenile Detention Officers are limited to affecting arrests during scheduled duty hours or with prior permission from a supervisor.

421.2.2 PROBATION OFFICERS

Probation officers may place themselves on duty to effect an arrest of a probationer known to be "at large" or when witnessed by the officer to be in violation of their probation terms. Officers may proceed with this course when it is reasonably safe and only after consideration has been given to equipment, environment, and the availability of backup. It is also permissible for an officer to temporarily detain a subject while contacting the appropriate law enforcement agency to request assistance with arrest and transportation for booking.

421.3 AFFECTING ARRESTS

When making an arrest in the community, officers should be accompanied by at least one other probation officer. Consideration of circumstances should always dictate where it is reasonably safe to proceed with an arrest and whether the assistance of additional officers or another law enforcement agency is prudent.

When making an arrest in the office, officers will inform other nearby probation officers and staff in order to create awareness and to provide assistance if necessary.

All planned arrests will be staffed with a supervisor or an officer in charge. All information about the offender's residence, previous history, risk level, and potential concerns shall be discussed with all assisting officers prior to affecting an arrest.

If prior to or during an arrest an officer perceives an unsafe situation, the officer may disengage from the situation and pursue an alternate course of action, such as requesting backup or seeking a warrant.

Arrest

Section 625.6 of the Welfare and Institutions Code requires that any youth 15 years of age or younger, must consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any rights. Officers shall comply with the law and document all actions in an Investigative/Offense report.

An arrested person should be advised of the Miranda warning and shall be advised of the Miranda warning prior to questioning. The Fifth Amendment privilege against self-incrimination provides that a person detained and interrogated must be made aware of his/her rights (See *Miranda v. Arizona*, 384 US 436 (1966)) Officers should reference their District Attorney issued Miranda card.

Without a Miranda warning or a valid waiver, statements might be inadmissible at trial under the exclusionary rule (e.g., they cannot be used as substantive evidence of guilt in criminal proceedings).

421.4 WARRANTS

Peace officers come into contact with individuals on a regular basis who have an active warrant for their arrest. Prior to arresting an individual on a warrant, the warrant must be confirmed. Officers shall determine the level of assistance necessary to safely effect the arrest. All planned arrests on warrants shall be staffed with a supervisor or the officer in charge.

All offenders under probation supervision have specific conditions of supervision. Should an offender fail to comply with any term of supervision and his/her whereabouts are unknown, a request for a warrant shall be made via a petition filed with the Court.

At times, warrants are requested by outside agencies and active warrants occur for those under our supervision. The local case management system shall be reviewed for active warrants on offenders under supervision according to the supervision standards.

421.5 SEARCHING AFTER ARREST

An officer should conduct a search of a youth/offender immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practical, a search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

All searches shall be conducted with concern for safety, dignity, courtesy, and respect for privacy and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

Chapter 5 - Investigation Operations

Brady Material Disclosure

505.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

505.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the Shasta County Probation Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

505.2 POLICY

The Shasta County Probation Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Shasta County Probation Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

505.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer must prepare and submit a supplemental report documenting such information as soon as practical. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Brady Material Disclosure

505.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of an employee of this department who is a material witness in a criminal case, the following procedure shall apply:

- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any employee who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Assistant Chief Probation Officer should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

505.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that an employee may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

505.6 TRAINING

Department employees should receive periodic training on the requirements of this policy.

Chapter 5 - Equipment

Department Owned and Personal Property

500.1 PURPOSE AND SCOPE

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

500.2 CARE OF DEPARTMENTAL PROPERTY

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

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

500.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the Personal Property Claim Form to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

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

Department Owned and Personal Property

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

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required to perform assigned duties.

500.3.1 REPORTING REQUIREMENT

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

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

500.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

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

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

500.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

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

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

Personal Communication Devices

501.1 PURPOSE AND SCOPE

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

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.

501.2 POLICY

The Shasta County Probation Department allows employees to utilize department-issued 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, employees 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 employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

501.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office 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).

501.4 DEPARTMENT-ISSUED PCD

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

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Unless a employee is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

501.5 PERSONALLY OWNED PCD

Employees 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 employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (e) The device shall not be utilized to record or disclose any 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 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, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees 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 employee's personally owned PCD should be transferred to the Shasta County Probation and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's shift.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a employee is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-

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related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

501.6 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 shall be set to silent or vibrate mode while in meetings, court, or training.
- (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). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees 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) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording 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) Employees will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

501.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that employees 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 employee 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 employee's personally owned device, supervisors should consult with the Chief Probation Officer or the authorized designee.

Personal Communication Devices

501.8 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, non-sworn employees who are operating department vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

501.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

502.1 PURPOSE AND SCOPE

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

502.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. The employee who first becomes aware of the defective condition shall promptly notify Fleet Management.

502.3 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving department vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized locations.

502.4 WASHING OF VEHICLES

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of each use of the vehicle. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

Vehicle Use

503.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for use of department vehicles and follows the Shasta County Vehicle Operations Policy as included in the Shasta County Personnel Rules.

503.2 POLICY

The Shasta County Probation Department provides vehicles which must only be used for official department-related business.

503.3 USE OF VEHICLES

503.3.1 INSPECTIONS

Employees 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 use of the vehicle. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any offender, the transporting employee shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

503.3.2 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Employees shall ensure all weapons are secured while the vehicle is unattended.

503.3.3 VEHICLE LOCATION SYSTEM

Any department 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

Vehicle Use

other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. At the start of each shift, employees shall verify that the system is on and report any malfunctions to their supervisor. If the employee finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Director approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

503.3.4 AUTHORIZED PASSENGERS

Employees operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy or with permission from the Chief Probation Officer.

503.3.5 ALCOHOL

Employees who have consumed alcohol are prohibited from operating any department vehicle. Regardless of assignment, employees may not violate state law regarding vehicle operation while intoxicated.

503.3.6 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, employees driving department vehicles should obey all parking regulations at all times.

503.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without permission from the Chief Probation Officer or the authorized designee.

503.4 INDIVIDUAL EMPLOYEE ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual employees at the discretion of the Chief Probation Officer. Assigned vehicles may be changed at any time.

The assignment of vehicles may be suspended when the employee is unable to perform his/her regular assignment.

503.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the employee's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department employees at the discretion of the Chief Probation Officer or the authorized designee.

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503.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by employees to commute to and from a work assignment. Employees may take home department vehicles only with prior approval of a Division Director and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) Off-street parking will be available at the member's residence.
- (d) Vehicles will be locked when not attended.
- (e) 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.

503.4.3 ASSIGNED VEHICLES

Employees 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.

- (a) 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., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (b) The employee is responsible for the care and maintenance of the vehicle.

503.4.4 MAINTENANCE

Employees are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Fleet Management. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Employees shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the employee's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance shall be performed as necessary at a facility approved by Fleet Management.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) All weapons shall be removed from any vehicle left for maintenance.

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- (f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with this policy.

503.5 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor. The involved employee shall also call Risk Management's 24-hour telephone number at 245-6010 to report his/her name, department, date, time and place of the accident as well as the name, address and telephone number of the other party involved. The employee shall not discuss the accident with the driver of any other vehicle(s) involved in the accident, or with anyone else other than the police, their supervisor, County Counsel, and the Risk Management Unit. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Division Director. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

503.6 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all employees operating department vehicles on a toll road shall adhere to the following:

- (a) Employees operating department vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Employees may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

Cash Handling, Security and Management

504.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department employees handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

504.2 POLICY

It is the policy of the Shasta County Probation Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

504.3 PETTY CASH FUNDS

The Chief Fiscal Officer shall designate a person as the fund custodian responsible for maintaining and managing the petty cash fund.

Each petty cash fund shall be maintained as prescribed in the Shasta County Auditor Accounting Procedures.

504.4 PETTY CASH TRANSACTIONS

The fund custodian shall document all transactions using the voucher form provided by the Shasta County Auditor's Office. Each person participating in the transaction shall sign or otherwise validate the voucher attesting to its accuracy. Transactions must include the filing of an appropriate receipt.

504.5 PETTY CASH RECONCILIATION

The fund custodian shall perform a reconciliation no less than once every month. This reconciliation requires that the fund custodian and at least one other staff member review the vouchers and verify the accuracy of the accounting. The fund custodian and the participating employee shall sign or otherwise validate the reconciliation attesting to the accuracy of all documentation and fund accounting. A discrepancy in the reconciliation requires documentation by those performing the reconciliation and an immediate reporting of the discrepancy to the Chief Fiscal Officer

Transference of fund management to another member shall require the petty cash be reconciled and replenished.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Shasta County Auditor's Office.

Cash Handling, Security and Management

504.6 ROUTINE CASH HANDLING

Employees who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

504.7 OTHER CASH HANDLING

Employees of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practical, verify the amount, summon another employee to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each employee involved in this process shall complete an appropriate report or record entry.

Chapter 6 - Support Services

Investigative/Offense Report Maintenance Procedures

600.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance and storage of department authored Investigative/Offense Reports.

600.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Administration Division by administrative personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 001 starting at midnight on the first day of January of each year. As an example, case number YY-001 would be the first new case beginning January 1 of a new year.

600.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Administration Division accessible only to authorized personnel.

Shasta County Probation Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

600.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Administration Division. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Assistant Chief Probation Officer. All original reports removed from the Administration Division shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Administration Division.

600.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Shasta County Probation Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the respective Division Director. The Division Director should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Division Director should forward the petition to County Counsel for review. After such review

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and consultation with County Counsel, the Division Director shall consult with the Assistant Chief Probation Officer to decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Division Director shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Division Director should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

Records Maintenance and Release

601.1 PURPOSE AND SCOPE

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

601.2 POLICY

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

601.2.1 PROCESSING REQUESTS

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

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief Probation Officer or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).

(b) In accordance with the California Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request. Requests by elected officials for records that are not open to public inspection should be referred to the Assistant Chief Probation Officer for a determination as to whether the records will be released.

601.2.2 DISCLOSURE OF VIDEO AND/OR AUDIO RECORDINGS

This policy does not require disclosure of a video or audio recording that was create during the commission or investigation of the crime of rape, incest, sexual assault domestic violence, or child abuse that depicts the face, intimate body part, or voice o ra victim of the incident depicted in the recording.

An agency shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording (Government Code Section 6254.4.5 (a) & Senate Bill 459).

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When balancing the public interests as required by this section, an agency shall consider both of the following:

- (a) The constitutional right to privacy of the person or persons depicted in the recording.

- (b) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being able to fully and accurately perceive the events captured on the recording.
The recording shall not otherwise be edited or altered.

A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 6254.5.

Nothing in this section shall be construed to affect any other exemption provided by this chapter.

601.3 REPORT RELEASE RESTRICTIONS

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

601.3.1 ADULT PROBATION FILES

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

601.3.2 ADULT PROBATION REPORTS

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

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

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

601.3.3 JUVENILE PROBATION REPORTS

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

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

601.3.4 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254((c); Penal Code § 832.7; Penal Code § 832.8).

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

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

601.4 OTHER RECORDS

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

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

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601.4.1 PERSONAL IDENTIFYING INFORMATION

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

601.4.2 PROCESSING REQUESTS FROM THE PUBLIC

All department employees who receive a request for records shall route that request to the Assistant Chief Probation Officer or authorized designee.

601.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

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

601.6 RELEASE OF INFORMATION TO CRIME VICTIMS

Crime Victims have a constitutional right to be included in the Court process as their case is being adjudicated. Probation Officers have certain statutory obligations in felony cases to notify victims of their right to appear at Sentencing Hearings, their right to make a statement to the Court, the right to restitution and/or civil recovery for losses, and the right to review the recommendation of the Probation Officer.

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

601.7 RELEASE OF INFORMATION DURING FIELD CONTACTS

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

The key element for field officers is to properly identify themselves and the scope of their duties in making the field contact. In this context, the release of information would be limited to the

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establishment of probation jurisdiction and not for a specific release of Criminal Offender Record Information.

601.8 RELEASE OF INFORMATION DURING TELEPHONE CALLS

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

This does not preclude the officer from receiving information from the caller regarding an offender. It is important that the probation officer take the call seriously even if the caller does not want to be identified. The officer is to document the information received and then investigate. This may include conducting a search, drug testing an offender, interviewing witnesses, etc. Gathering information regarding the behavior of an offender from a caller is not an issue as long as the officer does not discuss the case or provide confidential information to the caller.

601.9 RELEASE OF INFORMATION - DUTY TO WARN

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

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

601.10 RELEASE OF INFORMATION WITH A SIGNED WAIVER

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

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

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

Protected Information

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by employees of the Shasta County Probation Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by employees of the Shasta County Probation Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

602.2 POLICY

Employees of the Shasta 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.

602.3 RESPONSIBILITIES

The Chief Probation Officer shall select an employee of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring employee 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 Vehicle (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.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

602.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Shasta County Probation Department policy or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee 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 an employee to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

602.4.1 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).

602.5 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.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor 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 other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to officers in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department employees or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

Protected Information

602.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

602.6 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select an employee 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.

602.6.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are 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).

602.7 TRAINING

All employees 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.

602.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Employees 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).

Jeanne Clery Campus Security Act

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this [department/office] fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

604.2 POLICY

The Shasta County Probation Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Shasta County Probation Department facility. Reports will be accepted anonymously, by phone or via email. All reports will be forwarded to the applicable law enforcement agency for review. All matters where offenders under the supervision of the Shasta County Probation Department are involved will require the assigned staff to work with the applicable investigating agency on an as needed basis.

Destruction of Probation Files

606.1 POLICY

Probation files may be destroyed five years after the Probation Department has closed its interest in the case. However, portions of the probation files are scanned into the probation case management system and are generally kept for longer than the prescribed time frame.

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

Adult files - PC 1203.7 (c) and PC 1203.10 "...Five years after termination of probation in any case subject to this section, the probation officer may destroy any records and papers in his or her possession relating to such case."

Juvenile files - W&I 826 (a) "After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the probation officer may destroy all records and papers in the proceedings concerning the minor."

606.2 EXCEPTIONS

The exceptions to this policy are as follows:

1. Any probation files containing any information regarding convictions of Penal Code Section 187 will be maintained by the Probation Department.
2. Juvenile probation files which have been ordered sealed by the court shall be destroyed upon the juvenile turning eighteen years of age.

Chapter 7 - Personnel

Recruitment and Selection

700.1 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 Shasta County and that are promulgated and maintained by the Support Services.

700.2 POLICY

In accordance with applicable federal, state, and local law, the Shasta County Probation 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/Office] does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The [Department/Office] 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.

700.3 RECRUITMENT

The department 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) Consideration of shared or collaborative regional testing processes.

The department 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 his/her status in the recruiting process.

700.4 SELECTION PROCESS

The department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the department

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should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
- (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) Computer Voice Stress Analyzer (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

700.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her 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 Shasta County Probation Department (11 CCR 1953).

700.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

700.5.2 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 to the applicant (Penal Code § 11105).

700.5.3 DISCLOSURE OF INFORMATION

Government Code Section 1031.1 allows for the disclosure of certain information relating to a current or former employee who is an applicant for a position other than a sworn peace officer with a law enforcement agency:

- (a) For purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, as required by subdivision (d) of Section 1031, or in the case of an applicant for a position

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other than a sworn peace officer within a law enforcement agency, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met:

- (1) The request is made in writing.
- (2) The request is accompanied by a notarized authorization by the applicant releasing the employer of liability.
- (3) The request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency.
- (b) In the absence of fraud or malice, no employer shall be subject to any civil liability for any relevant cause of action by virtue of releasing employment information required pursuant to this section. Nothing in this section is intended to, nor does in any way or manner, abrogate or lessen the existing common law or statutory privileges and immunities of an employer.
- (c) For purposes of this section, “employment information” includes written information in connection with job applications, performance evaluations, attendance records, disciplinary actions, eligibility for rehire, and other information relevant to peace officer performance, except information prohibited from disclosure by any other state or federal law or regulation.
- (d) An employer’s refusal to disclose information to a law enforcement agency in accordance with this section shall constitute grounds for a civil action for injunctive relief requiring disclosure on the part of an employer.
- (e) Employment information disclosed by an employer to an initial requesting law enforcement agency shall be deemed confidential. However, the initial requesting law enforcement agency may disclose this information to another authorized law enforcement agency that is also conducting a peace officer background investigation. Whenever this information is disclosed to another law enforcement agency, that agency shall utilize the information for investigative leads only and the information shall be independently verified by that agency in order to be used in determining the suitability of a peace officer applicant.
- (f) An employer may charge reasonable fees to cover actual costs incurred in copying and furnishing documents to law enforcement agencies as required by this section.

700.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.

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- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

700.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative 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).

700.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

700.5.7 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief Probation Officer, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Shasta County Probation or is transferred to a different department within the County as provided in 11 CCR 1953(f).

700.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and 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.
- 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.

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700.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). 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. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Support Services Department should maintain validated standards for all positions.

700.7.1 STANDARDS FOR DEPUTY PROBATION OFFICERS AND JUVENILE DETENTION OFFICERS

Candidates shall meet the following minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
- (c) At least 18 years of age
- (d) Fingerprinted for local, state and national fingerprint check
- (e) Ability to operate a motor vehicle (if required, per job description)
- (f) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (g) High school graduate, passed the GED or obtained a two year, four year or advanced degree from an accredited or approved institution
- (h) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 1. Reading and writing ability assessment (11 CCR 1951)
 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

700.8 INTEGRITY

- A. Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

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- B. Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel
- C. Showing strong moral character and integrity in dealing with the public
- D. Being honest in dealing with the public
- E. The following shall be disqualifying:
 - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or CVSA examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
 - 2. Any forgery, altercation, or intentional omission of material facts on an official employment application document, Personal History Statement or sustained episodes of academic cheating.

700.9 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- A. The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- B. The following shall be disqualifying:
 - 1. Conviction of any criminal offense classified as a misdemeanor under California law within three years prior to application.
 - 2. Conviction for two or more misdemeanor offenses under California law as an adult.
 - 3. Conviction of any offense classified as a misdemeanor under California law while employed as a peace officer (including military police officers).
 - 4. Admission(s) of having committed any act amounting to a felony (including felony-misdemeanor offenses) under California law, as an adult, within five years prior to application or while employed as a peace officer (including military police officers).
 - 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
 - 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
 - 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two minors shall not be included, unless more than four years difference in age existed at the time of the acts.
 - 8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualified.

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700.10 DEPENDABILITY

- A. Having a record of submitting reports on time and not malingering on calls, etc.
- B. A record of being motivated to perform well
- C. A record of dependability and follow through on assignments
- D. A history of taking the extra effort required for complete accuracy in all details of work
- E. A willingness to work the hours needed to complete the job
- F. The following shall be disqualifying:
 - 1. Missing any scheduled appointment during the process without verifiable emergency.
 - 2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
 - 3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
 - 4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attended school may be excused from this requirement.
 - 5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability (child support obligations may be excluded based on circumstances).
 - 6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment or unsafe conditions are alleged.
 - 7. Having any outstanding warrant of arrest at time of application.

700.11 LEARNING ABILITY

- A. The ability to comprehend and retain information
- B. The ability to recall information pertaining to laws, statutes, codes, etc.
- C. The ability to learn and to apply what is learned
- D. The ability to learn and apply the material, tactics, and procedures that are required of a Probation Officer and/or Juvenile Detention Officer
- E. The following shall be disqualifying:
 - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application
 - 2. Having been academically dismissed from any POST/STC certified basic law enforcement academy and/or Core course wherein no demonstrated effort has been made to improve in

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the deficient areas, except: subsequent successful completion of another POST/STC basic law enforcement academy or Core course shall rescind this requirement

700.12 PERSONAL SENSITIVITY

- A. The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- B. Empathy
- C. Discretion, not enforcing the law blindly
- D. Effectiveness in dealing with people without arousing antagonism
- E. The ability to understand the motives of people and how they will react and interact
- F. The following shall be disqualifying:
 - 1. Having been disciplined by any employer (including the military and/or law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination
 - 2. Uttering any epithet derogatory about another person's race, religion, gender, national origin or sexual orientation
 - 3. Having been disciplined by any employer as an adult for fighting in the workplace

700.13 JUDGMENT UNDER PRESSURE

- A. The ability to apply common sense during pressure situations
- B. The ability to make sound decisions on the spot
- C. The ability to use good judgment in dealing with potentially explosive situations
- D. The following shall be disqualifying:
 - 1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws
 - 2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer

700.14 ILLEGAL USE OR POSSESSION OF DRUGS

- A. The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
 - 1. Any adult use or possession of a drug a drug classified as a hallucinogenic within seven years prior to application for employment
 - 2. Any adult use or possession of marijuana within three years prior to the application for employment
 - 3. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within five years prior to application for employment

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4. Any illegal adult use or possession of a drug while employed in any law enforcement/peace officer capacity, military policer, or as a student enrolled in college-accredited course related to the criminal justice field
 5. Any adult manufacture or cultivation of a drug or illegal substance
 6. Failure to divulge to the Department any information about personal illegal use or possession of drugs
 7. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected
- B. The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
1. Any illegal use or possession of a drug as a juvenile
 2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than three years ago or cocaine use longer than five years ago.)
 3. Any illegal or unauthorized use of prescription medication

Transfer Policy

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines regarding transfers or changes in assignment within the the Shasta County Probation Department.

702.1.1 POLICY

It is the policy of the Shasta County Probation Department to accommodate employee requests for transfer. The needs and requirements of the department and each division will receive primary consideration.

702.2 PROCEDURE

An employee interested in a transfer to another assignment or division within their same job classification should submit a written request to their immediate supervisor and the Division Director of the facility/division where the employee is currently assigned. A copy of the request should also be sent to the Division Director of the facility/division where the employee wishes to transfer.

Anti-Retaliation

702.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees 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 employees.

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 employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

702.2 POLICY

The Shasta County Probation Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees 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.

702.3 RETALIATION PROHIBITED

No employee 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 he/she has engaged in protected activity.

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702.4 COMPLAINTS OF RETALIATION

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, Division Director, Chief Probation Officer or the County Director of Support Services.

Employees 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. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee'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 employee is part of the investigative process.

702.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Shasta County Personnel Rules Section 22.4.
- (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 employee 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 employee 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 an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

Anti-Retaliation

702.6 DIVISION DIRECTOR RESPONSIBILITIES

The Chief Probation Officer should communicate to all supervisors the prohibition against retaliation.

Division Directors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all employees 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.

702.7 WHISTLE-BLOWING

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 employee's supervisor or any other employee with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the employee 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. Employees shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members who have engaged in any protected acts described above.

Employees are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Employees 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 Assistant Chief Probation Officer for investigation pursuant to the Shasta County Personnel Rules Section 22.4.

702.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to employees regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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702.8 RECORDS RETENTION AND RELEASE

The Chief Fiscal Officer shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

702.9 TRAINING

The policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

703.1 PURPOSE AND SCOPE

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

703.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees are responsible for ensuring that they have not been disqualified from possessing a firearm 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.

703.3 OTHER CRIMINAL CONVICTIONS

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

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

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

703.4 REPORTING PROCEDURE

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

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

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

Reporting of Employee Convictions

or restriction shall remain entirely the responsibility of the employee on his/her own time and expense.

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

703.5 PROCEDURE FOR RELIEF

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

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

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

Sick Leave

706.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

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.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

706.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's family member, as defined in California Labor Code Section 245.5 (c), when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken in advance, when possible.

706.2.1 NOTIFICATION

Employees shall notify the Division Director or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

706.3 EXTENDED ABSENCE DUE TO ILLNESS

Employees absent from duty for more than 48 hours (per calendar year) of sick leave 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. 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.

Sick Leave

In the case where an employee is placed on extended medical leave by a physician, the employee shall contact their unit supervisor every 30 days or following each subsequent appointment with their physician, whichever is sooner and provide a written status report from their physician.

706.4 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) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use of non-protected leave has:
 - (a) Negatively affected the employee's performance or ability to complete assigned duties.
 - (b) Negatively affected department operations.
- (c) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (d) Referring eligible employees to an available employee assistance program when appropriate.

Communicable Diseases

707.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department employees contracting and/or spreading communicable diseases.

707.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, 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, mouth, mucous membrane or non-intact skin comes into contact with blood 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 an employee's position at the Shasta County Probation Department. (See the Shasta County Injury and Illness Prevention Program (IIPP) for further details to assist in identifying whether an exposure has occurred.)

707.2 POLICY

The Shasta County Probation Department is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

707.3 SAFETY OFFICER

The Chief Probation Officer will assign a person as the Safety Officer. The Safety Officer shall ensure the County's IIPP plan is distributed to the employees. The IIPP 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 employees will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each employee's position and risk of exposure.
- (d) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
 2. Bloodborne pathogen mandates including (8 CCR 5193):
 - (a) Sharps injury log.

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- (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (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 employee exposures (Penal Code § 7510).

The Safety Officer should also assist the Shasta County Risk Management Analyst who will act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The Safety Officer shall ensure employees receive any annual updates to the IIPP(8 CCR 5193).

707.4 EXPOSURE PREVENTION AND MITIGATION

707.4.1 GENERAL PRECAUTIONS

All employees 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, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is 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 and portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

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- (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.

707.4.2 IMMUNIZATIONS

Employees 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).

707.5 POST EXPOSURE

707.5.1 INITIAL POST-EXPOSURE STEPS

Employees 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.

707.5.2 REPORTING REQUIREMENTS

The supervisor 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 Identification number of the employee exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the employee 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 Occupational Disease and Work-Related Injury Reporting Policy).

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707.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department employees shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The Assistant Chief Probation Officer(ACPO) should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ACPO.

707.5.4 COUNSELING

The Department shall provide the employee, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

707.5.5 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 employee or when it is otherwise appropriate (8 CCR 5193). It is the responsibility of the ACPO 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 employee for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed employee 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 ACPO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ACPO 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 he/she refuses.

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707.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

707.7 TRAINING

All employees 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 employee is assigned new tasks or procedures affecting his/her 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

708.1 PURPOSE AND SCOPE

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

708.2 POLICY

The Shasta County Probation Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Shasta County Probation Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

708.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

708.4 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.).

Seat Belts

709.1 PURPOSE AND SCOPE

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

709.2 WEARING OF SAFETY RESTRAINTS

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

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

709.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

Employees should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

709.3 TRANSPORTING OFFENDERS

Whenever possible, offenders should be secured in the rear seat of the vehicle by seat belts. The offender should be in seating position for which seat belts have been provided by the vehicle manufacturer.

709.4 INOPERABLE SEAT BELTS

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief Probation Officer.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Employee Commendations

712.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

712.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

712.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

712.3.1 COMMENDATION FORMAT

The Departmental Memorandum with standard letterhead shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, division, and assignment at the date and time of the commendation
- (b) A brief account of the commendable action
- (c) Signature of the commending supervisor

Completed memorandums shall be forwarded to the appropriate Division Director for his/her review. The Division Director shall forward the memorandum to the Chief Probation Officer for his/her review.

The Chief Probation Officer will return the commendation to the employee and a copy will be given to the Senior Staff Analyst for entry into the employee's personnel file.

Lactation Break Policy

714.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

714.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

714.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

714.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Break Policy

714.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

714.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Payroll Record Procedures

715.1 PURPOSE AND SCOPE

Payroll records are submitted through the Employee Online System on a bi-weekly basis for the payment of wages.

715.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

715.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Tuesday with certain exceptions such as holidays. Payroll records shall be completed and submitted no later than 8:00 a.m. on the Monday morning following the end of the pay period, unless specified otherwise.

Overtime Compensation Requests

716.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the applicable Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a request for overtime prior to working the overtime. In emergency situations where prior approval is not possible, the employee must submit a request for overtime as soon as practical after overtime is worked.

716.1.1 DEPARTMENT POLICY

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor or in their absence through the chain of command. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled by flexing a subsequent shift schedule within the same work week to compensate for the time worked rather than by submitting requests for overtime. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply. The employee's time shall be reflected on the employee's timecard exactly as it is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 60 hours of compensatory time.

716.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practical for verification and forwarding to the Division Director.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

716.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests prior to working the overtime and turn them in to their immediate supervisor or the Division Director.

716.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who approved the overtime request shall verify that the overtime was worked before approving the employee's timecard.

716.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status on their timecard. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will verify the overtime prior to approving the timecard.

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716.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

716.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Division Director or other approving supervisor may require each employee to provide the reason for the variation on the back of the overtime payment request.

Outside Employment

717.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief Probation Officer or designee prior to engaging in any outside employment.

717.1.1 DEFINITIONS

Outside Employment - Any employee of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

717.2 OBTAINING APPROVAL

No employee of this department may engage in any outside employment without first obtaining prior written approval of the Chief Probation Officer. Approval of outside employment shall be at the discretion of the Chief Probation Officer or designee in accordance with the provisions of this policy and Shasta County Personnel Rules, Chapter 28. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Statement which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the chain of command and submitted to the Chief Probation Officer for consideration.

The Chief Probation Officer will notify the employee, within 15 working days, of the status of the request. If the employee does not receive a response within 15 days, the request shall be considered granted. A reply extending the response deadline to determine appropriateness of the the outside employment shall be considered a response.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

717.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Request is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Employment/Corporate Affiliation Review Committee. The Review Committee is made up of the Personnel Director or designee, the CEO or designee and a Department Head or designee, not involved in the matter appealed (or designee) chosen by the other two.

Outside Employment

- (a) The written appeal must be submitted to the Review Committee within 10 business days of the date of the employee's receipt of the order to cease outside employment or corporate affiliation. The Review Committee shall review the order, investigate the circumstances of the employee's outside employment or corporate affiliation, including meeting with the employee as necessary, and make its decision within 30 days receipt of the written appeal.
- (b) In lieu of the above appeal procedure, employees shall have the right to submit a written appeal directly to the Grievance Board in accordance with the Grievance procedures contained in Chapter 9 of the Shasta County Personnel Rules.

717.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment request may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at the department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief Probation Officer may, at his or her discretion, revoke any previously approved outside employment request(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment request.
- (b) Suspension or revocation of a previously approved outside employment request may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment request, an employee's conduct or outside employment conflicts with the provisions of department policy, the request may be suspended or revoked.
- (d) When an employee is unable to perform the essential functions of their job duties due to an injury or other condition, any previously approved outside employment request may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.
- (e) The Chief Probation Officer may grant the employee permission to give the outside employer a two week's notice prior to resigning from the outside employment.

717.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Request submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of department time, facilities, equipment or supplies, badge, uniform, prestige or influence for private, gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than the department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a employee of this department.

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- (c) Involves the performance of an act in other than the employee's capacity as a employee of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department,
- (d) Involves time demands that would render performance of the employee's duties for the department less efficient.

717.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no sworn employee of the Department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

717.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

717.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment, the employee shall promptly submit written notification of such termination to the Chief Probation Officer through the chain of command.

Employees shall also promptly submit in writing to the Chief Probation Officer any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

717.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department employees engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five business days whether or not they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor, in consultation with the Assistant Chief Probation Officer and Risk Management, shall review the duties of the outside employment along with the related doctor's orders, and make a recommendation to the Chief Probation Officer or designee whether such employment should continue.

In the event the Chief Probation Officer or designee determines that the outside employment should be suspended or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment request, a notice of revocation of the employee's request will be forwarded to the involved employee, and a copy attached to the original request.

Criteria for revoking the outside employment request include, but are not limited to, the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of the employee in their regular position within the department.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled employee returns to full duty with the Shasta County Probation Department, a request (in writing) may be made to the Chief Probation Officer to restore the request as outlined in this policy.

Uniform & Personal Appearance Standards

719.1 PURPOSE AND SCOPE

Probation staff, regardless of their assignment, should recognize that they represent the Probation Department to the public, other agencies and co-workers. Therefore, their appearance shall be of good taste and reflect favorably on the Probation Department.

Although no absolute criteria can be set forth to prescribe professional dress or appearance, staff should be aware of the need to present a neat, well-groomed and professional image to the courts and the public. Clothing should be neat, clean, in good repair, of reasonable fit, and suitable for the post/function to which they are assigned. All clothing and accessories, and duty equipment should be worn appropriately and in a professional manner, reflecting a concern for safety, as outlined in this policy.

719.2 GENERAL GUIDELINES

The following guidelines are provided to assist staff in maintaining a professional appearance.

Staff dressed in unprofessional attire will be directed to dress in accordance with this policy.

The Chief Probation Officer or designee, upon request, may make exceptions to this policy to accommodate an employee's medical condition or religion as required. Exceptions may also be made by the Chief Probation Officer or designee, under special circumstances, to address a particular employee's job duties when the image of the department is not harmed, or the operation of the department is not adversely impacted.

Tube tops, halter tops, message shirts, low or plunging necklines, jeans (except for general field work, training and casual Fridays), clothing that is too tight, spaghetti straps or strapless clothing are examples of unprofessional attire. Garments worn under department issued clothing or uniforms, such as turtlenecks, that are exposed or visible shall be black or white in color.

Footwear should be clean and chosen with consideration for safety and functionality.

Jewelry worn by staff should reflect a concern for safety.

When safety concerns arise, the Chief Probation Officer or designee may adjust dress codes to fit individual job duties.

719.2.1 OFFICE ATTIRE

During working/duty hours all personnel, sworn and non-sworn, shall wear clothing appropriate for conducting business in a professional atmosphere. Probation Officers and others who may be summoned to court shall wear attire that quickly transitions to court attire for unanticipated court appearances or have a set of court attire easily accessible.

719.2.2 COURT ATTIRE

Employees are required to wear appropriate business attire for any court appearances. Appropriate business attire is slacks, dress shirt, sport coat, dress shoes, and a

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tie for men; a dress, a combination of skirt/slacks with a blouse, or professional pants suit, and dress shoes for women. Institutional staff may appear in department issued uniform as outlined in this policy.

719.2.3 FIELD ATTIRE

Circumstances or direction of the supervisor will dictate what will be worn in the field during special operations. Approved uniform attire for special operations consists of black or tan pants, department polo shirt (tucked in), black or brown duty boots, duty belt, ballistic vest (jeans which are clean, neat and in good repair may be worn in lieu of black or tan pants). Hats are acceptable as long as the hat is a department approved hat with the Department's logo or name or special assignment or is black with no insignia, advertising logo or name.

Officers must be clearly identifiable as a peace officer while in the field except with prior approval from the Chief Probation Officer or designee through the chain of command.

719.2.4 INSTITUTION ATTIRE

Juvenile Rehabilitation Facility (JRF) sworn and non-sworn employees will be provided uniforms, replacement clothing and duty equipment in accordance with the current Professional Peace Officers Association and the Teamsters Memorandum of Understanding.

Department issued uniforms shall be worn in a professional manner. Shirts shall be tucked in.

Department issued safety equipment shall be worn in a manner that allows for immediate accessibility.

All employees assigned to the JRF shall wear shoes with soles that have anti-slip properties.

Department approved black or tan shorts are acceptable. The shorts shall not rise above the knees.

Examples of department acceptable shorts are:

- (a) BDU shorts
- (b) Cargo shorts
- (c) Tactical Shorts
- (d) Law enforcement style dress shorts

719.2.5 JEWELRY AND ACCESSORIES

Jewelry worn by employees shall reflect a concern for safety. No jewelry, patches or personal ornaments shall be worn by officers on any part of the uniform or equipment without prior approval of the Chief Probation Officer or designee.

719.3 TATTOOS, BODY ART, BODY PIERCING OR ALTERATION

It is the Department's belief that employees are to present a positive image and be held to a higher standard. In order to maintain a professional image while on duty or representing the Department

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in any official capacity, tattoos or other body art and body piercing shall be covered. At no time while on-duty or representing the Department in any official capacity, shall any tattoo or body art or body piercing (excluding ears) be visible.

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which 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.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Temporary Modified-Duty Assignments

721.1 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, County rules, and current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

721.2 POLICY

Subject to operational considerations, the Shasta County Probation Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

721.3 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 (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Shasta County Probation Department shall be created or maintained as a temporary modified-duty assignment.

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 a department vehicle, engaging in outside employment, or employment of their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

721.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment shall submit a request to their immediate supervisor or Division Director verbally or in writing. The request shall include the nature and scope of limitations and/or work restriction and should, when possible, 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) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (d) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Director will make a recommendation through the chain of command to the Assistant 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 Assistant Chief Probation Officer or the authorized designee shall confer with the Support Services Department or the County Counsel as appropriate.

721.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Director. This shall be documented in the work accommodation hearing document.

721.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisor.
- (b) Promptly notifying their supervisor of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisor no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to their direct supervisor or Division Director that contains a status update and anticipated date of return to full-duty after each related medical appointment.

721.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of the supervisor shall include, but not be limited to:

Temporary Modified-Duty Assignments

- (a) Periodically apprising the Division Director of the status and performance of the employee's assigned to temporary modified duty.
- (b) Notifying the Division Director and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that any employee returning to full duty has completed any required training and certification.

721.6 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.

721.7 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 temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

721.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as possible 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.

721.8 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 supervisor of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Media

722.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

722.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

722.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Shasta County Probation Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

722.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet or any other means of communication. Speech and expression that may negatively affect the safety of the Shasta County Probation Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates.

Examples of the type of information that could reasonably be expected to compromise safety include:

Employee Speech, Expression and Social Media

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

722.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, 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 Shasta County Probation Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Shasta County Probation Department and tends to compromise or damage the mission, function, reputation or professionalism of the Shasta County Probation Department or its employees. Examples may include:
 1. Statements that indicate a willful disregard for Federal or State law or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Ethics Policy as adopted by the Shasta County Probation Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain. Any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee is prohibited.

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- (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 Shasta County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practical to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

722.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Shasta County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Shasta County Probation Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Shasta County Probation Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

722.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology 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. This includes the department e-mail system, computer network or any information placed into storage on any department system or device, which also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

722.6 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 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 employees.
- (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 his/her 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.

722.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all employees of the Department.

Fraternization

723.1 POLICY

Employees of the Shasta County Probation Department are prohibited from knowingly having contact with an offender or an offender's family member, outside the regular scope of duties, that may be detrimental to the image of the department or that may otherwise adversely impact an employee's job performance or the security or operations of the department.

For purposes of this policy, the following definitions apply:

The term "Offender" includes the following:

- A person convicted (including pleas of guilty or "no contest") of a felony who is less than three years from the date of conviction.
- Persons under criminal investigation or indictment
- Current inmates or wards of a state or local institution
- Persons who are on juvenile or adult probation, either formal or informal
- Persons who are on parole
- Former inmates or wards who are less than three years beyond the date of release.
- Former probationers or parolees who are less than three years beyond the date of dismissal

The term "family member" includes the following:

- Legal spouse; registered domestic partner; natural parents; adoptive parents; step-parents or foster parents; grandparents; natural, step, or foster brothers or sisters; natural, foster, and adoptive children; grandchildren; legal stepchildren; aunts; uncles; nieces; nephews; and first cousins.

Examples of contact covered by this policy include, but are not limited to, the following:

- Engaging in relationships or associations of a personal nature, other than incidental contact
- Engaging in or accepting financial or business services
- Exchanging in personal letters, telephone calls or other personal communication
- Doing favors for or accepting favors from an offender or an offender's family member
- Cohabitation
- Visiting the home of an offender or an offender's family member, for reasons other than an official visit
- Giving and/or receiving non-work telephone numbers
- Sexual contact of any nature

Fraternization

- Private or public meetings of a personal nature

The term “visitor of an offender” means a person, other than clergy and the offender’s attorney(s), who visit an offender while in custody and there is documentation recording the fact of that visit.

723.2 PROCEDURE

An employee knowingly having any contact with an offender or an offender’s family member, outside the regular performance of the employee’s duties, must report that contact to his or her immediate supervisor as soon as possible. The supervisor will advise the Division Director who will refer the matter to the Assistant Chief Probation Officer.

In addition to this mandatory reporting requirement, an employee may seek express written approval for contact that may be covered by this policy. An employee requesting such written approval must submit his or her request in writing to the Assistant Chief Probation Officer, providing the following information:

- The person with whom contact is requested by the employee
- The relationship of that person to the employee,
- The person’s status as an offender or family member of an offender, as defined in this policy
- Any additional information that will assist the ACPO in evaluating the appropriateness of the relationship in light of the factors mentioned below.

In determining whether to approve or deny a request for contact, the ACPO will consider the following:

- The nature of the relationship between the person and the employee (family member, friend, social acquaintance, etc.).
- Whether the relationship existed prior to the person being convicted of a felony, becoming subject to criminal investigation or indictment, becoming an inmate or ward, and/or being granted probation or parole.
- Whether the relationship arose as a result of the employee’s employment with the department.
- Whether the person is an offender or an offender’s family member.
- Whether the person is currently an inmate, ward, probationer or parolee or is a former inmate, ward, probationer or parolee and, if so, the time that has elapsed since that status.
- If the person was convicted of a felony, the time that has elapsed since that conviction.
- The existence or likelihood of a negative impact on the employee’s performance or the security, operations or image of the department in allowing the contact.

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Fraternization

- The existence of alternatives to a denial of the contact that would accommodate the requested contact at minimal to no cost to the department's interests.

As a general rule, contacts involving an employee's family member where the family member is not currently an offender and/or has not been an offender within three years are more likely to be approved.

Approval or denial of the contact will be made in writing within 5 business days and maintained in the employee's department personnel file.

If contact is denied, the employee will be directed to have no further contact with the offender or family member of an offender. An appeal may be made to the Chief Probation Officer pursuant to the Grievance procedure outlined in the Shasta County Personnel Rules, Chapter 9.

Failure to report contact, failure to abide by an order to cease contact, and/or knowingly violating the policy may result in disciplinary action, up to and including termination of employment.

Vacation/Comp Time/Credit Holiday Taken

726.1 PURPOSE AND SCOPE

Employees of this department are provided with a vacation time benefit that gives them continued compensation during times of absence not related to personal or family illness. The number of hours available are detailed in the employee's respective personnel manual or applicable collective bargaining agreement. In addition, employees earn comp time and credit holiday time that can be used in the same manner as vacation time.

This policy is not intended to cover any types of sick leave.

726.2 EMPLOYEE RESPONSIBILITIES

Vacation/Comp/Credit Holiday time is intended to be used for absences other than those due to personal or family illness and can be used only for this purpose unless the employee does not have any sick leave available to them or the employee has received supervisor approval prior to the absence to use vacation/comp/credit holiday time instead of sick leave.

Employees shall complete and submit a leave request that includes the specific dates and amount of time taken in advance. Included with this request should be appropriate information about tasks or functions that would need to be covered during their absence.

726.2.1 NOTIFICATION

Employee shall make the request to use vacation/comp/credit holiday time to their immediate supervisor or Division Director as soon as possible. Employees should submit the request no less than 2 weeks to the first day requested. Requests received within time frame will be reviewed on a case by case basis. Absences using vacation/comp/credit holiday time without prior approval will not be allowed.

726.3 SUPERVISOR RESPONSIBILITIES

Supervisors should review time off requests to ensure essential job functions of the employee can be covered. If essential job functions cannot be covered, the supervisor may deny the request.

Supervisors should monitor vacation/comp/credit holiday time usage to ensure that the use of vacation/comp/credit holiday time is consistent with this policy. Supervisors should address vacation/comp/credit holiday time use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of time off by the employee has had a negative impact on departmental operations or when the employee has not provided the supervisor with sufficient notice or when employee has attempted to use vacation/comp/credit holiday time without prior approval. When appropriate, supervisors should counsel employees and should consider referring the employee to the Employee Assistance Program.

Telephone

727.1 PURPOSE AND SCOPE

To provide prompt and courteous telephone service and comply with the Shasta County Personnel Rules.

Shasta County Probation employees are to use County telephone assets (which include county telephones, cell telephones, and all telephone equipment) in accordance with Shasta County Personnel Rules.

727.2 PROCEDURE

I.Reception

- A. Staff responsible for incoming telephone calls are to present a positive and professional first image of the department by answering the telephone promptly (if possible within three rings), and with the statement “Good Morning” or “Good Afternoon”, and identification of the division (Adult Probation, Community Correction Center, Juvenile Probation, Juvenile Rehabilitation Facility)
- B. Incoming calls shall only be placed on hold after first verifying that the call is not a probation officer in the field or in court with an immediate need. Law enforcement agencies and probation officers in the field are to be given first priority.
- C. Calls to individual parties are to be routed to their direct line. If the check-out board indicates the party is not in the office, the caller is to be informed that the call is being routed to the probation officer’s voice mail.
- D. If the call is a priority law enforcement agency or court call and the party trying to be reached is on their telephone, staff will IM the officer and advise the officer of the call. If the officer is unavailable, offer to connect the caller to the requested officer's voice mail or the Officer of the Day.
 1. Staff home telephone numbers are not to be released.
 2. Callers are not to be advised of staff schedules.
 3. If an officer is not in the office, staff will indicate only that they are not available.

II.County Desk/Cellular Telephones

- A. Whenever possible, staff will answer their telephones promptly when in their office. Staff will identify themselves when answering their calls, e.g., good morning, division and/or your name. Voice mail is to be checked on a regular basis and calls returned within one business day.
- B. Staff will change their voice mail greeting to an alternate greeting when away from the office for more than two consecutive business days. For immediate assistance, list an alternative contact or refer callers to the Officer of the Day.

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Telephone

- C. If staff will be away from the office for an extended period they will place their telephones on call forward.
- D. Staff will not use their County telephone to conduct "for-profit" business.

III. County Cellular Telephones

- A. County cellular telephone shall only be used for business purposes conducted on behalf of the county.
- B. Employees shall comply with all laws and shall not use hand held cell telephones for while driving. Should employees need to make a call while driving, they should locate a lawfully designated area to park and make the call or use a hands-free speaking device such as Bluetooth enable device speakerphone/earpiece.
- C. Incidental personal use of a county cellular telephones may occur; however, g text messaging, downloads and picture messages, whether enumerated or not, are strictly prohibited for employee's personal use. If charges are incurred as a result of personal use the employee must fully reimburse the county for such use.

IV. Personal Telephone Calls/Personal Cellular Telephones

- A. Except in an emergency or urgent circumstance, personal cellular telephone use should be limited to the employee's break and lunch times. Personal telephone calls made from a county landline, which incur toll charges must be charged to the individual's calling card or home number.
- B. Carrying and use of personal cellular telephones in the workplace is permitted.
 - 1. Ring tones should be muted and set to vibrate mode.
 - 2. Personal calls should be made in accordance with this policy.
 - 3. Use of personal cell phone shall not distract from the employees work duties.
- C. Staff assigned to the Juvenile Rehabilitation Facility (JRF) shall adhere to the JRF cellular telephone policy.

Citizen's Complaints

728.1 PURPOSE AND SCOPE

The Shasta County Probation Department hereby establishes this policy, in accordance with Section 832.5 of the California Penal Code to establish a procedure for receiving, reviewing, and investigating complaints by members of the public against personnel of the Probation Department.

728.2 PROCEDURE

I. Complaints by members of the public involving the Shasta County Probation Department's personnel may be made by telephone, mail, electronic mail, or in person.

A. Verbal complaints should be directed to a Supervising Juvenile Detention Officer, Supervising Probation Officer or Division Director (not to the Officer of the Day), who will attempt to resolve the issue or provide the complainant with a Citizens' Complaint form.

B. Citizens' Complaint forms shall be available at all Shasta County Probation locations along with the Citizen Complaint Procedure Brochure.

C. If a complaint is initially made by telephone, a Citizens' Complaint form shall be mailed to the complainant. The Citizens' Complaint form must be submitted either in person to any Shasta County Probation location or by mail to:

Shasta County Probation

ATTN: Administration

2684 Radio Lane

Redding CA 96001

D. All complaints whether verbal or written shall be reviewed and investigated.

II. All completed Citizens' Complaint forms will be referred to the Assistant Chief Probation Officer (ACPO.) If completed forms are submitted outside of normal County business hours applicable to the Administration Division of Shasta County Probation, the complaint will be referred to the highest ranking supervisor on duty in the involved division.

A. If the complaint does not require immediate action, the supervisor will advise the complainant that he or she will be contacted by the ACPO as soon as practical.

B. If the complaint is of such a serious nature that immediate action should be considered, the supervisor will contact the Division Director.

C. Pursuant to Section 832.7(b) of the Penal Code, the complainant shall be provided a copy of his or her own statement at the time the complaint is filed. The complainant is not entitled to any documents other than his or her own statement unless the complainant is entitled to those documents under some other provision of law.

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III. The ACPO will document all complaints by members of the public. An initial investigation of the complaint will be conducted. Following the initial investigation, the ACPO may determine the disposition of the complaint or, if appropriate, the ACPO will assign an internal affairs investigator to investigate the complaint. As a general rule, investigations of complaints shall be completed within 90 days following the date the complaint was initiated. However, the ACPO has the discretion to extend this time limit. Following investigation of the complaint the ACPO shall make a finding regarding the merits of the complaint.

A. The possible findings are:

1. Frivolous- The complaint was either (1) totally and completely without merit, or (2) made for the sole purpose of harassing the peace officer.
2. Unfounded- The investigation clearly established that the allegation is not true.
3. Exonerated- The investigation clearly established that the actions of the peace officer that formed the basis for the complaint are not violations of law or department policy.
4. Not Sustained- The investigation discloses insufficient evidence to prove or disprove the allegation(s).
5. Sustained- The investigation discloses that the act complained of did occur and constitutes misconduct.

IV. The department will provide written notification to the complainant of the disposition of the complaint an subject officer of the investigation within 30 days of the disposition. If an address was not provided, an attempt to notify the complainant by telephone will be made. The letter will include:

A. An explanation of confidentiality restrictions imposed under Section 832.7(a) of the Penal Code.

B. The finding.

V. Complaints and any reports or findings relating to the complaints shall be retained and filed as follows.

A. Records maintained pursuant to this policy shall be maintained in accordance with Section 832.5 of the Penal Code and shall be kept secure at all times with access only by designated personnel. These records shall be confidential and shall not be disclosed in any criminal or civil proceedings except pursuant to Section 832.7(a) of the Penal Code.

1. Internal Affairs Files

When it is determined that a formal internal affairs investigation should be conducted concerning a Citizen's Complaint, the complaint, reports and findings shall be retained and filed as follows:

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- a. Where the complaints are determined to be "Sustained," in whole or in part, the complaints, reports, and findings will be retained in the "Substantiated IA File" for at least five years, and copies of the findings will be retained in the "Substantiated Citizen's Complaint file" for at least five years.
- b. Where the complaints are determined to be "Sustained," in whole or in part, copies of the complaints, reports and findings may also be retained in the officer's departmental and/or official personnel files in connection with performance related documentation that may be generated as a result of the finding. Such performance related documentation includes, but is not limited to, counseling memoranda, performance evaluations, and/or formal disciplinary action.
- c. Where the complaints are determined, in their entirety, to be "Not Sustained," "Exonerated," "Unfounded," or "Frivolous," the complaints, reports and findings will be retained in the "Unsubstantiated IA File" for at least five years, and copies of the findings will be retained in the "Unsubstantiated Citizen's Complaint file" for at least five years.

2. Citizen's Complaint Files

When Citizen's Complaints do not result in formal internal affairs investigations, the complaints, reports, and findings shall be retained and filed as follows:

- a. Where the complaints are determined to be "Sustained," in whole or in part, the complaints, reports, and findings will be retained in the "Substantiated Citizens' Complaint File" for at least five years.
- b. Where the complaints are determined to be "Sustained," in whole or in part, copies of the complaints, reports and findings may also be retained in the officer's departmental and/or official personnel files in connection with performance related documentation that may be generated as a result of the finding. Such performance related documentation includes, but is not limited to, counseling memoranda, performance evaluations, and/or formal disciplinary action.
- c. Where the complaints are determined, in their entirety, to be "Not Sustained," "Exonerated," "Unfounded," or "Frivolous," the complaints, reports and findings will be retained in the "Unsubstantiated Citizen's Complaint File" for at least five years.

B. Nothing in this policy shall be construed to limit any peace officer's rights under the Public Safety Officers' Procedural Bill of Rights Act (California Government Code Section 3300 et seq.), to the extent that statute is applicable.

Jury Duty

730.1 POLICY

Any permanent employee who is summoned for jury duty in any court during scheduled working hours shall be considered to be on duty and shall not incur a loss of salary. Employees reporting to jury duty shall decline all reimbursement with the exception of travel pay.

- A. Upon receiving a summons for jury duty, the employee shall advise his/her supervisor of the date and time.
- B. If the employee is excused from jury duty before the end of regular working hours, he/she shall report to work and resume normal duties.

Facilities Maintenance

732.1 PURPOSE

To promote the safety and security of staff, offenders and visitors through properly maintained facilities and grounds.

732.2 POLICY

In collaboration with Facilities Management, the Probation Department will work toward providing a safe and secure environment through building and grounds maintenance.

732.3 PROCEDURE

A. Emergency Situations

1. Any employee can initiate a service/repair request that is deemed an emergency.
2. The requestor shall contact the community service program via cell or land line.
3. The community service program will respond to emergency requests as soon as possible.
4. If the community service program is unavailable, the requestor shall contact Facilities Management at:
 - (a) Normal operating hours: 7am-3:30pm, Monday- Friday 225-5659
 - (b) After hours information: 3:30pm- 7am, Monday- Sunday 339-8300

B. Non-emergencies

1. All non-emergency requests for service shall be submitted to the community service program using the service request form.
2. The community service program shall respond to the requester of non-emergency requests via email within 24 hours excluding weekends or holidays. The email response shall include the time frame of completion and if Facilities Management will be involved in completing the requested work.
3. All service request forms shall be kept for two years by the Community Service Coordinator.
4. In situations where Facilities Management should be contacted directly rather than communicating with the community service program only the following staff are authorized to contact Facilities Management for non-emergency issues:
 - (a) Chief Probation Officer
 - (b) Assistant Chief Probation Officer
 - (c) Chief Fiscal Officer
 - (d) Division Directors

Providing References/ Employment Verification/ Background Inquiries

735.1 POLICY

In accordance with Shasta County general policy, no employee is authorized to prepare a letter of recommendation as a department representative or on Shasta County Probation letterhead for other county employees or former employees without the approval of the Chief Probation Officer.

735.2 REQUESTS FOR LETTERS OF RECOMMENDATION

All initial requests (including volunteers and interns) should be routed to Administration through the chain of command.

A. When writing a recommendation, employees shall not represent the department without prior authorization from the Chief Probation Officer.

B. Employees may provide a personal reference indicating that they worked as a colleague with the subject of the reference. Employees may not use their title or identify their place of employment in the letter.

735.3 EMPLOYMENT VERIFICATION

All verbal and written requests for employment verification will be forwarded to Shasta County Support Services. The only time employee records may be shared is during a background investigation, provided the appropriate release of information has been obtained.

735.4 BACKGROUND INQUIRIES

All requests for background information should be forwarded to the Senior Staff Analyst overseeing the department background process in Administration. The Senior Staff Analyst will communicate with the investigator and obtain the signed release and schedule a time for them to review the employee's personnel file and background file. Investigators are not allowed to view medical portion of records or take copies of items in the personnel file and background file, but are allowed to take notes. No background information shall be released without confirmation of a signed authorization.

If an employee receives a request for information or a reference request, they shall seek approval from the Assistant Chief Probation Officer prior to providing personnel information. When providing reference information, the best practice is to provide only objective information concerning the dates of employment, positions held, and salary for each position.

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Attachments

Hate Crime Checklist.pdf

Statutes and Legal Requirements.pdf

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**

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