

# Yuba County Probation Department

## NEW Probation Manual

---

### **CHIEF'S PREFACE**

This manual represents the values upon which the Yuba County Probation Department operates. The policies included herein are predicated on the law, best practice, and sound judgment. They are meant to provide guidance and protection to the individual employee, as well as to the organization as a whole. We work in a complex, dynamic environment which presents a multitude of challenges on a daily basis. Every decision you make has the potential to profoundly affect the lives of others. Please refer to this manual often, for it is a fundamental tool you can rely upon to help you do your job. But remember, ultimately it is your individual responsibility to perform your duties with honor and integrity.

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

Matt Ricardy

Chief Probation Officer

# Yuba County Probation Department

## NEW Probation Manual

---

### **MISSION STATEMENT**

The Yuba County Probation Department's mission is to promote the health and safety of the community through programs of prevention, intervention, treatment, and detention services. These are accomplished by:

- Enhancing judicial decision making through assessment of offender risks and needs
- Enforcing court orders and sanctions
- Engaging in prevention, intervention, and treatment collaboratives
- Moving probationers to lawful self-sufficiency
- Supporting the rights of victims

### Values and Beliefs:

- We believe that people can change and that we can be instrumental in directing that change
- We believe people should be responsible and held accountable for their behavior and decisions
- We believe the family is the core social unit and should, wherever practical, be kept intact
- We believe every person is entitled to be treated with dignity and respect
- We believe in the restoration of the victims' dignity, health, and resources

We value a diverse workforce, reflective of the community we serve, and able to respond to their individual needs and circumstances

We believe the most valuable asset of the Department is its employees

Yuba County Probation Department  
NEW Probation Manual

---

## Table of Contents

|  |           |
|--|-----------|
| <b>Chief's Preface.</b>                              | <b>1</b>  |
| <b>Mission Statement.</b>                            | <b>2</b>  |
| <b>Chapter 1 - Probation Role and Authority.</b>     | <b>6</b>  |
| 100 - Probation Authority.                           | 7         |
| 101 - Chief Probation Officer.                       | 8         |
| 102 - Oath of Office.                                | 9         |
| 103 - Policy Manual.                                 | 10        |
| 104 - Probation Code of Ethics.                      | 13        |
| <b>Chapter 2 - Organization and Administration.</b>  | <b>14</b> |
| 200 - Organizational Structure and Responsibility.   | 15        |
| 201 - Departmental Directives.                       | 17        |
| 202 - Emergency Plan.                                | 18        |
| 203 - Training.                                      | 20        |
| 204 - Electronic Mail.                               | 24        |
| 205 - Administrative Communications.                 | 25        |
| 206 - Supervision Staffing Levels.                   | 26        |
| 207 - Retiree Concealed Firearms.                    | 27        |
| <b>Chapter 3 - General Operations.</b>               | <b>32</b> |
| 300 - Use of Force.                                  | 33        |
| 301 - Use of Force Review Boards.                    | 44        |
| 302 - Officer-Involved Shootings and Deaths.         | 47        |
| 303 - Firearms.                                      | 53        |
| 304 - Handcuffing and Restraints.                    | 61        |
| 305 - Control Devices.                               | 66        |
| 306 - Search and Seizure.                            | 69        |
| 307 - Mandatory Reporting.                           | 72        |
| 308 - Discriminatory Harassment.                     | 76        |
| 309 - Victim and Witness Assistance.                 | 82        |
| 310 - Information Technology Use.                    | 84        |
| 311 - Department Use of Social Media.                | 88        |
| 312 - Report Preparation.                            | 91        |
| 313 - Media Relations.                               | 96        |
| 314 - Outside Agency Assistance.                     | 98        |
| 315 - Major Incident Notification.                   | 100       |
| 316 - Limited English Proficiency Services.          | 102       |
| 317 - Communications with Persons with Disabilities. | 109       |
| 318 - Biological Samples.                            | 116       |
| 319 - Child and Dependent Adult Safety.              | 118       |
| 320 - Service Animals.                               | 121       |
| 321 - Volunteers and Student Interns.                | 123       |

# Yuba County Probation Department

## NEW Probation Manual

---

|  |            |
|--|------------|
| 322 - Community Relations. . . . .                               | 130        |
| 323 - Operation of Blue Light Equipped Vehicles. . . . .         | 133        |
| 324 - Standby Policy. . . . .                                    | 135        |
| <b>Chapter 4 - Intake, Orientation, and Supervision. . . . .</b> | <b>137</b> |
| 400 - Initial Intake to Probation Services. . . . .              | 138        |
| 401 - Risk and Needs Assessments. . . . .                        | 141        |
| 402 - Supervision of Clients. . . . .                            | 143        |
| 403 - Compliance Monitoring. . . . .                             | 147        |
| 404 - Drug and Alcohol Testing. . . . .                          | 152        |
| 405 - Modification of Conditions of Supervision. . . . .         | 155        |
| 406 - Violations. . . . .  | 157        |
| 407 - Subpoenas and Court Appearances. . . . .                   | 160        |
| 408 - Interstate Transfer of Supervision. . . . .                | 163        |
| 409 - Interstate Transfer of Supervision of Juveniles. . . . .   | 165        |
| 410 - Prison Rape Elimination Act. . . . .                       | 167        |
| 411 - Bias-Based Supervision. . . . .                            | 171        |
| 412 - Foot Pursuits. . . . .                                     | 173        |
| <b>Chapter 5 - Field and Special Operations. . . . .</b>         | <b>177</b> |
| 500 - Crime Scene Integrity and Investigation. . . . .           | 178        |
| 501 - Ride-Alongs. . . . .                                       | 181        |
| 502 - Hazardous Material Response. . . . .                       | 184        |
| 503 - Hostage and Barricade Incidents. . . . .                   | 186        |
| 504 - Response to Bomb Threat Calls. . . . .                     | 188        |
| 505 - Crisis Intervention Incidents. . . . .                     | 193        |
| 506 - Civil Commitments. . . . .                                 | 198        |
| 507 - Rapid Response and Deployment. . . . .                     | 203        |
| 508 - Immigration Violations. . . . .                            | 206        |
| 509 - Mobile Data Terminal Use. . . . .                          | 208        |
| 510 - Public Recording of Probation Officer Activity. . . . .    | 210        |
| 511 - Medical Aid and Response. . . . .                          | 213        |
| 512 - Task Force. . . . .  | 217        |
| 513 - Operations Planning and Deconfliction. . . . .             | 219        |
| 514 - Transporting Persons in Custody. . . . .                   | 223        |
| 515 - Adult and Juvenile Clients as Informants. . . . .          | 226        |
| <b>Chapter 6 - Equipment. . . . .</b>                            | <b>227</b> |
| 600 - Department-Owned and Personal Property. . . . .            | 228        |
| 601 - Personal Communication Devices. . . . .                    | 230        |
| 602 - Vehicle Use, Safety, and Maintenance. . . . .              | 234        |
| 603 - Traffic Accident Review Board. . . . .                     | 241        |
| 604 - Personal Protective Equipment. . . . .                     | 243        |
| 605 - Body Armor. . . . .  | 247        |
| 606 - Military Equipment. . . . .                                | 249        |
| <b>Chapter 7 - Support Services. . . . .</b>                     | <b>252</b> |

# Yuba County Probation Department

## NEW Probation Manual

---

|   |            |
|---|------------|
| 700 - Property. . . . .   | 253        |
| 701 - Records Maintenance and Release. . . . .                        | 256        |
| 702 - Protected Information. . . . .                                  | 264        |
| <b>Chapter 8 - Personnel. . . . .</b>                                 | <b>268</b> |
| 800 - Recruitment and Selection. . . . .                              | 269        |
| 801 - Standards of Conduct. . . . .                                   | 274        |
| 802 - Performance Evaluations. . . . .                                | 281        |
| 803 - Special Assignments and Promotions. . . . .                     | 284        |
| 804 - Grievances. . . . .   | 286        |
| 805 - Reporting of Arrests, Convictions, and Court Orders. . . . .    | 287        |
| 806 - Drug- and Alcohol-Free Workplace. . . . .                       | 289        |
| 807 - Sick Leave. . . . .   | 292        |
| 808 - Communicable Diseases. . . . .                                  | 294        |
| 809 - Smoking and Tobacco Use. . . . .                                | 299        |
| 810 - Personnel Complaints. . . . .                                   | 300        |
| 811 - Seat Belts. . . . .   | 310        |
| 812 - Personnel Records. . . . .                                      | 312        |
| 813 - Request for Change of Assignment. . . . .                       | 321        |
| 814 - Commendations and Awards. . . . .                               | 322        |
| 815 - Fitness for Duty. . . . .                                       | 323        |
| 816 - Meal Periods and Breaks. . . . .                                | 326        |
| 817 - Lactation Breaks. . . . .                                       | 327        |
| 818 - Payroll Records. . . . .  | 329        |
| 819 - Overtime Compensation. . . . .                                  | 330        |
| 820 - Outside Employment and Outside Overtime. . . . .                | 333        |
| 821 - Occupational Disease and Work-Related Injury Reporting. . . . . | 337        |
| 822 - Personal Appearance Standards. . . . .                          | 339        |
| 823 - Conflict of Interest. . . . .                                   | 342        |
| 824 - Badges, Patches, and Identification. . . . .                    | 344        |
| 825 - Temporary Modified-Duty Assignments. . . . .                    | 346        |
| 826 - Speech, Expression, and Social Networking. . . . .              | 350        |
| 827 - Illness and Injury Prevention. . . . .                          | 354        |
| 828 - Line-of-Duty Deaths. . . . .                                    | 359        |
| 829 - Threats/Danger to Members and Others. . . . .                   | 370        |
| <b>Attachments. . . . .</b>   | <b>371</b> |
| Citizens Complaint Form 20200813.pdf. . . . .                         | 372        |
| Secondary Employment Form 7-2024.xlsx. . . . .                        | 373        |
| Secondary Employment Form 7-2024.pdf. . . . .                         | 374        |
| Ride-along Policy Waiver.pdf. . . . .                                 | 375        |
| Blue Light Activation Form.pdf. . . . .                               | 376        |
| 605-C (1).pdf. . . . .  | 377        |
| Retiree Liability Waiver and Release Form 2020.pdf. . . . .           | 378        |
| Citizens Complaint Form.pdf. . . . .                                  | 379        |

## **Chapter 1 - Probation Role and Authority**

## Probation Authority

### 100.1 PURPOSE AND SCOPE

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

### 100.2 POLICY

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

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

This department does not tolerate abuse of authority.

### 100.3 OFFICER AUTHORITY

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

### 100.4 ARREST AND OTHER POWERS

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

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

### 100.5 CONSTITUTIONAL REQUIREMENTS

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

## Chief Probation Officer

### **101.1 PURPOSE AND SCOPE**

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

### **101.2 POLICY**

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

### **101.3 CHIEF PROBATION OFFICER REQUIREMENTS**

The Chief Probation Officer of this department, as a condition of employment, shall be appointed and retained by the county juvenile justice commission (Government Code § 27770).

## Oath of Office

### **102.1 PURPOSE AND SCOPE**

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

### **102.2 POLICY**

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

### **102.3 OATH OF OFFICE**

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

### **102.4 MAINTENANCE OF RECORDS**

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

---

# Policy Manual

## 103.1 PURPOSE AND SCOPE

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

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

## 103.2 POLICY

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

See Procedures Manual on Procedure and the Law for further information.

- [Procedure and the Law](#)

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Yuba County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials, or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The Yuba County Probation Department reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

The Chief Probation Officer shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws. The Chief Probation Officer or the authorized designee is authorized to issue 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.

# Yuba County Probation Department

## NEW Probation Manual

### *Policy Manual*

---

#### **103.4 DEFINITIONS**

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

**YCPD** - The Yuba County Probation Department.

**Department** - The Yuba County Probation Department.

**Employee** - Any person employed by the Department.

**Manual** - The Yuba County Probation Department Policy Manual.

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

**Member** - Any person employed or appointed by the Yuba County Probation Department, including:

- Full- and part-time employees
- Volunteers

**Officer** - Those employees of the Yuba County Probation Department who, by classification, are Peace Officers under the California Penal Code.

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

**STC** - Standards and Training for Corrections.

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

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Policy Manual*

---

#### **103.5 ISSUING THE POLICY MANUAL**

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

Each member shall acknowledge that the member 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 will ensure that the Policy Manual is periodically reviewed and updated as necessary.

#### **103.7 REVISIONS TO POLICIES**

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

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

Each Probation Manager will ensure that members under the Probation Manager's command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Probation Managers, who will consider the recommendations and forward them to the command staff as appropriate.

---

## Probation Code of Ethics

### 104.1 PROBATION CODE OF ETHICS

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

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

## **Chapter 2 - Organization and Administration**

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 POLICY

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

### 200.3 DIVISIONS

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

- Adult Division
- Juvenile Division
- Administrative Division
- Institutions Division
- Victim Services

#### 200.3.1 ADULT OPERATIONS

The Adult Division is commanded by an assigned manager, whose primary responsibility is to provide general management, direction, and control for the Adult Division. The Adult Division consists of officers and probation aides/assistants.

#### 200.3.2 JUVENILE OPERATIONS

The Juvenile Division is commanded by an assigned manager, whose primary responsibility is to provide general management, direction, and control for the Juvenile Division. The Juvenile Division consists of officers tasked with the field supervision of juveniles and probation aides/assistants.

#### 200.3.3 ADMINISTRATIVE OPERATIONS

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

#### 200.3.4 INSTITUTIONS OPERATIONS

The Institutions Division is commanded by an assigned Superintendent, whose primary responsibility is to provide general management, direction, and control for the Institutions Division. The Institutions Division consists of detention and commitment housing.

# Yuba County Probation Department

## NEW Probation Manual

### *Organizational Structure and Responsibility*

---

#### 200.3.5 VICTIM SERVICES OPERATIONS

The Victim Services Division is commanded by an assigned manager, who primary responsibility is to provide general management, direction, and control for the Victim Services Division. The Victim Services Division consists of advocates, therapists and other non-sworn staff.

#### **200.4 COMMAND PROTOCOL**

##### 200.4.1 SUCCESSION OF COMMAND

The Chief Probation Officer exercises command over all members of the Yuba County Probation Department. During planned absences, the Chief Probation Officer will designate a manager to serve as the acting Chief Probation Officer. Except when designated as above, the order of command authority in the absence or unavailability of the Chief Probation Officer is:

- (a) Assistant Chief Probation Officer
- (b) Superintendent of Institutions
- (c) Adult Probation Manager
- (d) Juvenile Division Probation Manager
- (e) Victim Services Manager
- (f) Administrative Probation Manager

---

## Departmental Directives

### 201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives.

### 201.2 POLICY

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

### 201.3 PROTOCOL

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

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

### 201.4 RESPONSIBILITIES

#### 201.4.1 DIVISION MANAGERS

Probation Managers shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Chief Probation Officer.

#### 201.4.2 CHIEF PROBATION OFFICER

Only the Chief Probation Officer or the authorized designee may approve and issue Departmental Directives.

### 201.5 ACCEPTANCE OF DIRECTIVES

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

## Emergency Plan

### 202.1 PURPOSE AND SCOPE

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

### 202.2 POLICY

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

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

See the [County of Yuba Emergency Operations Plan –All Hazards](#):

#### 202.2.1 YUBA COUNTY PROBATION DEPARTMENT CODE/ORDINANCES

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

### 202.3 DEPARTMENT RESPONSIBILITIES

The Yuba County Probation Department members are mandated to respond to emergencies as outlined in the County Emergency Operations plan. The department will make every effort to comply with directives and requests from local, State and Federal orders during states of emergencies.

### 202.4 ACTIVATING THE EMERGENCY PLAN

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

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

#### 202.4.1 RECALL OF PERSONNEL

In the event that the Emergency Plan is activated, all employees of the Yuba County Probation Department are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief Probation Officer or the highest-ranking on-duty supervisor.

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

### 202.5 LOCATION OF THE EMERGENCY PLAN

Copies of the Emergency Plan located on the County website. All supervisors should familiarize themselves with the Emergency Plan and the roles members will play when the plan is

# Yuba County Probation Department

## NEW Probation Manual

### *Emergency Plan*

---

implemented. The Chief Probation Officer should ensure that department members are familiar with the roles they will play when the plan is implemented.

#### **202.6 EMERGENCY PLAN REVIEW**

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

#### **202.7 TRAINING**

The Department should provide annual training on the Emergency Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Plan and personnel responsibilities when the plan is implemented. Training should incorporate a full or partial exercise, tabletop exercise, or management-level discussion.

## Training

### 203.1 PURPOSE AND SCOPE

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

### 203.2 POLICY

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

### 203.3 OBJECTIVES

The objectives of the training program are to:

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

### 203.4 TRAINING MANAGER

The Chief Probation Officer shall designate the Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

#### 203.4.1 TRAINING RESTRICTION

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

### 203.5 TRAINING PLAN

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

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

The plan will address all required training.

# Yuba County Probation Department

## NEW Probation Manual

### *Training*

---

#### 203.5.1 GOVERNMENT-MANDATED TRAINING

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

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

#### 203.6 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:

# Yuba County Probation Department

## NEW Probation Manual

### *Training*

---

1. Court appearances.
  2. Previously approved vacation or time off.
  3. Illness or medical leave.
  4. Physical limitations preventing the member's participation.
  5. Emergency situations or department necessity.
- (b) All members unable to attend training as scheduled shall notify their supervisors as soon as practicable, but no later than one hour prior to the start of training, and shall:
1. Document the absence in a memorandum to the supervisor.
  2. Arrange through the supervisor or Training Manager to attend the required training on an alternate date.

#### **203.6 TRAINING COMMITTEE**

The Training Manager may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

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

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

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

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

The Training Manager will consider the recommendation of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Training Manager shall be submitted to the command staff for review.

#### **203.7 DAILY TRAINING BULLETINS**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Training*

---

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

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

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

#### **203.8 TRAINING RECORDS**

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

## Electronic Mail

### **204.1 PURPOSE AND SCOPE**

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

### **204.2 POLICY**

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

### **204.3 PRIVACY EXPECTATION**

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

### **204.4 RESTRICTIONS ON USE OF EMAIL**

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

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

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Members should seek prior approval from a manager when sending an email message to the entire department.

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

### **204.5 EMAIL RECORD MANAGEMENT**

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

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

---

## Administrative Communications

### 205.1 PURPOSE AND SCOPE

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

### 205.2 POLICY

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

### 205.3 PERSONNEL ORDERS

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

### 205.4 CORRESPONDENCE

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

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

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

### 205.5 SURVEYS

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

### 205.6 OTHER COMMUNICATIONS

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

## Supervision Staffing Levels

### **206.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members.

### **206.2 POLICY**

The Yuba County Probation Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

### **206.3 MINIMUM SUPERVISION STAFFING LEVELS**

Minimum staffing levels should be established by the Probation Managers for each work group. The supervision staffing levels should support proper supervision, span of control, compliance with any collective bargaining agreement or memorandum of understanding, and activity levels to meet the needs of members and the goals of the Department.

#### **206.3.1 TEMPORARY SUPERVISORS**

To accommodate training and other unforeseen circumstances, another qualified member may be used as a temporary supervisor in place of a regularly assigned supervisor.

## Retiree Concealed Firearms

### 207.1 PURPOSE AND SCOPE

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

### 207.2 POLICY

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

### 207.3 LEOSA

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

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

#### 207.3.1 LEOSA CARD FORMAT

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

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

#### 207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies the individual as having been employed as a peace officer, and one of the following:
  1. An indication from the person's former agency that the person has, within the past year, been tested or otherwise found by the agency to meet agency-

# Yuba County Probation Department

## NEW Probation Manual

### *Retiree Concealed Firearms*

---

established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

[See attachment: Retiree Liability Waiver and Release Form 2020.pdf](#)

#### **207.4 CALIFORNIA IDENTIFICATION CARD**

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

- (a) Honorably retired following service as a full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of employment (Penal Code § 25455).
  1. Honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, it shall not include any officer who retires in lieu of termination or who is retiring because of a psychological disability (Penal Code § 26305).

##### **207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

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

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

#### **207.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Chief Probation Officer or authorized designee of an arrest or conviction in any jurisdiction, or that the individual is

# Yuba County Probation Department

## NEW Probation Manual

### *Retiree Concealed Firearms*

---

the subject of a court order, in accordance with the Reporting of Arrests, Convictions, and Court Orders Policy.

#### 207.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

#### 207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state, and local laws.
- (c) Not engage in conduct that compromises public safety.

#### 207.5.3 RENEWAL OF RETIRED OFFICERS PRIVILEGE TO CARRY

Every 5 years, retired peace officer shall petition the department for renewal of the privilege to carry a loaded firearm (Penal Code § 25915).

### **207.6 DENIAL, SUSPENSION, OR REVOCATION**

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

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

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

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing,

# Yuba County Probation Department

## NEW Probation Manual

### *Retiree Concealed Firearms*

---

absent written agreement between the parties, shall be held no later than 120 days after the request is received.

- (b) Prior to permanent revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first-class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
  - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
  - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
  - 3. Failure to submit a timely written request for a hearing shall be deemed a waiver of such right and the authority of the officer to carry a firearm shall be permanently revoked.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or the retiree's employee organization, and one selected jointly (Penal Code § 26320).
  - 1. The decision of such hearing board shall be binding on the Department and the retiree.
  - 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender the identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege" (Penal Code § 26325(b)).
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief Probation Officer or the authorized designee as soon as practicable. The Chief Probation Officer or the authorized designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise the individual in writing of the following:
  - 1. The retiree's concealed firearm CCW endorsement is immediately and temporarily suspended.
  - 2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
  - 3. The retiree will forfeit the right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
  - 4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Probation Officer or the authorized designee should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Probation Officer or the authorized designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

# Yuba County Probation Department

## NEW Probation Manual

### *Retiree Concealed Firearms*

---

5. Notification of the temporary suspension should also be promptly mailed to the retiree via first-class mail, postage prepaid, return receipt requested.
  - (a) The Chief Probation Officer or the authorized designee should document the investigation, the actions taken, and, if applicable, any notification made to the former member. The memo should be forwarded to the Chief Probation Officer or the authorized designee.

#### **207.7 FIREARM QUALIFICATIONS**

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

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

### 300.2 POLICY

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

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

#### 300.2.1 FAIR AND UNBIASED USE OF FORCE

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

#### 300.2.2 DUTY TO INTERCEDE

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

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

#### 300.2.3 FAILURE TO INTERCEDE

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

#### 300.2.4 DUTY TO REPORT EXCESSIVE FORCE

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

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

### **300.3 USE OF FORCE**

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

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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

#### 300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

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

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

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

#### 300.3.2 USE OF FORCE TO EFFECT AN ARREST

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

An authorized officer who makes or attempts to make an arrest need not retreat or desist from the 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 the right to self-defense by the use of

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

#### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, bystanders, and others.
- (n) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the individual or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

#### 300.3.4 NERVE STIMULUS TECHNIQUES

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

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

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

#### 300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

#### 300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

#### 300.3.7 ADDITIONAL RESTRICTIONS

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

#### 300.3.8 USE OF FORCE TO SEIZE EVIDENCE

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

In the instance when force is used to seize evidence, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Yuba County Probation Department for this specific purpose.

#### **300.3.9 USE OF FORCE TO PREVENT INGESTION OF EVIDENCE**

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

#### **300.4 DEADLY FORCE APPLICATIONS**

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

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

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

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

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

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

#### **300.4.2 DISPLAYING OF FIREARMS**

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

- (a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.
- (c) If the officer directs a firearm toward an individual, or group of individuals, this will be considered a Use of Force for reporting purposes and the officer shall document pursuant to Section 300.5 (Reporting the Use of Force).

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

#### **300.5 REPORTING THE USE OF FORCE**

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

##### **300.5.1 NOTIFICATION TO SUPERVISORS**

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

#### **300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

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

#### **300.6 MEDICAL CONSIDERATIONS**

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

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

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary 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).

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

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

#### **300.7 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) In cases involving the use of deadly force or when serious injury has resulted, obtain an oral statement from the member. The statement should be restricted to concerns of anything that may present an ongoing threat to the security of the facility or public safety. Supervisors should ensure that the member's POBAR rights are adhered to.
- (c) Take appropriate measures to address safety concerns, document the essence of the oral statement in writing, and submit it to the Program Manager.
- (d) Ensure that the appropriate investigative authority is notified, if needed.
- (e) Ensure that any injured parties are examined and treated by medical staff.
- (f) When possible, separately interview the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a interview was conducted should be documented in a property or other report.
  - 3.
- (g) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  1. These photographs should be retained until all potential for civil litigation has expired.
- (h) Identify any witnesses not already included in related reports.
- (i) Review and approve all related reports.
- (j) Determine if there is any indication that the individual 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.
- (k) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance 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 still expected to complete as many of the above items as circumstances permit.

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

#### **300.7.1 PROBATION MANAGER RESPONSIBILITY**

The Probation Manager shall review each use of force by any personnel within the Probation Manager's command to ensure compliance with this policy.

#### **300.8 USE OF FORCE COMPLAINTS**

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

#### **300.9 TRAINING**

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

Subject to available resources, the Training Manager should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

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

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

#### **300.10 USE OF FORCE ANALYSIS**

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

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

#### **300.11 POLICY REVIEW**

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

#### **300.12 POLICY AVAILABILITY**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force*

---

#### **300.13 PUBLIC RECORDS REQUESTS**

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

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

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

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

### 301.2 POLICY

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

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 301.4 REVIEW BOARD

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

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

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

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

#### 301.4.1 COMPOSITION OF THE BOARD

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

- Designee of the Chief Probation Officer who shall act as the Chairperson
- Staff representative from the involved member's chain of command
- Probation Program Manager designated by the Chief Probation Officer

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force Review Boards*

---

- Supervising Deputy Probation Officer designated by the Chief Probation Officer
- Training Manager
- A probation officer from an outside agency, as appropriate
- Department instructor for the type of weapon, device, or technique used

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

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

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

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

# Yuba County Probation Department

## NEW Probation Manual

### *Use of Force Review Boards*

---

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

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

## Officer-Involved Shootings and Deaths

### 302.1 PURPOSE AND SCOPE

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

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

### 302.2 POLICY

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

### 302.3 TYPES OF INVESTIGATIONS

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

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

#### 302.3.1 CRIMINAL INVESTIGATIONS

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

#### 302.3.2 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the Yuba County Probation Department should conduct an administrative and civil investigation of each involved officer.

### 302.4 INVESTIGATION PROCESS

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

#### 302.4.1 OFFICER RESPONSIBILITIES

The officer should, as appropriate:

- (a) Notify a supervisor the identified management staff per the Officer-Involved Shooting and Deaths Procedure. [OFFICER-INVOLVED SHOOTINGS AND DEATHS](#)
- (b) Notify the appropriate local law enforcement agency.
- (c) Request appropriate emergency medical services.
- (d) Request additional resources from the Department or other law enforcement agencies.

# Yuba County Probation Department

## NEW Probation Manual

### *Officer-Involved Shootings and Deaths*

---

#### 302.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the Yuba County Probation Department supervisor should ensure completion of the duties outlined above, plus:

- (a) In the event a law enforcement investigator has not arrived, attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) Each involved Yuba County Probation Department officer should be given an administrative order not to discuss the incident with other involved officers or Yuba County Probation Department members pending further direction from a supervisor.
- (c) As soon as practicable, in coordination with the supervising officer of the law enforcement investigator in charge of the criminal investigation, request that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  1. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with appropriate security.

#### 302.4.3 NOTIFICATIONS

The supervisor is responsible for notification to the following persons as soon as practicable:

- Psychological/peer support personnel
- Involved officer's agency representative

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

#### 302.4.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
  1. Involved Yuba County Probation Department officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist should be provided by the Department to each involved Yuba County Probation Department officer. A licensed psychotherapist may also be provided to any other affected Yuba County Probation Department members, upon request.

# Yuba County Probation Department

## NEW Probation Manual

### *Officer-Involved Shootings and Deaths*

---

1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

#### **302.5 CRIMINAL INVESTIGATION**

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

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

- (a) Yuba County Probation Department supervisors should not participate directly in any voluntary interview of Yuba County Probation Department officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) Any voluntary statement provided by an involved officer will be made available for any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

##### **302.5.1 REPORTS BY INVOLVED YUBA COUNTY PROBATION DEPARTMENT OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved Yuba County Probation Department officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved Yuba County Probation Department officer may write the report, it is generally preferred that such reports be limited to the report completed by the criminal investigators.

# Yuba County Probation Department

## NEW Probation Manual

### *Officer-Involved Shootings and Deaths*

---

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

#### **302.6 ADMINISTRATIVE INVESTIGATIONS**

In addition to all other investigations associated with the incident, this department will conduct an internal administrative investigation of involved Yuba County Probation Department officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief Probation Officer or the authorized designee and will be considered a confidential officer personnel file.

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

- (a) Any involved officer may be requested or 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 further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of the prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure 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, to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed (Government Code § 3303(i)).
  - 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, the officer should be given *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.

# Yuba County Probation Department

## NEW Probation Manual

### *Officer-Involved Shootings and Deaths*

---

5. The assigned investigator shall compile all relevant information and reports necessary for the Chief Probation Officer to determine compliance with policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **302.7 AUDIO AND VIDEO RECORDINGS**

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

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

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

#### **302.8 DEBRIEFING**

The Yuba County Probation Department should conduct both a critical incident stress debriefing and a tactical debriefing.

##### **302.8.1 CRITICAL INCIDENT STRESS DEBRIEFING**

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

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

Attendance at the debriefing should only include those members of the Department directly involved in the incident. Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory personnel and personnel assigned to conduct administrative investigations of this incident.

##### **302.8.2 TACTICAL DEBRIEFING**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Officer-Involved Shootings and Deaths*

---

#### **302.9 MEDIA RELATIONS**

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

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

#### **302.10 REPORTING**

If the death, or shooting, of an individual occurs in any incident involving an officer of the Yuba County Probation Department and qualifies to be reported to the state, the Chief Probation Officer will ensure that the Records Manager is provided with enough information to meet the reporting requirements, including any changes or new information that becomes available after the initial reporting (Government Code § 12525.2; Government Code § 12525).

## Firearms

### 303.1 PURPOSE AND SCOPE

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

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

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

### 303.2 POLICY

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

See Procedures Manual on Firearms for further information.

- [FIREARMS](#)

### 303.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

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

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

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

#### 303.3.1 HANDGUNS

The issued/authorized departmental-issued handgun shall be approved by the Chief Probation Officer and the Rangemaster(s).

Officers may carry an "in lieu of" firearm while on duty under the following conditions:

- (a) Permission in writing has been requested and granted from the Chief Probation Officer for such authorization.
- (b) That the "in lieu of" weapon to be carried meets the following criteria:

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

1. The weapon shall be approved by the Chief Probation Officer and the Rangemaster(s).
2. The barrel is no less than one inch and no more than six inches, and no longer than a "K" frame revolver, and no larger than a "K" frame revolver.
3. The weapon carries at least ten (10) rounds of ammunition.
4. The weapon has been certified as safe by the Rangemaster(s).
5. The ammunition used is departmental issue, unless otherwise authorized by the Chief Probation Officer.
6. The ammunition used is not Teflon, armor-piercing, tracer, exploding, or incendiary design. Reloaded ammunition of any type may not be used, except during qualifying with the Rangemaster(s).

#### 303.3.2 SHOTGUNS AND RIFLES

Shotguns and rifles are not authorized for carrying in the performance of official duties. Shotguns and rifles may only be used during exigent circumstances where the shotgun and rifle are issued to another law enforcement agency/member.

#### 303.3.3 SHOTGUN/RIFLE DEPLOYMENT

Members should deploy a shotgun or rifle only in circumstances when the member can articulate a reasonable expectation that a shotgun or rifle is needed.

#### 303.3.4 PERSONALLY OWNED DUTY FIREARMS

Members authorized by the Chief Probation Officer to carry a firearm in the performance of their duties who desire to carry a personally owned duty firearm must receive written approval from the Chief Probation Officer. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### 303.3.5 AUTHORIZED SECONDARY HANDGUN

Members are not authorized to carry a secondary handgun.

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

#### 303.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition annually in the specified quantity for all department-issued firearms. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### **303.4 EQUIPMENT**

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

##### 303.4.1 REPAIRS OR MODIFICATIONS

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

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

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

##### 303.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. The authorized and approved firearm must be encased in a holster approved by the Rangemaster and the officer must qualify at the firearm range with the approved holster.

##### 303.4.3 TACTICAL LIGHTS

Tactical lights may not be installed on a firearm while carried in the performance of official duties.

##### 303.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may not be carried while in the performance of official duties.

#### **303.5 SAFE HANDLING, INSPECTION, AND STORAGE**

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry

# Yuba County Probation Department

## NEW Probation Manual

### Firearms

---

fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

- (c) Members shall not clean, repair, load, or unload a firearm anywhere in the Department, except when directed by a Rangemaster.
- (d) Members shall not carry or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into a custodial facility when securing or processing an arrestee, but shall instead place all firearms in a secured location.
- (e) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 303.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly at designated times by Rangemasters. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms approved for on-duty use may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room or approved location.

Probation officers authorized to carry firearms are charged with the responsibility to observe and practice the following storage regulations:

- (a) When not being carried during duty hours, the firearm and ammunition shall be stored in a secure and safe place that is not readily accessible to unauthorized persons. The firearm shall not be stored in a place where it is visible to anyone.
- (b) Firearms shall not be kept in the assigned office overnight, unless secured in a locked filing cabinet.
- (c) Firearms are not to be stored overnight at any time in a County vehicle or private vehicle.
- (d) If an on-duty, armed officer does not wish to carry his/her firearm into a residence or public building, he/she shall take the following precautions:
  1. The firearm may be stored temporarily either in a locked vehicle or vehicle glove compartment. If the firearm is stored in either, the automobile shall be locked.
  2. The probation officer shall exercise caution so that the public does not observe placement of the firearm into storage in the automobile.
- (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

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

in any unattended/unlocked vehicle on institutional grounds. Follow the procedures of the correctional facility as to safe storage of these items.

#### 303.5.2 STORAGE AT HOME

Members 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

#### 303.5.3 STORAGE IN VEHICLES

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

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

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

#### 303.5.4 ALCOHOL AND DRUGS

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

### **303.6 FIREARMS TRAINING AND QUALIFICATIONS**

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

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

#### 303.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that member shall notify their immediate supervisor prior to the end of the required training or by the next business day.

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

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

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

Members who repeatedly fail to meet minimum standards may have their authorization to carry a firearm on and/or off duty may be suspended or revoked at the discretion of the Chief Probation Officer or their designee.

#### **303.7 FIREARMS DISCHARGE**

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

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

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

##### **303.7.1 DESTRUCTION OF ANIMALS**

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

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

##### **303.7.2 WARNING AND OTHER SHOTS**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

#### **303.8 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 members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

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

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

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

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided, and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Training Manager.

#### **303.9 FLYING WHILE ARMED**

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Firearms*

---

containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

## Handcuffing and Restraints

### 304.1 PURPOSE AND SCOPE

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

### 304.2 POLICY

The Yuba County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

### 304.3 USE OF RESTRAINTS

Only members who have successfully completed Yuba County Probation Department-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 or violation 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 in the front to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

#### 304.3.1 RESTRAINT OF DETAINEES

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

#### 304.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg 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 herself 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.

# Yuba County Probation Department

## NEW Probation Manual

### *Handcuffing and Restraints*

---

#### 304.3.3 RESTRAINT OF JUVENILES

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

#### 304.3.4 NOTIFICATIONS

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

#### **304.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

#### **304.5 APPLICATION OF SPIT HOODS**

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing

# Yuba County Probation Department

## NEW Probation Manual

### *Handcuffing and Restraints*

---

or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

#### **304.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg 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, but while permitting adequate movement, comfort, and mobility.

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

#### **304.7 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

##### **304.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

# Yuba County Probation Department

## NEW Probation Manual

### *Handcuffing and Restraints*

---

- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be laid face-down for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain prone in a face-down position.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **304.8 REQUIRED DOCUMENTATION**

If a person is restrained in mechanical restraints other than described in Section 304.4, 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. The officer should include, as appropriate:

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

#### **304.9 MECHANICAL RESTRAINTS ON YOUTH COMMITTED TO A LOCAL SECURE FACILITY**

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 youth detained in a local secure juvenile facility, camp, ranch, or forestry camp, as established pursuant to Sections 850 and 881 of the Welfare and Institutions Code, during transportation outside of the facility only upon a determination made by the Probation Department that the mechanical restraints are necessary to prevent physical harm to the juvenile or another person due to substantial risk of flight.

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. The Probation Department shall establish procedures for the documentation of their use, including the reasons for the use of those mechanical restraints. This does not apply to mechanical restraints used by medical care providers in the course of medical care or transportation.

# Yuba County Probation Department

## NEW Probation Manual

### *Handcuffing and Restraints*

---

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. 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 records. (Welfare and Institutions Code 210.6)

#### **304.10 TRAINING**

Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg 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

### 305.1 PURPOSE AND SCOPE

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

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

### 305.2 POLICY

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

### 305.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

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

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

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

### 305.4 RESPONSIBILITIES

#### 305.4.1 PROGRAM MANAGER RESPONSIBILITIES

The Program Manager 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 Program Manager or the designated instructor for a particular control device. The inspection shall be documented.

#### 305.4.2 USER RESPONSIBILITIES

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Control Devices*

---

#### **305.5 BATON GUIDELINES**

The need to immediately control a subject must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys, and groin should not be intentionally targeted except when the officer reasonably believes the subject poses an imminent threat of serious bodily injury or death to self or others.

When carrying a baton, uniformed personnel shall carry the baton in a holder authorized by the department. Non-uniformed and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

#### **305.6 OLEORESIN CAPSICUM GUIDELINES**

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

##### **305.6.1 TREATMENT FOR EXPOSURE**

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

#### **305.7 POST-APPLICATION NOTICE**

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

#### **305.8 TRAINING FOR CONTROL DEVICES**

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Control Devices*

---

#### **305.9 REPORTING USE OF CONTROL DEVICES**

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

## Search and Seizure

### 306.1 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 Yuba County Probation Department personnel to consider when dealing with search and seizure issues.

### 306.2 POLICY

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

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.

### 306.3 SEARCHES GENERALLY

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

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

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

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

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Search and Seizure*

---

#### **306.4 SEARCH PROTOCOL**

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

- (a) Members 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) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, these guidelines should be followed:
  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.

See Procedures Manual on Forced Entry and Searches for further information.

- [Forced Entry](#)
- [Searches](#)

#### **306.5 DOCUMENTATION**

Officers are responsible for documenting any search and ensuring that any required reports are sufficient, including, at a minimum, documentation of:

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Search and Seizure*

---

#### **306.6 PROCEDURE LINKS**

See Procedures Manual on Forced Entry for further information related to Policy Section 306.4.

- [Forced Entry](#)

## Mandatory Reporting

### 307.1 PURPOSE AND SCOPE

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

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

### 307.2 POLICY

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

### 307.3 CHILD ABUSE

#### 307.3.1 NOTIFICATION

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

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

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

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

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

For purposes of notification, abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); willful harm or injury to a child or endangering the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it

# Yuba County Probation Department

## NEW Probation Manual

### *Mandatory Reporting*

---

include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer.

#### 307.3.2 NOTIFICATION PROCEDURE

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

- (a) When the member is making an initial notification:
  1. Notification shall be made immediately, or as soon as practicable, by telephone.
  2. A written follow-up mandated report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
- (b) When the Yuba County Probation Department is making notification:
  1. Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
  2. A written report shall be forwarded by fax or electronic transmission within 36 hours of receiving the information concerning the incident.
  3. For cases involving the commercial sexual exploitation of a child who is receiving child welfare services, notification shall be made within 24 hours to a law enforcement agency that has jurisdiction over a case.
  4. For cases involving a child who is receiving child welfare services who is reasonably believed to be the victim of commercial sexual exploitation and is missing or has been abducted, notification shall be made to the appropriate law enforcement authority within 24 hours for entry into NCIC and to the National Center for Missing and Exploited Children (NCMEC). The Yuba County Probation Department shall maintain regular communication with law enforcement agencies and NCMEC in efforts to provide safe recovery of the missing or abducted child, including sharing information pertaining to the child's recovery and circumstances related to the recovery.

Initial notification to law enforcement agencies shall include the following, when reasonably possible:

- (a) Photo of the missing or abducted child
- (b) Description of the child's physical features (e.g., height, weight, sex, ethnicity, race, hair/eye color)
- (c) Endangerment information (e.g., pregnancy status, prescription medications, suicide risk, sex trafficking vulnerability, other health/risk factors)
- (d) Information about whether the child is or may be an Indian child (as defined in Welfare and Institutions Code § 224.1), including the name of the child's tribe

# Yuba County Probation Department

## NEW Probation Manual

### *Mandatory Reporting*

---

#### 307.3.3 EMERGENCY REMOVAL

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

- (a) Is in immediate need of medical care.
- (b) Is in immediate danger of physical or sexual abuse.
- (c) Is in a physical environment that poses an immediate threat to the minor's health or safety.
- (d) Is left unattended, posing an immediate threat to the minor's health or safety.
  - 1. Officers shall attempt to contact the parent or guardian to take custody of the unattended child.
  - 2. If contact with the parent or guardian of the unattended minor cannot be made, the County Welfare Office shall be contacted to assume custody of the minor.
- (e) Is in the hospital and release to the parent poses an immediate threat to the minor's health or safety.
- (f) Is a dependent of the juvenile court and the officer reasonably believes that the juvenile has violated an order of the court.
- (g) Has left any placement ordered by the juvenile court.
- (h) Requires medical or other care after having been found suffering from injury or sickness in a public place.

#### **307.4 ELDER AND ADULT DEPENDENT ABUSE**

##### 307.4.1 NOTIFICATION

Members of this department who are mandated reporters of elder or dependent adult abuse pursuant to Welfare and Institutions Code § 15630 shall notify the county adult protective services agency of known, suspected, or alleged instances of abuse when the member reasonably suspects, has observed, or has knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the individual has experienced abuse.

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

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse, or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions

# Yuba County Probation Department

## NEW Probation Manual

### *Mandatory Reporting*

---

Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

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

#### **307.4.2 NOTIFICATION PROCEDURE**

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

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

#### **307.5 DOCUMENTATION**

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

#### **307.6 CONFIDENTIALITY OF REPORTS**

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

## **Discriminatory Harassment**

### **308.1 PURPOSE AND SCOPE**

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

### **308.2 POLICY**

The Yuba County Probation Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, 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 and privileges it is designed to protect.

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

### **308.3 DEFINITIONS**

Definitions related to this policy include:

#### **308.3.1 DISCRIMINATION**

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, 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.

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Discriminatory Harassment*

---

#### 308.3.2 RETALIATION

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

#### 308.3.3 SEXUAL HARASSMENT

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

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

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

#### 308.3.4 ADDITIONAL CONSIDERATIONS

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

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

### **308.4 RESPONSIBILITIES**

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief Probation Officer, the Director of Human Resources, or the County Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

# Yuba County Probation Department

## NEW Probation Manual

### *Discriminatory Harassment*

---

retaliation, 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 a resolution as stated below.

#### 308.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief Probation Officer, the Director of Human Resources, the County Administrator, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### 308.4.2 SUPERVISOR RESPONSIBILITIES

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

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

#### 308.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

# Yuba County Probation Department

## NEW Probation Manual

### *Discriminatory Harassment*

---

#### **308.5 INVESTIGATION OF COMPLAINTS**

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

##### **308.5.1 SUPERVISOR RESOLUTION**

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

##### **308.5.2 FORMAL INVESTIGATION**

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

The person 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 member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and 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.

Members 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, the Director of Human Resources, or the County Administrator.

##### **308.5.3 ALTERNATIVE COMPLAINT PROCESS**

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

#### **308.6 DOCUMENTATION OF COMPLAINTS**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Discriminatory Harassment*

---

- (a) Approved by the Chief Probation Officer, the County Administrator, or Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the 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 WORKING CONDITIONS

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

#### 308.8 TRAINING

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

All members shall receive 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.

##### 308.8.1 STATE-REQUIRED TRAINING

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

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

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

##### 308.8.2 TRAINING RECORDS

The Training Manager 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 11024).

# Yuba County Probation Department

## NEW Probation Manual

### *Discriminatory Harassment*

---

#### 308.8.3 REQUIRED POSTERS

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

## Victim and Witness Assistance

### 309.1 PURPOSE AND SCOPE

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

### 309.2 POLICY

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

### 309.3 RESPONSIBILITIES

Member responsibilities include the following:

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

### 309.4 VICTIM SAFETY

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Victim and Witness Assistance*

---

#### **309.5 VICTIM INFORMATION**

Written victim information materials should include:

- (a) Shelters and other community resources for victims, including domestic violence and sexual assault victims.
- (b) An advisement that a person who was arrested may be released on bond, probation, or other forms of release and that the victim should not rely upon such status or supervision as a guarantee of safety.
- (c) A clear explanation of relevant court orders and how they can be obtained.
- (d) Information regarding available compensation for qualifying victims of crime.
- (e) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an adult offender's custody status and to register for automatic notification when a person is released from jail.
- (f) Notice regarding U visa and T visa application processes.
- (g) Resources available for victims of identity theft.
- (h) Victims' rights provided in Penal Code § 1191.1 and Penal Code § 1191.2, including:
  - 1. Their right to attend all sentencing or disposition proceedings.
  - 2. Adequate notice of all sentencing or disposition proceedings.
  - 3. Information concerning the victim's right to civil recovery against the offender.
  - 4. The requirement that the court order restitution for the victim.
  - 5. The victim's right to receive a copy of the restitution order from the court and to enforce the restitution order as a civil judgment.
  - 6. The victim's responsibility to furnish the probation department, district attorney, and court with information relevant to any losses.
  - 7. The victim's opportunity to be compensated from the Restitution Fund if eligible. This information shall be in the form of written material prepared by the Judicial Council in consultation with the California Victim Compensation Board, shall include the relevant sections of the Penal Code, and shall be provided to each victim for whom the probation officer has a current mailing address.

#### **309.6 WITNESSES**

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

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

---

## Information Technology Use

### 310.1 PURPOSE AND SCOPE

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

#### 310.1.1 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 Yuba County Probation Department that are provided for official use by its members. This includes all access to, and use of, internet service providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), 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.

### 310.2 POLICY

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

### 310.3 PRIVACY EXPECTATION

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

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

# Yuba County Probation Department

## NEW Probation Manual

### *Information Technology Use*

---

The Department shall not require a member to disclose a personal username or password for accessing a personal social media account or to open a personal social website; however, the department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **310.4 RESTRICTED USE**

Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisor.

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

##### **310.4.1 SOFTWARE**

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

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

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

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

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

##### **310.4.2 HARDWARE**

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

# Yuba County Probation Department

## NEW Probation Manual

### *Information Technology Use*

---

#### **310.4.3 INTERNET USE**

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

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

#### **310.4.4 OFF-DUTY USE**

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

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

#### **310.5 PROTECTION OF SYSTEMS AND FILES**

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

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

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

#### **310.6 INSPECTION AND REVIEW**

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

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of

# Yuba County Probation Department

## NEW Probation Manual

### *Information Technology Use*

---

its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

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

## Department Use of Social Media

### 311.1 PURPOSE AND SCOPE

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

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

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

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 311.2 POLICY

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

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

### 311.3 AUTHORIZED USERS

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

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

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 311.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

# Yuba County Probation Department

## NEW Probation Manual

### *Department Use of Social Media*

---

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

#### **311.4.1 INCIDENT-SPECIFIC USE**

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

#### **311.5 PROHIBITED CONTENT**

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

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

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

#### **311.5.1 PUBLIC POSTING PROHIBITED**

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Department Use of Social Media*

---

#### **311.6 MONITORING CONTENT**

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

#### **311.7 RETENTION OF RECORDS**

The Records Manager should establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **311.8 TRAINING**

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

## Report Preparation

### 312.1 PURPOSE AND SCOPE

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

### 312.2 POLICY

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

### 312.3 EXPEDITIOUS REPORTING

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

### 312.4 REPORT PREPARATION

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

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

#### 312.4.1 ELECTRONIC SIGNATURES

The Yuba County Probation Department may establish an electronic signature procedure for use by all members of the Yuba County Probation Department. The County IT or Probation Manager shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for the electronic signature, and ensuring that the use of electronic signatures otherwise complies with the law (Government Code § 16.5):

- (a) Members may only use their electronic signatures for official reports or other official communications.
- (b) Each member shall be responsible for the security and use of the electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

# Yuba County Probation Department

## NEW Probation Manual

### *Report Preparation*

---

#### 312.4.2 NOTATION OF INFORMATION RECEIVED FROM THIRD PARTIES

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

#### **312.5 ADULT REQUIRED REPORTING**

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

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

##### 312.5.1 REPORTS TO THE COURT

As appropriate and necessary, officers should prepare and file with the court any and all reports ordered by the court or as otherwise required by law.

##### 312.5.2 CRIMINAL ACTIVITY AND VIOLATION CONDUCT

When a member becomes aware of any activity where a crime or violation of probation or supervised release has occurred, and the Yuba County Probation Department is the referring or petitioning authority, the member shall document the incident regardless of whether a victim desires prosecution.

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

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

Misdemeanor crimes where the victim does not desire a report shall be documented in the client's case management profile.

##### 312.5.3 NON-CRIMINAL ACTIVITY AND NON-VIOLATION CONDUCT

Non-criminal activity to be documented includes:

- (a) Any found property or found evidence.
- (b) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (c) Suspicious incidents that may place the public or others at risk.
- (d) Any use of force by members of this department against any person (see the Use of Force Policy).

# Yuba County Probation Department

## NEW Probation Manual

### *Report Preparation*

---

- (e) Any firearm discharge (see the Firearms Policy).
- (f) Any time a member points a firearm at any person.
- (g) Any traffic accidents, involving department vehicles or members involved in County business, above the minimum reporting level (see the Vehicle Use, Safety, and Maintenance Policy).
- (h) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

#### **312.5.4 MISCELLANEOUS INJURIES**

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

- (a) A member of the department is a party, or witness to any such injury while in the course of their duties.
- (b) The injury is to a person in a member's custody or care.

#### **312.5.5 CRITICAL INCIDENT REPORTS**

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

- (a) A citizen stating he/she would be pursuing legal action against the Department.
- (b) Searches resulting in arrest, seized property, injury, or damage
- (c) Forced entry
- (d) Any use of force
- (e) When an officer points a firearm at any person
- (f) Exposure to a communicable disease
- (g) Traffic accident
- (h) Rendering first aid to an injured civilian
- (i) Damage to personal property

Critical 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 Chief Probation Officer within 24 hours of the receipt of the Incident Report.

#### **312.6 JUVENILE REPORTING**

Officers may be required to complete Court reports relating to juvenile clients in any of the following scenarios. Officers should complete Court reports consistent with the appropriate department forms and reporting methods, unless otherwise approved by a supervisor. The reports referenced herein are not intended to be all-inclusive.

# Yuba County Probation Department

## NEW Probation Manual

### *Report Preparation*

---

#### 312.6.1 SOCIAL STUDY REPORT

Officers shall prepare and file with the court a social study, prepared pursuant to the requirements of Welfare and Institutions Code § 702, and Welfare and Institutions Code § 706.5, as follows (Welfare and Institutions Code § 727.4):

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

#### 312.6.2 ADDITIONAL REPORTS

Officers should also:

- (a) Prepare and file periodic reports and special reports, as appropriate, with the Office of Youth and Community Restoration pursuant to the requirements of, and on forms provided by, the Office of Youth and Community Restoration (Welfare and Institutions Code § 284).
- (b) Make periodic reports to the Attorney General pursuant to the requirements of the Attorney General (Welfare and Institutions Code § 285).
- (c) Prepare and file with the court written reports and recommendations as requested by the court with regard to custody, status, or welfare of a minor. Reports shall be prepared consistent with the requirements of Welfare and Institutions Code § 281.

#### **312.7 COUNTY PERSONNEL OR PROPERTY**

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

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

#### **312.8 REVIEW AND CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notate the need for correction using clearly identifiable ink, track changes, or other such procedure as to clearly identify any changes, comments or corrections made.

The original report, with supervisor review comments, corrections and/or changes, and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

#### 312.8.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Legal Typist for filing and distribution shall not be modified or altered except by way of a supplemental report.

# Yuba County Probation Department

## NEW Probation Manual

### *Report Preparation*

---

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

## Media Relations

### 313.1 PURPOSE AND SCOPE

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

### 313.2 POLICY

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

### 313.3 RESPONSIBILITIES

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

### 313.4 PROVIDING ADVANCE INFORMATION

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

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

### 313.5 MEDIA REQUESTS

Any media request for information or access to department members shall be referred to the Public Information Officer, or if unavailable, to the first available manager. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a manager or the Public Information Officer.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

# Yuba County Probation Department

## NEW Probation Manual

### *Media Relations*

---

- (c) Under no circumstance should any member of this department make any comment to the media regarding any incident not involving this department without prior approval of the Chief Probation Officer. Under these circumstances the member should direct the media to the agency handling the incident.

#### **313.6 RELEASE OF INFORMATION**

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

#### **313.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

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

##### **313.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

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

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

## Outside Agency Assistance

### 314.1 PURPOSE AND SCOPE

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

### 314.2 POLICY

It is the policy of the Yuba County Probation Department to respond to requests for mutual aid or assistance by law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department. This department may also request outside agency assistance.

### 314.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from a law enforcement agency should be routed to the Probation Manager's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

Mutual aid or assistance may be provided by this department when a law enforcement agency requests assistance. The Probation Manager may authorize an appropriate number of available officers to assist. Officers rendering assistance shall comply with applicable laws and the policies of this department.

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

#### 314.3.1 EMERGENCY ASSISTANCE

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

Officers not responding to a request for assistance as an emergency response shall observe all traffic laws and proceed without the use of emergency lights. Officers responding to a request for assistance as an emergency response in a vehicle that is not equipped with lights and siren should observe all traffic laws.

### 314.4 REQUESTING OUTSIDE ASSISTANCE

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Outside Agency Assistance*

---

#### **314.5 REPORTING REQUIREMENTS**

Incidents of outside assistance should be documented in a general case report or as directed by the Probation Manager.

## Major Incident Notification

### 315.1 PURPOSE AND SCOPE

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

### 315.2 POLICY

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

### 315.3 CRITERIA FOR NOTIFICATION

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

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

### 315.4 PROBATION MANAGER RESPONSIBILITIES

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

# Yuba County Probation Department

## NEW Probation Manual

### *Major Incident Notification*

---

#### 315.4.1 AGENCYHEAD NOTIFICATION

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

#### 315.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the Chief Probation Officer or the authorized designee shall be notified and will then assign the appropriate investigator (e.g., internal affairs investigations).

#### 315.4.3 MEDIA RELATIONS

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

## Limited English Proficiency Services

### 316.1 PURPOSE AND SCOPE

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

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

**Qualified bilingual member** - A member of the Yuba 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).

### 316.2 POLICY

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

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

### 316.3 LEP COORDINATOR

The Chief Probation Officer shall delegate certain responsibilities to member who will act as LEP coordinator. The coordinator shall be appointed by, and directly responsible to, the Administrative Division Probation Manager or the authorized designee.

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

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

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

#### **316.4 FOUR-FACTOR ANALYSIS**

Because there are many different languages that members 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 the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of this department or a particular geographic area.

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

- (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.

#### **316.5 TYPES OF LEP ASSISTANCE AVAILABLE**

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

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

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

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

#### **316.6 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 members and other appropriate individuals, as necessary.

#### **316.7 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 representative of the community being served.

#### **316.8 QUALIFIED BILINGUAL MEMBERS**

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

#### **316.9 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 that demonstrates their skills and abilities in the following areas:

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

#### **316.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

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

Other sources may include:

- Qualified bilingual members 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.

#### **316.9.2 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 above), and have been approved by the Department to communicate with LEP individuals.

When qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called on when

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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

#### **316.10 CONTACT AND REPORTING**

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

#### **316.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

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

#### **316.12 FIELD SUPERVISION**

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

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

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

#### **316.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for revocation of probation or supervised release, or arrest, or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

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 member 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.

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

#### **316.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal case. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter. To ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

#### **316.15 COMPLAINTS**

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

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

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

#### **316.16 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional probation duties. This department will continue to work

# Yuba County Probation Department

## NEW Probation Manual

### *Limited English Proficiency Services*

---

with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

#### **316.17 TRAINING**

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

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

#### **316.17.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members 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.

Members 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 Manager 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

### 317.1 PURPOSE AND SCOPE

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

#### 317.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

### 317.2 POLICY

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

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

### 317.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

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

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

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

#### **317.4 FACTORS TO CONSIDER**

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

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

#### **317.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

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

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

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

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

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

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

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

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

If an individual who is deaf, is hard of hearing, or has impaired speech must be handcuffed while in the custody of the Yuba 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.

#### **317.6 TYPES OF ASSISTANCE AVAILABLE**

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

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

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

#### **317.7 AUDIO RECORDINGS AND ENLARGED PRINT**

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

#### **317.8 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

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

interpreter should not be a person with an interest in the case or the investigation. 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 probation matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

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

#### **317.9 TTY AND RELAY SERVICES**

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

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

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

#### **317.10 FAMILY AND FRIENDS**

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

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

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

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

- (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.

#### **317.11 REPORTING**

Whenever any member of this department is required to complete a report or other documentation and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **317.12 FIELD SUPERVISION**

Field supervision will generally include such contacts as home, work, or school visits, street contacts, community encounters, and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity, and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

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

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.

##### **317.12.1 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, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

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

#### **317.13 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, are 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 has made a clear indication that the individual 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 by a qualified interpreter or by providing a written *Miranda* warning card to suspects who are deaf or hard of hearing.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

#### **317.14 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

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

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

#### **317.15 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the ADA coordinator.

# Yuba County Probation Department

## NEW Probation Manual

### *Communications with Persons with Disabilities*

---

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

#### **317.16 TRAINING**

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

#### **317.16.1 TTY OR TDD TRAINING**

Training should be mandatory for all members who have contact with probationers who are deaf, are hard of hearing, or have impaired speech. Refresher training should occur every six months. Such training and information should include:

- (a) ASL syntax and accepted abbreviations.
- (b) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations, and protocol when responding to TTY or TDD calls.
- (c) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

## Biological Samples

### 318.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required by California law to provide a biological sample to the Yuba County Probation Department as a result of a qualifying conviction or adjudication.

This policy does not apply to biological samples in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders or arson offenders. Biological samples collected for purposes of drug and/or alcohol testing (e.g., urine, blood) are addressed in the Drug and Alcohol Testing Policy.

### 318.2 POLICY

The Yuba County Probation Department will assist in the collection of required biological samples from clients and individuals subject to post-release community supervision or mandatory supervision in accordance with the laws of this state, including out-of-state transfer cases.

### 318.3 INDIVIDUALS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following individuals who are on probation or under supervision for any felony or misdemeanor offense are required by California law to submit a biological sample to an officer of the Yuba County Probation Department if the individual has a prior felony conviction or adjudication, including a conviction or adjudication for an equivalent out-of-state offense (Penal Code § 296.1):

- (a) Adults and juveniles subject to [probation/supervised release] supervision
- (b) Individuals subject to post-release community supervision
- (c) Individuals subject to mandatory supervision pursuant to Penal Code § 1170(h)(5)

In addition, individuals who are accepted for supervision by this department from another jurisdiction and who are not confined are required to submit a biological sample if the individual has a prior felony conviction or adjudication, including a conviction or adjudication for an equivalent out-of-state offense (Penal Code § 296.1(a)(5)).

### 318.4 PROCEDURE

When an individual is required to provide a biological sample to a probation officer, subsequent to conviction, a probation officer of the Yuba County Probation Department should:

- (a) Verify the individual is required to provide a sample pursuant to California law.
  1. Verification includes querying the individual's criminal history record for a DNA collection flag or, during regular business hours, contacting the California Department of Justice (DOJ) designated laboratory to determine whether a biological sample has previously been collected from the individual. There is no need to obtain a sample if one has been previously obtained.
- (b) Notify the individual of the time and location to appear to submit a sample.

# Yuba County Probation Department

## NEW Probation Manual

### *Biological Samples*

---

1. The date to appear shall be, when practicable, within five days of notification to the individual of the requirement to submit a sample (Penal Code § 296.1).
  2. Collections from an out of custody individual accepted for supervision from another jurisdiction outside of California shall occur at a county jail facility located in the county where the person resides (Penal Code § 296.1).
  3. All other collections may occur at a county jail facility or at any other city, state, local, or private facility designated by the California DOJ for the collection of a sample (Penal Code § 296.1).
- (c) Provide or use the collection kit designated by the California DOJ for the collection of the sample.
  - (d) Provide for a witness to be present at the collection of the sample.
  - (e) Document in the individual's file that the sample was taken.
  - (f) Forward the sample to the California DOJ as soon as practicable.

#### **318.5 USE OF FORCE TO OBTAIN SAMPLES**

If a client refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to the use of force. Force will not be used in the collection of samples.

Methods to consider when seeking voluntary compliance include:

- (a) Communicating the possible consequences of a refusal.
- (b) Contacting the District Attorney to seek additional charges against the individual for failure to comply pursuant to Penal Code § 298.1 or bring the refusal before the appropriate court.
- (c) Notifying the court at the client's next court appearance, if any.
- (d) Contacting the client's attorney, if known.
- (e) Filing a violation report pursuant to the Violations Policy.

A Supervisor shall review and approve any plan to use additional actions to compel a sample. Both the supervising officer and the Supervisor should document the client's refusal to submit a sample and the steps taken in any attempt to obtain voluntary compliance.

#### **318.6 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when (Penal Code § 295; Penal Code § 298):

- (a) The California DOJ requests a blood sample and the subject consents.
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298).

## Child and Dependent Adult Safety

### 319.1 PURPOSE AND SCOPE

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

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

### 319.2 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 Yuba County Probation Department will endeavor to create a strong, cooperative relationship with local, state, and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 319.3 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 client has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

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

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian, or caregiver in the presence of a child or dependent adult.

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

#### 319.3.1 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.

# Yuba County Probation Department

## NEW Probation Manual

### *Child and Dependent Adult Safety*

---

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases, the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends who the person knows and trusts because familiarity with surroundings and consideration for comfort, emotional state, and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child and Adult Protective Services, if appropriate.
- (e) Notify the member's supervisor or Probation Manager 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 arrest report.

#### 319.3.2 REPORTING

- (a) For all arrests where dependent children are present or living in the household, and there is no other legal guardian/parent available to take care of the child, the reporting member should document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where, and with whom or which agency the child was placed

# Yuba County Probation Department

## NEW Probation Manual

### *Child and Dependent Adult Safety*

---

6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults(e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, and there is no other legal guardian available to take care of the dependent, the reporting member should document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether the person reasonably appears able to engage in self-care
  5. Disposition or placement information if the person is unable to engage in self-care

#### **319.3.3 SUPPORT AND COUNSELING REFERRAL**

If the handling officers believe the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate, or a crisis response telephone number, they should provide appropriate referral information.

#### **319.3.4 SELF-SURRENDER**

If an officer allows a client to self-surrender, the officer should, where practicable, allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate.

#### **319.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

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

#### **319.5 TRAINING**

The Training Manager is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian, or caregiver is arrested.

## Service Animals

### 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

#### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

### 320.2 POLICY

It is the policy of the Yuba County Probation Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 320.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.

# Yuba County Probation Department

## NEW Probation Manual

### *Service Animals*

---

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **320.4 MEMBER RESPONSIBILITIES**

Service animals assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Yuba County Probation Department affords to all members of the public (28 CFR 35.136).

##### **320.4.1 INQUIRY**

If it is apparent or if a member knows that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about the disability nor should the person be asked to provide any license, certification, or identification card for the service animal.

##### **320.4.2 CONTACT**

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

##### **320.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

## Volunteers and Student Interns

### 321.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Yuba County Probation Department volunteers and student interns to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

#### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Student intern** - A college, university, or graduate student gaining practical experience in a chosen field while performing services for the Department under supervision.

**Volunteer** - An individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, student interns, and persons providing administrative support.

### 321.2 POLICY

The Yuba County Probation Department shall ensure that volunteers and student interns are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

### 321.3 ELIGIBILITY

Requirements for participation as a volunteer or student intern for the Department may include but are not limited to:

- (a) Being an enrolled student in a college, university, or other approved educational entity.
- (b) Being at least 18 years of age.
- (c) Possession of a valid driver's license if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding misdemeanor traffic offenses.
- (g) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (h) Ability to meet physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.
- (j) Provide a clean urinalysis taken by, or at the direction of, the Department.

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

The Chief Probation Officer may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

#### **321.4 RECRUITMENT, SELECTION, AND APPOINTMENT**

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

##### **321.4.1 RECRUITMENT**

Volunteers and student interns may be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public.

##### **321.4.2 SELECTION**

Volunteer and student intern candidates shall successfully complete the following process prior to appointment:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation.

##### **321.4.3 APPOINTMENT**

Service as a volunteer or student intern with the Department shall begin with an official notice of acceptance or appointment by the Chief Probation Officer or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator. No volunteers or student interns should begin any assignment until they have been officially accepted for that position and have completed all required screening and paperwork. At the time of final acceptance, each volunteer or student intern should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the Department.

All volunteers and student interns shall receive a copy of the orientation materials and shall be required to sign a volunteer or student intern agreement. Volunteers and student interns should be placed only in assignments or programs consistent with their knowledge, skills, and abilities and the needs of the Department.

Volunteers and student interns serve at the discretion of the Chief Probation Officer.

#### **321.5 IDENTIFICATION**

As representatives of the Department, volunteers and student interns are responsible for presenting a professional image to the community. Volunteers and student interns shall dress appropriately for the conditions and performance of their duties. Necessary safety equipment will

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

be provided for each volunteer and student intern. Identification symbols worn by volunteers and student interns shall be different and distinct from those worn by officers.

Volunteers and student interns will be issued Yuba County Probation Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Yuba County Probation Department identification cards, except that "Volunteer" or "Student Intern" will be indicated on the cards.

#### **321.6 VOLUNTEER COORDINATOR**

The volunteer coordinator shall be appointed by and directly responsible to the Chief Probation Officer, or the authorized designee, in all matters related to volunteers and student interns.

The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Chief Probation Officer or the authorized designee, volunteers and student interns shall report to the volunteer coordinator and/or Probation Manager.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and student interns and their activities.

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

- (a) Recruiting, selecting, and training qualified volunteers and student interns.
- (b) Conducting volunteer meetings.
- (c) Maintaining records for each volunteer and student intern.
- (d) Tracking and evaluating the contribution of volunteers and student interns.
- (e) Maintaining a record of volunteer and student intern schedules and work hours.
- (f) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (g) Maintaining a liaison with other community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (h) Maintaining a liaison with colleges and universities that provide student interns to promote the intern program with both students and the educational institution.
- (i) Maintaining volunteer and student intern orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers and student interns.

An evaluation of the overall use of volunteers and student interns should be conducted on an annual basis by the coordinator.

#### **321.7 DUTIES AND RESPONSIBILITIES**

Volunteers assist department personnel as needed. Assignments of volunteers will usually be to augment the Division, but volunteers may be assigned to other areas within the Department

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

as needed. Volunteers should be placed only in assignments or programs consistent with their knowledge, skills, and abilities and the needs of the Department. Student interns should be assigned to areas that meet the needs of both their educational program and the Department.

All volunteers will be assigned to duties by the volunteer coordinator in coordination with the Program Manager.

#### **321.7.1 COMPLIANCE**

Volunteers and student interns shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer and student intern upon appointment. The volunteer and student intern shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer and student intern, unless by its nature it is inapplicable.

Volunteers and student interns are required by this department to meet department-approved training requirements as applicable to their assignments.

#### **321.8 TASK-SPECIFIC TRAINING**

Task-specific training is intended to provide the required instruction and practice for volunteers and student interns to properly and safely perform their assigned duties. The training should correspond to the assignment as determined by the volunteer coordinator.

Volunteers and student interns will be provided with an orientation program to acquaint them with the policies of the Department and probation procedures applicable to their assignments.

Volunteers and student interns should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers and student interns that they shall not intentionally represent themselves as, or by omission infer that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers or student interns.

All volunteers and student interns shall comply with the rules of conduct and with all applicable orders and directives, either oral or written, issued by the Department.

#### **321.8.1 VOLUNTEER AND STUDENT INTERN TRAINING MATERIALS**

Each new volunteer and student intern will be issued training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer or student intern with the Yuba County Probation Department. The volunteer and student intern shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

#### **321.9 SUPERVISION**

Each volunteer and student intern must have a clearly identified supervisor who is responsible for direct management of that individual. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer or student intern and should be available for consultation and assistance.

Functional supervision of volunteers and student interns is the responsibility of the supervisor in charge of their assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers and student interns:

- (a) Take the time to introduce volunteers and student interns to members on all levels.
- (b) Ensure volunteers and student interns have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers and student interns an assignment or task that will utilize these valuable resources.
- (d) Ensure the work for student interns meets the needs of their educational program, while also meeting the needs of the Department.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the Yuba County Probation Department.

#### **321.9.1 EVALUATIONS**

A volunteer will be considered a trainee until the volunteer has satisfactorily completed training. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that volunteer. Student interns may need separate evaluations as a requirement of their educational program.

#### **321.9.2 FITNESS FOR DUTY**

No volunteer or student intern shall report for work or be at work when the individual's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers or student interns shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes but is not limited to:

- (a) Driver's license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.
- (e) All law enforcement contacts.

#### **321.10 INFORMATION ACCESS**

With appropriate security clearance, a volunteer or student intern may have access to or be in the vicinity of criminal histories, investigative files, or information portals. Unless otherwise directed

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

by a supervisor, the duties of the position, or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to be fingerprinted and have the fingerprints submitted to the California Department of Justice to obtain clearance. Volunteers or student interns working this type of assignment will receive training in data practices and 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 or student intern is grounds for immediate dismissal and possible criminal prosecution.

Volunteers and student interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel. Student interns should receive training on the type of information or material allowed in reports or articles prepared for their educational program.

#### **321.10.1 RADIO AND MOBILE DIGITAL TERMINAL USAGE**

Volunteers and student interns shall successfully complete state and federal database access training and radio procedures training prior to using probation radios or Mobile Data Terminals and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers and student interns whenever necessary.

#### **321.11 EQUIPMENT**

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer or student intern shall remain the property of the Department and shall be returned at the termination of service.

#### **321.11.1 VEHICLE USE**

Volunteers are not allowed to drive Department-issued vehicles.

#### **321.12 DISCIPLINARY PROCEDURES/TERMINATION**

If a volunteer is the subject of a personnel complaint or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy. If a student intern is the subject of or is involved in an internal investigation, the coordinator of the educational program that sponsors the intern should be notified.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief Probation Officer, with or without cause. Volunteers shall have no property interest in their continued appointments. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity through a liberty interest hearing solely for name-clearing purposes,

# Yuba County Probation Department

## NEW Probation Manual

### *Volunteers and Student Interns*

---

which shall be limited to a single appearance before the Chief Probation Officer or the authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

#### 321.12.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department. Student intern exit interviews should solicit the intern's suggestions for improving the internship and learning opportunities with the Department.

## Community Relations

### 322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Suspicious Activity Reporting Policy.

### 322.2 POLICY

It is the policy of the Yuba County Probation Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making available relevant policy and operations information to the community in a transparent manner.

### 322.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships.
- (b) Become reasonably familiar with the schools, businesses, community treatment programs, service providers, and faith-based organizations in their supervision areas.
- (c) Work with community members to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic field contacts to facilitate interaction with community members. Officers carrying out field contacts should notify an appropriate supervisor or authorized designee of their status (i.e., on field supervision) and location before beginning and upon completion of field supervision.

### 322.4 COMMUNITY RELATIONS COORDINATOR

The Chief Probation Officer or the authorized designee should designate a member of the Department to serve as the community relations coordinator. The coordinator should report directly to the Chief Probation Officer or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to coordinator responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations.
- (c) Working with community groups, department members, and other community resources to:

# Yuba County Probation Department

## NEW Probation Manual

### *Community Relations*

---

1. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
  - (d) Working with the Administrative Division Probation Manager to develop field activities that allow officers the time to participate in community engagement activities.
  - (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
  - (f) Attending Yuba council and other community meetings to obtain information on community relations needs.
  - (g) Informing the Chief Probation Officer and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

#### **322.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Probation-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.

#### **322.6 INFORMATION SHARING**

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed to inform and engage community members continuously.

#### **322.7 PROBATION DEPARTMENT OPERATIONS EDUCATION**

The community relations coordinator should develop methods to educate community members on general probation department operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to schools and community organizations.
- (d) Department ride-alongs (see the Ride-Alongs Policy).

# Yuba County Probation Department

## NEW Probation Manual

### *Community Relations*

---

- (e) Student internships at the Department.

Instructional information should include direction on how community members should interact with probation officers during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **322.8 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member is younger than 18.

Community members are subject to a criminal history check before approval for participation in certain activities, such as student internships.

#### **322.9 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, clients, or case numbers. The community relations coordinator should identify information that may increase transparency regarding department operations.

#### **322.10 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial, and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Probation supervision and problem-solving principles.
- (e) Probation actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## Operation of Blue Light Equipped Vehicles

### 323.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth the regulations and guidelines for the operation of department vehicles equipped with blue lights.

### 323.2 AUTHORIZED PERSONNEL

Pursuant to Vehicle Code Section 25258, Probation Officers are the only department personnel authorized to operate a blue light equipped vehicle with the blue light activated. Non-sworn department personnel may operate a blue light equipped vehicle to and from maintenance appointments but shall not activate the blue light under any circumstance.

#### 323.2.1 EXCEPTIONS

Juvenile Correction Officers (JCO) may, from time to time, find it necessary to operate a blue light equipped vehicle. Those employees shall not activate the blue light.

#### 323.2.2 EXCEPTIONS FOR JUVENILE CORRECTIONS OFFICERS

- (a) When encountering a traffic collision and a JCO must provide assistance until law enforcement or emergency personnel arrive.
- (b) If the transport vehicle breaks down while engaged in a custodial transport, the blue light may be activated until assistance arrives.
- (c) During times of county emergency when authorized by the Chief Probation Officer or the authorized designee.

### 323.3 TRAINING

Personnel authorized to operate a blue light equipped vehicle with the blue light-activated must complete the following training:

- (a) Complete a 4-hour training course regarding the operation of emergency vehicles that is certified by the Standards and Training for Corrections Division of the Board of State and Community Corrections.
- (b) Complete training pursuant to Penal Code Section 832.

### 323.4 AUTHORIZED USE OF A BLUE LIGHT

Activation of a blue light by a Probation Officer is authorized as follows:

- (a) When engaging in mutual aid activities with other law enforcement agencies as authorized by Penal Code Section 830.5, e.g., backing up law enforcement on traffic stops and other incidents, multi-agency task force operations, public safety activities such as evacuations, or other mutual aid activities where it is necessary to identify the Probation Officer as law enforcement. While working in conjunction with other law enforcement agencies, probation officers may follow a marked law enforcement vehicle in the probation vehicle. Should law enforcement initiate a traffic stop, probation officers may identify themselves to the allied law enforcement vehicle

# Yuba County Probation Department

## NEW Probation Manual

### *Operation of Blue Light Equipped Vehicles*

---

and the public by activating the blue lights during the instant event with the allied agency.

1. **If at any time the stop leads to a vehicle pursuit, the probation officer will deactivate the vehicle's emergency lights and will not become involved in a vehicle pursuit.**
- (b) To identify the Probation Officer to the public as law enforcement for the purpose of officer and public safety, when engaged in authorized department operations such as probation searches, field contacts and field arrests.
- (c) Public events designed to promote the department as authorized by the Chief Probation Officer or the authorized designee.
- (d) Any other incident where activation of the blue light is necessary for public safety or officer safety.

**Officers are not authorized to engage in high-speed pursuits or to utilize the blue light to effectuate traffic stops.** While operating a blue light-equipped vehicle, Probation Officers shall obey all traffic laws at all times and shall take into consideration public and officer safety prior to and during activation of the blue light. The basic speed law pursuant to California Vehicle Code Section 22350 shall be obeyed at all times.

#### **323.5 REPORTING REQUIREMENT**

Written documentation of each blue light activation shall be submitted to a supervisor for review.

[See attachment: Blue Light Activation Form.pdf](#)

## Standby Policy

|                           |            |
|---------------------------|------------|
| <b>Effective Date:</b>    | 09/01/2022 |
| <b>Revised Date:</b>      |            |
| <b>Issuing Authority:</b> |            |

### 324.1 PURPOSE/OBJECTIVE

Yuba County Probation Department members may be required to serve in a standby or call-back capacity to respond to an unforeseen circumstance, emergency or to respond to calls from law enforcement outside of normal business hours. If such circumstances arise, the member may be required to respond via phone to report to work after the end of the members' regular shift and before the beginning of their next scheduled shift.

### 324.2 ELIGIBILITY

Nonexempt members who are placed on standby by department managers or supervisors are in the following classifications: Deputy Probation Officer.

### 324.3 PROCEDURES

The standby rotation will begin on Wednesday after 5:00 pm and end the following week on Wednesday at 8:00 am. There will be two officers assigned to standby weekly (one from the Adult Unit and one from the Juvenile Unit). A Department issued cellphone will be provided to each officer on Wednesday and it will need to be given to the new officers the following week on Wednesday at 8:00 am. The cellphone will rotate with the standby schedule weekly. If you are scheduled for vacation, you will need to switch with another officer and inform your supervisor for approval. The schedule will be provided to the members quarterly in writing. If you are sick during any day you are scheduled, you need to notify a supervisor. Compensation will be given to members as stated in the Memorandum of Understanding (MOU) between County of Yuba and Yuba County Probation Peace Officers' Association (YCPPOA).

1. Members placed on standby are expected to remain either on the work premises, or in a geographic vicinity that permits the member to respond within one hour to an authorized call to work within one hour, if needed. Members are to answer the cellphone at any time during their standby rotation or respond within 15 minutes of a phone call or message. Members will need to keep the ringer on and maintain the cellphone charged. Members on standby or call back duty are required to comply with applicable County policies, including the County's Drug and Alcohol Policy. Members on standby and callback duty should log their standby shift and time worked on standby or callback as follows:

- Members must separately record their standby shift on their timesheet by indicating Standby (SB) next to the date on the timesheet. The time a member spends at home responding to a call should be logged separately on their timesheet in 15-minute increments.

# Yuba County Probation Department

## NEW Probation Manual

### *Standby Policy*

---

- When a member who is on standby is required to physically report back to work after leaving the worksite, time shall be logged as Call Back on the member's timesheet and will be paid as outlined in the YCPPOA MOU.

Members with questions regarding this policy should contact a Program Manager.

## **Chapter 4 - Intake, Orientation, and Supervision**

## Initial Intake to Probation Services

### 400.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Yuba County Probation Department's initial intake.

### 400.2 POLICY

The Yuba County Probation Department will engage in an initial process in an effort to facilitate fair and appropriate supervision of clients.

### 400.3 ADULT INTAKE TO SUPERVISION

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist officers in their supervision of assigned clients.

The intake program should include but is not limited to:

- (a) Performing an intake interview or interviews:
  - 1. The intake interview should be completed within 72 hours, or earlier if required by a court order, after the client's release from custody or initial report to the Yuba County Probation Department.
- (b) Documenting relevant information about the client, such as:
  - 1. Personal information including name, address, and contact information
  - 2. Current employment and relevant employment history
  - 3. Family information
  - 4. Criminal history
  - 5. Any substance abuse, mental health, and treatment information
  - 6. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
- (c) Completing any appropriate and/or mandated risk and needs assessment(s) and scheduling appropriate review with the client as set forth in the Risk and Needs Assessments Policy.
- (d) Providing the client with an overview of what to expect while being supervised and any of the following as applicable:
  - 1. An orientation handbook or other applicable orientation materials
  - 2. A copy of court-ordered conditions of supervision
  - 3. Applicable resources regarding any court-ordered programs, community referrals, or other resources pertaining to the conditions of probation
  - 4. Explanations of any financial obligations (e.g., court-ordered restitution, fines, fees)

# Yuba County Probation Department

## NEW Probation Manual

### *Initial Intake to Probation Services*

---

5. Applicable registration requirements (e.g., gang (Penal Code § 186.31), arson (Penal Code § 457.1), sex offenders (Penal Code § 290.017; Penal Code § 290.85))
6. Documenting client receipt of orientation and other materials

#### **400.4 JUVENILE INTAKE TO SERVICES**

##### 400.4.1 JUVENILE INTAKE OFFICERS/AGENTS

The Chief Probation Officer should designate officers to act as juvenile intake officers. These officers should be trained in established juvenile intake procedures and should serve as first-line staff for juvenile intake to services.

##### 400.4.2 OUT-OF-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently out of custody.

The intake program should include but is not limited to:

- (a) Performing an intake interview, including an interview with the juvenile and parent/s to determine next steps
- (b) Documenting relevant information about the juvenile including but not limited to:
  1. Verifying personal information including name, address, and contact information
  2. Current employment and relevant employment history, if applicable
  3. Family information, including siblings and parental custody situation
  4. Delinquent history information
  5. Child welfare history, including any allegations of abuse or neglect and outcomes of these allegations
  6. School information, including grades and attendance
  7. Any substance abuse, mental health, and treatment information
  8. Potential safety issues for officers and staff (e.g., weapons, dangerous animals within the home, family members who may present a threat)
  9. Completing any appropriate and/or mandated risk and needs assessment(s) as set forth in the Risk and Needs Assessments Policy
  10. Documenting the juvenile's receipt of orientation and other materials
  11. Any other information that is deemed necessary to ensure an understanding of each juvenile's individual needs
- (c) Providing the juvenile with any of the following as applicable:
  1. An orientation handbook or other applicable orientation materials
  2. Applicable resources, including community referrals

# Yuba County Probation Department

## NEW Probation Manual

### *Initial Intake to Probation Services*

---

3. Explanations of any financial obligations, such as a victim's request for restitution

#### 400.4.3 IN-CUSTODY JUVENILE INTAKE

The Chief Probation Officer or the authorized designee should develop and maintain a standard intake program with appropriate forms and checklists to assist juvenile intake officers with the intake for services of juveniles who are currently in custody.

This intake program should include intake procedures for juveniles who are out of custody, along with investigation, and release or placement procedures (Welfare and Institutions Code § 628; Welfare and Institutions Code § 727; Welfare and Institutions Code § 727.05).

In addition to considering the intake program as described in Out-of-Custody Juvenile Intake, officers assessing the status of a juvenile who has been booked into custody should:

- (a) Review booking information.
- (b) Review pertinent reports from law enforcement.
- (c) Consider custodial status and whether custody is appropriate, including whether the juvenile is a dependent minor.
- (d) Consider whether filing with the prosecuting attorney is appropriate.
- (e) Inquire as to the status of a minor as an Indian child within the meaning of Welfare and Institutions Code § 224.3 and provide notice as required by Welfare and Institution Code § 224.2.

## Risk and Needs Assessments

### 401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidelines for the selection and administration of risk and needs assessment tools (RNAs) and the use of resulting information.

### 401.2 POLICY

It is the policy of the Department to use RNAs fairly, properly, and consistently to assist in making informed decisions regarding client levels of risk, intervention strategies, treatment, and supervision.

### 401.3 AGENCY RNA SELECTION

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Identifying and approving any RNA to be used by officers considering state or other jurisdictional requirements.
  1. Any/All State-Authorized Risk Assessment Tools used for the evaluation of Sex Offenders (SARATSO) (Penal Code § 290.04).
  2. All other RNAs to be used by Department officers.
- (b) Creating and maintaining procedures for the administration of RNAs, including but not limited to:
  1. Procedures to collect initial and updated information.
  2. Reassessments based on client life changes or other dynamic risk factors.
- (c) Periodically reviewing assessments and results to identify any training or RNA adjustments or improvements.
- (d) Working with other agencies and entities, including courts, prosecutors, treatment providers, and other providers, to facilitate coordination and implementation of department-approved RNAs and related procedures.

### 401.4 OFFICER RESPONSIBILITIES

Officers should not administer or score an RNA before completing department-approved training.

Only department-approved RNAs should be used.

Officers should supplement information collected during the administration of the RNA with information from an official records check, such as a criminal history records check.

Officers who reasonably believe the results of the RNA may be inaccurate or incomplete should consult with a supervisor to determine whether presentation to the court or other resolution is appropriate.

#### 401.4.1 STATE REQUIREMENTS

Officers should submit SARATSO results to the Department of Justice as provided in Penal Code § 290.09.

# Yuba County Probation Department

## NEW Probation Manual

### *Risk and Needs Assessments*

---

#### **401.5 TRAINING**

Officers using RNAs should receive periodic training on the use of approved RNAs. The training should include, as applicable and as resources allow:

- (a) The purpose of the RNA, including the types of offenders for which the RNA was developed.
- (b) Information required for administration of the RNA.
- (c) How to administer the RNA.
- (d) Limitations of the RNA.
- (e) The types of decisions that may be made based on data produced by the RNA.
- (f) How the RNA calculates risk and needs and what, if any, other assessment information may be provided by the tool (e.g., strengths, responsivity factors).

#### **401.5.1 SEX OFFENDER RISK ASSESSMENT TRAINING REQUIREMENTS**

Only officers trained as required by Penal Code § 290.05 may administer a SARATSO.

---

## Supervision of Clients

### 402.1 PURPOSE AND SCOPE

This policy establishes guidelines for the supervision of clients by assigning clients to an appropriate level of supervision and developing an appropriate case management plan for each client.

This policy does not address compliance monitoring, modifications and violations of release conditions, risk and needs assessments, and intake, which are addressed in other policies.

### 402.2 POLICY

It is the policy of the Yuba County Probation Department to use case management practices to facilitate effective and safe supervision of clients in accordance with federal and state law and department procedure.

### 402.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should:

- (a) Establish and maintain procedures to assign clients to approved levels of supervision.
- (b) Establish and maintain procedures for the development and implementation of case management plans.
- (c) Establish and maintain procedures to ensure that clients are provided with guidance identifying appropriate community-based resources required or recommended for the client, and with assistance accessing those resources.
  1. This should include maintaining a list of resources and services available and approval of necessary additions or substitutions.
- (d) Review and approve the level of supervision to which each client is assigned.
  1. This should include the initial assignment and periodic reviews to determine if adjustments in the level of supervision are appropriate.
- (e) Conduct periodic reviews of case management plans to assess the need to adjust a plan for reasons including the client's compliance with conditions of supervision, life changes, or other risk factors.
- (f) Establish a procedure to ensure that every 10 days updates are made to any supervised release file available to this department on the California Law Enforcement Telecommunications System (CLETS) by entering any client placed on post-conviction supervision who is within the jurisdiction and authority of the Yuba County Probation Department. This includes persons on probation, mandatory supervision, and post-release community supervision (Penal Code § 14216).

### 402.4 LEVELS OF SUPERVISION

Each client should be assigned a level and type of supervision (Penal Code § 1202.8).

# Yuba County Probation Department

## NEW Probation Manual

### *Supervision of Clients*

---

#### 402.4.1 ASSIGNMENT TO A LEVEL OF SUPERVISION

Officers shall follow department procedures when assigning each client to a level of supervision.

The assignment of each client to a level and type of supervision should be based on but not limited to the following:

- (a) Court-ordered directives related to supervision (Penal Code § 1202.8)
- (b) Results and findings of the risk and needs assessment administered pursuant to the Risk and Needs Assessments Policy
- (c) Results and findings of other relevant evaluations, including but not limited to mental and physical health evaluations and substance abuse evaluations
- (d) Information collected at intake pursuant to the Initial Intake to Probation Services Policy
- (e) Nature and severity of the offense requiring supervision
- (f) Past criminal history and past performance on probation/parole supervision
- (g) Other information relevant to a level and type of supervision determination

#### 402.4.2 LEVELS OF SUPERVISION FOR SEX OFFENDERS

Adult sex offenders who are determined by a risk and needs assessment to pose a high risk to the public of committing a sex crime shall be assigned to intensive and specialized supervision as required by Penal Code § 1203f.

Juvenile sex offenders who pose a high risk of committing a sex crime should be considered for assignment to intensive and specialized supervision.

#### **402.5 ESTABLISHMENT OF A CASE MANAGEMENT PLAN**

A case management plan should be established for all supervised clients according to department procedures. Prior to developing a case management plan, officers should review with the client the results of any risk and needs assessment, the pre-sentence investigation, if applicable, and the information collected during intake.

Case management plans should outline supervision strategies, including supervision, monitoring, needs screening, and referrals to appropriate programming such as treatment, education, and training programs.

Officers should review the materials used to develop the case management plan with the client, as appropriate.

A case management plan should identify all terms of release. Additions and modifications to court-ordered conditions shall be consistent with the Modification of Conditions of Supervision Policy.

#### 402.5.1 JUVENILE CASE MANAGEMENT PLAN

When establishing a case management plan with a juvenile, a parent or guardian should be present. Documentation should identify all persons present during the review.

# Yuba County Probation Department

## NEW Probation Manual

### *Supervision of Clients*

---

#### 402.5.2 REVISIONS TO CASE MANAGEMENT PLAN

Officers should conduct routine reviews of the case management plan and adjust when it reasonably appears appropriate, including any time modifications are made to the conditions of release of the client. Updates to the case management plan should be approved by a supervisor.

#### **402.6 POST-RELEASE COMMUNITY SUPERVISION FOR ADULTS**

Persons subject to post-release community supervision pursuant to Penal Code § 3451 shall be supervised in accordance with this policy and state law. The individual under supervision shall be required to comply with the following terms of post-release community supervision (Penal Code § 3453):

- (a) Obey all laws.
- (b) Report to the probation agency within two working days of release from custody.
- (c) Follow the directives and instructions of the assigned officer.
- (d) Report to the assigned officer as directed.
- (e) Be subject, along with the individual's residence, to search at any time of day or night, with or without a warrant by an officer or a peace officer (Penal Code § 3465).

Any additional post-release supervision conditions shall be reasonably related to the offense for which the individual was incarcerated, the individual's risk of recidivism, and the individual's criminal history (Penal Code § 3454).

#### **402.7 MANDATORY SUPERVISION FOR ADULTS**

Individuals on mandatory supervision pursuant to Penal Code § 1170(h)(5)(B) shall be supervised in accordance with this policy and Penal Code § 1170.

#### **402.8 NOTICE TO PROBATIONER**

Once a case management plan has been established, officers should review and discuss any instructions or requirements with the client and provide written notification to the client (Penal Code § 1203.7; Penal Code § 1203.12; Penal Code § 3453).

Officers should also provide clients with an overview of what the client can expect while under the supervision of the Yuba County Probation Department, including:

- (a) Reporting and other requirements.
- (b) Applicable rules.

Updates to any instructions or requirements should be reviewed with the client.

Officers should obtain a written acknowledgement from the client that the individual has received a copy of the supervision conditions and requirements.

#### 402.8.1 NOTICE TO SEX OFFENDERS OF PROOF OF REGISTRATION DEADLINE

At least six days prior to the deadline, officers supervising clients required to register as sex offenders under state law shall inform the client that the individual is required to provide proof of

# Yuba County Probation Department

## NEW Probation Manual

### *Supervision of Clients*

---

the individual's registration as a sex offender within six working days of release, and any change to the registration within six working days of the change (Penal Code § 290.85).

#### 402.8.2 NOTICE OF VOTING RIGHTS

Officers should notify clients that a printed version of information regarding voting rights for persons with a criminal history is available upon request. When requested, officers shall provide the information (Elections Code § 2105.6).

#### **402.9 OFFICER ADULT CASE RECORD**

Officers shall keep a complete and accurate record of the history of each adult client assigned to their supervision. The record shall include (Penal Code § 1203.7; Penal Code § 1203.10):

- (a) The history of the client's case in court.
- (b) The name of the assigned officer.
- (c) The acts taken by the officer in connection with the case.
- (d) The age, sex, nativity, residence, education, habits of temperance, marital status, conduct, employment, occupation, parents' occupation, and the condition of the client during the term of probation.
- (e) The result of probation.

#### 402.9.1 OFFICER JUVENILE CASE RECORD

Officers should keep a complete and accurate record for each juvenile client assigned to their supervision pursuant to established department procedures.

#### **402.10 TRAINING**

Officers should receive training on assigning of levels of supervision and developing and implementing case management plans before supervising clients.

## Compliance Monitoring

### 403.1 PURPOSE AND SCOPE

This policy provides guidelines for monitoring clients.

This policy applies to all officers within the Yuba County Probation Department who monitor clients.

Drug and/or alcohol testing, search and seizure issues, and task force operations are addressed in the Drug and Alcohol Testing, Search and Seizure, and Task Force policies, respectively.

#### 403.1.1 DEFINITIONS

Definitions related to this policy include:

**Monitoring** - Compliance monitoring includes observation and/or surveillance of clients through available means, including visual, audio, or digital. Monitoring includes but is not limited to conducting field observation, home contacts, office contacts, employment contacts, route checks, telephone checks, field contacts to referral services and programs, location monitoring, social media reviews, or any other type of visual or digital tracking of clients.

### 403.2 POLICY

It is the policy of this department to fairly and objectively monitor clients in accordance with federal and state law, as well as department policies and procedures.

### 403.3 MONITORING PLAN

Officers should establish a monitoring plan for each client. The monitoring plan should identify types and frequency of monitoring. Officers should limit monitoring to that which is reasonably necessary to accomplish the intended verification or corroboration.

Officers should consider the following when establishing the monitoring plan:

- (a) The terms of the court order
- (b) The case management plan
- (c) Required or recommended referrals to community-based resources and services
- (d) The results of any risk assessment, including the likelihood of the client to reoffend
- (e) The purpose of the surveillance (e.g., address or employment verification, unauthorized travel check, curfew check, suspected criminal associations)

Officers should not implement any specific form of monitoring or surveillance that is not authorized by the client's supervision, court, judicial officer, or releasing authority order, state law, and department procedure. Officers should obtain supervisor approval if modification of the court, judicial officer, or releasing authority order or a warrant reasonably appears necessary.

#### 403.3.1 ADULT SEX OFFENDER REQUIREMENTS

The monitoring plan for adult clients assessed with the State Authorized Risk Assessment Tool for Sex Offenders who have a risk level of high shall include continued electronic monitoring,

# Yuba County Probation Department

## NEW Probation Manual

### *Compliance Monitoring*

---

unless the client's court, judicial officer, or releasing authority order specifically provides that such monitoring is not needed, and intensive, specialized probation supervision that includes frequent reporting to the assigned officer (Penal Code § 1202.8; Penal Code § 1203f).

#### 403.3.2 ADULT POST-RELEASE COMMUNITY SUPERVISION ACT

The monitoring plan for persons subject to post-release community supervision should be developed in accordance with this policy and any review process established by the County (Penal Code § 3454).

#### **403.4 GUIDELINES FOR MONITORING**

When circumstances permit, officers should:

- (a) Obtain approval from a supervisor before conducting any monitoring of clients that is not provided for in the monitoring plan.
- (b) Have at least two officers present when conducting home contacts, work contacts, curfew checks, or any other type of monitoring occurring in the community.
- (c) Obtain prior approval from a supervisor for any monitoring of clients that requires more than two vehicles.

Officers should not conduct surveillance with the intent to harass, intimidate, or embarrass.

#### **403.5 OFFICER RESPONSIBILITIES**

Officers should document all monitoring conducted and observations made as a result.

An Officer who is unable to adhere to a monitoring plan of an assigned client should notify a supervisor as soon as reasonably practicable and should request additional resources or an appropriate adjustment to the monitoring plan.

Changes to a monitoring plan require supervisor approval. Officers should seek supervisory approval for any changes to the monitoring plan, including adjustments based on changes to the case management plan, information learned from on-going monitoring, and alleged or observed client behavior.

#### **403.6 SUPERVISOR RESPONSIBILITIES**

The Chief Probation Officer or the authorized designee is responsible for:

- (a) Reviewing and approving the monitoring plan developed for each client.
- (b) Reallocating resources and/or approving modifications to monitoring plans as appropriate.
  1. If available resources are insufficient to meet statutory or court-ordered monitoring duties, the Chief Probation Officer shall provide written notice to the presiding judge of the superior court and the appropriate local government as provided in Penal Code § 1203.74.
- (c) Identifying approved monitoring techniques and establishing and maintaining procedures for the use of the techniques. Procedures should include:

# Yuba County Probation Department

## NEW Probation Manual

### *Compliance Monitoring*

---

1. Identification of when the use of a technique is required or prohibited.
  2. Any required safety measures.
  3. When a warrant or modification to a court order may be required.
- (d) Identifying approved technology, such as digital or video recorders, Global Positioning System (GPS) devices, voice verification/call verification systems, and radio frequency technology. Procedures for approved technology should include:
1. Access control.
  2. Oversight.
  3. Compliance verification.
  4. System audits.

#### **403.7 TECHNOLOGY SYSTEMS**

Officers should only use technological tools that have been approved by the department and for which they have received training.

Officers should test the technology before using in the field. If the tool malfunctions in the field, a supervisor should be notified and the malfunction documented.

When investigating a possible violation of conditions, an officer should document any reasonably discovered information that may corroborate or dispute evidence obtained using the technology, including any malfunctions.

##### **403.7.1 ADULT ELECTRONIC MONITORING**

If used to monitor adult clients, electronic monitoring shall be implemented in accordance with Penal Code § 1210.7 et seq. The Chief Probation Officer shall develop written guidelines to identify clients who will be subject to continuous electronic monitoring (Penal Code § 1210.12).

Electronic monitoring may include the use of a GPS with the minimum time intervals between transmission established based on an evaluation of the available department resources, the criminal history of the client, and the safety of the victim of the client (Penal Code § 1210.10).

Any device used for continuous electronic monitoring shall (Penal Code § 1210.8):

- (a) Be designed to be worn by a person.
- (b) Emit a signal as a person is moving or stationary that can be received and tracked across large urban or rural areas, inside or outside of structures, vehicles, or other objects to the greatest degree possible given limitations, size, and cost.
- (c) Function 24 hours a day.
- (d) Be resistant to unintentional or willful damage.

Electronic monitoring devices shall not be used to record or listen to any conversation, except for a conversation between the client and the officer used solely for voice identification (Penal Code § 1210.11).

# Yuba County Probation Department

## NEW Probation Manual

### *Compliance Monitoring*

---

#### 403.7.2 JUVENILE ELECTRONIC MONITORING

If used to monitor juvenile clients, the monitoring should be conducted pursuant to the provisions outlined above for adult electronic monitoring.

#### **403.8 SOCIAL MEDIA MONITORING**

Using social media or any other internet source to access information for the purpose of monitoring clients shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members for purposes consistent with the case management plan. Social media monitoring should not be conducted unless it has been incorporated in the monitoring plan of the client or otherwise approved by a supervisor.

Members monitoring social media of clients should use only department-approved equipment while on-duty unless they are specifically authorized to do otherwise by a supervisor. If a member encounters information relevant to the monitoring of clients while off-duty or while using the member's own equipment, the member should note the dates, times, and locations related to the information and report the discovery to a supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release Policy).

#### 403.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate monitoring purposes consistent with the monitoring plan for the client.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias, or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the client's case file.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the client's case file.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the client's case file.

# Yuba County Probation Department

## NEW Probation Manual

### *Compliance Monitoring*

---

Any information collected in furtherance of compliance monitoring through an internet source should be documented in the client's case file. Documentation should include the source of information, the dates and times that the information was gathered, and screenshots if available.

#### **403.9 ACCESS RESTRICTIONS**

Recordings or other evidence created or received while conducting monitoring should be processed as provided in the Property Policy.

#### **403.10 TRAINING**

The department should provide periodic training to officers on this policy and related procedures.

Training, subject to available resources, should include:

- (a) Use of approved methods of monitoring.
- (b) How and when to use approved technology for monitoring.
- (c) Constitutional issues that may arise during monitoring, including any warrant or court order requirements and privacy issues.
- (d) When coordination with local law enforcement or other agencies is appropriate.

## Drug and Alcohol Testing

### 404.1 PURPOSE AND SCOPE

This purpose of this policy is to establish guidelines regarding drug and alcohol testing of clients under department supervision.

#### 404.1.1 DEFINITIONS

Definitions related to this policy include:

**Adulterated specimen** - A specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

**Diluted specimen** - A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

**Specimen** - Urine or other body fluid or substance used for analysis.

### 404.2 POLICY

It is the policy of the Yuba County Probation Department to conduct drug and alcohol testing of clients to determine compliance with any conditions of supervision concerning drug and alcohol use, and when pursuant to other judicial order.

### 404.3 RESPONSIBILITIES

The Chief Probation Officer or the authorized designee should develop and maintain procedures for the administration of drug and alcohol tests, including but not limited to:

- (a) Criteria for identifying clients subject to random, scheduled, and for cause testing. The criteria should include consideration of:
  - 1. Conditions of supervision.
  - 2. Client factors such as history, current use, and behavior.
  - 3. Drug and alcohol assessments.
  - 4. Risk and needs assessments.
  - 5. Officer observations.
  - 6. Third-party information, where confirmed if necessary.
- (b) Types of unauthorized substances tested.
- (c) Specimen collection and testing procedures, including:
  - 1. Identification of approved testing locations.
  - 2. Approved testing methods.
  - 3. Compliance with the department's exposure control plan and any applicable occupational safety requirements (see the Communicable Diseases policy).

# Yuba County Probation Department

## NEW Probation Manual

### *Drug and Alcohol Testing*

---

4. Supervision of the client being tested during the collection of a urine specimen by officers of the same sex as the client being tested, or of the same sex with which the client identifies.
  5. Use of approved testing equipment or devices.
  6. Collection of all specimens in an area free of agents or adulterants to avoid cross contamination or dilution of specimens.
  7. Security procedures to prevent tampering with a specimen.
  8. Establishment of methods to verify that the person appearing for testing is the client subject to testing.
  9. Establishment of processes, including time frames, for a client to submit a specimen once a specimen has been requested.
- (d) Procedures for documenting the handling of specimens from the point of collection to disposal (chain of custody).

#### **404.3.1 THIRD-PARTY TESTING**

The Chief Probation Officer or the authorized designee should work with community-based service providers (e.g., drug and/or alcohol treatment facilities) to develop procedures for notifying the supervising officer when a client submits a positive, adulterated, or diluted specimen, or refuses to submit a specimen to the community provider. Those procedures should include but not be limited to:

- (a) The time frame in which the provider must notify the supervising officer (e.g., immediately for high-risk offenders).
- (b) The type of communication required (e.g., email, phone).
- (c) The immediate action taken by the provider in response to the specimen, if any.
- (d) Preservation and documentation of the specimen and test results, confirmation testing, or other actions on the part of the provider; and chain of custody for the specimen and results, including any materials used in the collection and analysis of the specimen.

The Chief Probation Officer should establish any other required minimum data elements that are to be included in drug treatment progress reports from the community-based service providers.

#### **404.3.2 NOTIFICATIONS**

The supervising officer shall notify the drug treatment facility of a court order requiring drug testing within seven days of receiving the order (Penal Code § 1210.1). A copy of the client's treatment progress reports, received from the drug treatment facility, should be provided to the court every 90 days, or as the court directs (Penal Code § 1210.1).

#### **404.4 COLLECTION AND TESTING GENERALLY**

Members who have been trained in department procedures for collecting specimens may collect specimens consistent with the client's case management plan, a court order, the random screening protocol, or as otherwise specified in department procedure.

# Yuba County Probation Department

## NEW Probation Manual

### *Drug and Alcohol Testing*

---

#### 404.4.1 RESPONSIVE ACTION

When a client admits to the use of an unauthorized substance, refuses to submit a specimen when required, tests positive for an unauthorized substance, or provides an adulterated or diluted specimen, the supervising officer should consider whether:

- (a) Confirmation testing is appropriate.
- (b) The failure or refusal may be a violation of the conditions of supervision and take further action pursuant to the Violations Policy.
- (c) With supervisor approval, modification to the conditions of supervision, including referral for further assessment to determine the need for outpatient or inpatient drug treatment services, would be appropriate and proceed pursuant to the Modification of Conditions of Supervision Policy.
- (d) A reassessment would be appropriate as provided in the Risk and Needs Assessments Policy.
- (e) Officers may choose to handle a violation of conditions of supervision in an informal manner, in consideration of each client's individual needs, as long as the action complies with court mandates.

If a client tests positive, admits use, or refuses to provide a sample and the officer reasonably suspects the client arrived at the testing location or intends to leave the testing location by operation of a motor vehicle while impaired, the officer should proceed according to the Violations Policy.

#### 404.4.2 CONFIRMATION TESTS

Supervising officers should perform testing of a client despite an admission of use.

When a specimen tests positive or is adulterated or diluted, regardless of any admission of use, reasonable efforts should be made to confirm whether the result occurred during the use of an authorized or prescribed medication or is the result of the use of a prohibited substance. This may include:

- (a) Administration of additional on-site screening.
- (b) Verification of medical prescriptions or medical marijuana identification card if use is approved by the court or conditions of the client's supervision.
- (c) Submission of an appropriate specimen, following the established chain of custody, to an approved toxicology laboratory for confirmation testing.

#### 404.5 TRAINING

Officers should receive training on this policy and related procedures.

---

## Modification of Conditions of Supervision

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for the modification of conditions of supervision.

### 405.2 POLICY

It is the policy of this department that officers will communicate with the courts and the client to modify conditions of supervision.

### 405.3 APPROVALS

Officers should not modify conditions of supervision without court approval unless the court has expressly delegated the authority to do so to the officer or Yuba County Probation Department.

If court approval is not required and the modification would decrease the intensity of supervision, officers should obtain supervisor approval prior to the modification.

### 405.4 MODIFICATIONS

When an officer determines modification of a client's conditions of supervision may be appropriate, the officer should within a reasonable time:

- Identify the proposed modification and obtain supervisor approval before proceeding.

#### 405.4.1 MODIFICATION HEARING

If the client does not waive a court hearing or a hearing is required under the circumstances, the officer should:

- (a) Arrange to have a court date set.
- (b) Prepare or assist in preparing any documents required by the court (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 778).
- (c) Notify the client of the hearing date.
  1. Notice should be in writing signed by the client and the method of notice, or reason why notice was not given, should be documented.
  2. Officers filing a petition to juvenile court to modify or set aside a condition of probation should serve a copy of the petition on the District Attorney, the minor's attorney of record, or, if there is no counsel of record, to minor and the parents or guardians (Welfare and Institutions Code § 778; Welfare and Institutions Code § 776).

### 405.5 CASE MANAGEMENT PLAN

Officers should review any resulting modifications with the client.

The case management plan should be modified as appropriate. See the Supervision of Clients Policy.

# Yuba County Probation Department

## NEW Probation Manual

### *Modification of Conditions of Supervision*

---

#### **405.6 DOCUMENTATION**

Documents associated with modifications of conditions of supervision, including any approvals, should be filed in the client's case file and retained in accordance with the Records Maintenance and Release Policy.

## Violations

### **406.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidance for responding to and reporting violations of conditions of supervision.

### **406.2 POLICY**

It is the policy of this department to respond to potential violation behavior with due diligence.

### **406.3 INVESTIGATIONS**

Officers should begin an investigation into reported or suspected violation behavior within a reasonable time. Investigations into possible violations involving behavior reasonably believed to implicate a specific threat to public safety or to the safety of the client or another person should be given priority.

Suspected violations that may constitute additional criminal behavior should be documented sufficiently for presentation to outside agencies, such as local law enforcement for follow-up or the District Attorney for filing of additional charges. See the Report Preparation Policy.

All investigations should be documented, including whether the case was submitted to the court and/or the District Attorney and any reasons it was not.

### **406.4 PROCESSING VIOLATIONS**

If as a result of an investigation, the officer reasonably believes violation proceedings are appropriate, the officer should make reasonable efforts to bring the matter before the court as soon as reasonably practicable.

#### **406.4.1 REQUIRED VIOLATION REPORTING**

Officers shall report any violation or breach of conditions imposed by the court to both the court that appointed the officer and the court that released the client, if different (Penal Code § 1203.7; Penal Code § 1203.12).

Officers who receive written notification that a client has been imprisoned for another offense shall submit a report to the court that released the client not later than 30 days after receiving notification of the imprisonment. Officers who otherwise discover that a client is incarcerated on another offense should make reasonable efforts to notify the releasing court of the information discovered (Penal Code § 1203.2a).

#### **406.4.2 DISCRETIONARY VIOLATION REPORTING**

Officers should consult with a supervisor in cases where they reasonably believe that despite violation behavior compliance with conditions may be achieved without court intervention. If modification of conditions is appropriate, officers should proceed in accordance with the Modification of Conditions of Supervision Policy.

# Yuba County Probation Department

## NEW Probation Manual

### *Violations*

---

Officers who determine that intermediate sanctions are not appropriate for an individual who violated conditions of supervision on post-release community supervision (PRCS) pursuant to Penal Code § 3450 et seq. should submit a petition to the court to revoke or terminate PRCS, if appropriate, or proceed with the Modifications of Conditions of Supervision Policy (Penal Code § 3455).

#### **406.4.3 FLASH INCARCERATION**

Officers shall obtain supervisor approval prior to the imposition of flash incarceration. For clients on formal probation or mandatory supervision, officers shall notify the court, District Attorney, and defense attorney of record as soon as practicable once a decision has been made to impose flash incarceration on a client (Penal Code § 1203.35). If a client does not agree to accept a recommended period of flash incarceration, the officer should report the violation to the court, if appropriate, or proceed with the Modification of Conditions of Supervision Policy, if applicable (Penal Code § 1203.35).

#### **406.4.4 REQUIREMENTS FOR INDIVIDUALS ON POST-RELEASE COMMUNITY SUPERVISION**

Officers should investigate suspected violation behavior of individuals on PRCS pursuant to Penal Code § 3450 et seq. and process violations per the Investigations and Processing Violations sections of this policy.

Officers who have a reasonable belief that an individual on PRCS has violated a condition of supervision should obtain supervisor approval prior to the implementation of flash incarceration (Penal Code § 3454).

If flash incarceration or another intermediate sanction is not appropriate, the officer should submit a petition to the court to revoke or terminate PRCS, if applicable, or proceed with the Modification of Conditions of Supervision Policy. The petition shall include a written report that contains the terms and conditions of PRCS, the circumstances of the violation, the history of the violator, and any recommendations (Penal Code § 3455). If a petition is submitted to the court, the officer should proceed with the Service of Documents, Notice to the District Attorney, Evidence Disclosure, and Notifications sections in this policy. If an arrest is appropriate, the officer should proceed with the Arrests section of this policy.

#### **406.5 ARRESTS**

Officers who reasonably believe that an arrest is appropriate based on violation behavior should take steps to initiate the arrest (i.e., by contacting local law enforcement, if appropriate under the circumstances; by obtaining an arrest warrant) within the scope of their authority and without unreasonable delay (Penal Code § 1203.2; Penal Code § 3455; Welfare and Institutions Code § 625) (see the Probation Authority policy.)

If an officer has a reasonable belief that an immediate arrest is warranted (e.g., the violation behavior implicates a specific threat (such as an intoxicated client close to operating a vehicle),

# Yuba County Probation Department

## NEW Probation Manual

### *Violations*

---

abscondence is likely, the arrest is required by state law), the officer should initiate a warrantless arrest if legally permitted under the circumstances.

If an arrest warrant is issued for the violation, the officers should request assistance from local law enforcement to serve the warrant, if appropriate.

#### **406.6 SERVICE OF DOCUMENTS**

Regardless of whether an arrest is made, the officer shall serve a copy of any petition filed with the court on the client or the attorney for the client, if known (Penal Code § 1203.2). The officer should also serve a copy of the violation report on the client or the client's attorney, if known.

A copy of the petition to revoke probation and/or violation report should be served personally on the client. If personal service cannot reasonably be made, service should be made by certified mail, return receipt requested.

If an officer reasonably believes that service may pose an unreasonable risk, the officer should request local law enforcement assistance.

##### **406.6.1 NOTICE TO THE DISTRICT ATTORNEY**

Officers shall provide a copy of the petition to revoke probation to the District Attorney (Penal Code § 1203.2). The copy should be provided as soon as practicable after filing the petition. The method of notification (e.g., personally, by certified mail) and the date should be documented.

##### **406.6.2 EVIDENCE DISCLOSURE**

Evidence that the officer intends to be used at a violation hearing should be disclosed prior to the hearing to the District Attorney. Information that is confidential or protected may have disclosure limitations and should be approved by a supervisor and/or the court prior to disclosure.

##### **406.6.3 SUPPLEMENTAL PETITIONS IN JUVENILE COURT**

Officers filing a supplemental petition to juvenile court shall serve notice of the date, time, and place of a Welfare and Institutions Code § 777 hearing to the minor's parents, foster parents, guardians, or the relatives providing care to the minor in the manner required by Welfare and Institutions Code § 658 or Welfare and Institutions Code § 660, as applicable (Welfare and Institutions Code § 777).

#### **406.7 NOTIFICATIONS**

Officers who initiate violation proceedings against clients should consider whether notification should be made to a third party or the victim of the offense for which the client is on supervision. See the Victim and Witness Assistance Policy.

## Subpoenas and Court Appearances

### 407.1 PURPOSE AND SCOPE

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

### 407.2 POLICY

Yuba County Probation Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

### 407.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized department agent (Government Code § 68097.1; Penal Code § 1328).

Government Code § 68097.2 shall apply after consultation with the Chief Probation Officer, or the authorized designee.

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328).

#### 407.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the member's immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of their official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of their official capacity, is a party.

# Yuba County Probation Department

## NEW Probation Manual

### *Subpoenas and Court Appearances*

---

- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of their association with the Yuba County Probation Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Yuba County Probation Department.

The supervisor will then notify the Chief Probation Officer and the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 407.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### 407.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **407.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

#### **407.5 STANDBY**

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

If a member on standby changes location during the day, the member shall notify the designated department member of how the member can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **407.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in business attire (See Personal Appearance Standards Policy).

# Yuba County Probation Department

## NEW Probation Manual

### *Subpoenas and Court Appearances*

---

- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### 407.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. The member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

#### 407.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the member, that member should:

- (a) Notify the Property and Evidence Officer promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

#### **407.7 OFF WORK APPEARANCES**

When a member appears in court on off-duty time, the member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

## Interstate Transfer of Supervision

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to guide the processing of cases related to the Interstate Compact for Adult Offender Supervision (ICAOS) and ensure the Yuba County Probation Department's compliance with ICAOS.

#### 408.1.1 DEFINITIONS

**Compact Administrator** - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of ICAOS, the rules adopted by the Interstate Commission for Adult Offender Supervision, and policies adopted by the State Council.

**Interstate Compact for Adult Offender Supervision (ICAOS)** - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines.

**Interstate Compact Offender Tracking System (ICOTS)** - A web-based system that facilitates the transfer of supervision for clients from one state to another. ICOTS includes mechanisms for notifications of departures, arrivals, progress, violations, and case closures.

### 408.2 POLICY

It is the policy of the Yuba County Probation Department to use ICOTS when planning for and organizing the movement and supervision of clients across state lines. All interstate transfer of supervision activities should comply with the uniform framework of ICAOS.

### 408.3 REQUEST FOR TRANSFER OF SUPERVISION BY A CLIENT

When a client requests a transfer of supervision to another state, the officer should:

- Discuss the client's request with the client, including the client's reasoning and the client's supervision plan for compliance in the potential receiving state.
- Review the client's supervision plan to ensure it meets criteria for transfer as specified in ICAOS rules, including any special criteria where applicable (e.g., mandatory transfer, sex offender transfer, emergency transfer).
- Review the client's supervision status, including the client's current compliance status with any past or present conditions of supervision.

### 408.4 TRANSFER, RETAKE, AND CLOSURE OF ICAOS CASES

The Yuba County Probation Department should follow the rules set forth by the Interstate Commission for Adult Offender Supervision and the State Council and should cooperate with the state Compact Administrator.

The Yuba County Probation Department should utilize ICOTS as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

# Yuba County Probation Department

## NEW Probation Manual

### *Interstate Transfer of Supervision*

---

#### **408.5 RECEIPT OF TRANSFERRED PROBATIONERS**

Transferred clients received by the Yuba County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services and Orientation Policy.

#### **408.6 TRAINING**

The Yuba County Probation Department should provide training to officers involved in ICAOS cases.

## Interstate Transfer of Supervision of Juveniles

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to guide processing of Compact cases and ensure the Yuba County Probation Department's compliance with the Interstate Compact for Juveniles (ICJ).

#### 409.1.1 DEFINITIONS

**Compact Administrator** - The individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders, subject to the terms of the ICJ, the rules adopted by the Interstate Commission for Juveniles, and policies adopted by California's ICJ office.

**Interstate Compact for Juveniles (ICJ)** - A reciprocal agreement among the 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands for the controlled movement and transfer of probation supervision authority across state lines for juveniles (4 USC § 112).

**Uniform Nationwide Interstate Tracking for Youth (UNITY)** - A web-based system for tracking interstate juvenile movement.

### 409.2 POLICY

It is the policy of the Yuba County Probation Department to use UNITY when planning for and organizing the movement and supervision of clients across state lines. All interstate transfer of supervision activities will comply with the uniform framework of ICJ.

### 409.3 REQUEST FOR TRANSFER OF SUPERVISION BY A CLIENT

When a request for transfer of supervision to another state is made, the officer should:

- Confirm an appropriate legal guardian exists, or is anticipated to exist, in the receiving state.
- Discuss the request with the client and legal guardian(s), including the reasoning and the plan for compliance in the potential receiving state.
- Review the plan to ensure it meets criteria for transfer as specified in ICJ rules, including any special criteria where applicable (e.g., mandatory transfer, juvenile sex offender transfer, expedited transfer).
- Review the client's supervision status, including the client's current compliance status with any past or present conditions of supervision.
- Complete and submit applicable forms required by ICJ rules. See the following link to [ICJ rules](#).

### 409.4 TRANSFER, RETAKE, AND CLOSURE OF ICJ CASES

The Yuba County Probation Department should follow the ICJ rules, and will cooperate with the state Compact Administrator.

The Yuba County Probation Department should utilize UNITY as necessary, including for notifications of departures, arrivals, progress, violations, and case closures.

# Yuba County Probation Department

## NEW Probation Manual

### *Interstate Transfer of Supervision of Juveniles*

---

#### **409.5 RECEIPT OF TRANSFERRED CLIENTS**

Transferred clients received by the Yuba County Probation Department should be given an orientation consistent with the Initial Intake to Probation Services Policy.

#### **409.6 TRAINING**

The Yuba County Probation Department should provide training to officers involved in ICJ cases.

## Prison Rape Elimination Act

### 410.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse and sexual harassment in Yuba County Probation Department facilities (28 CFR 115.5 et seq.).

#### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Confined individual** - A resident of a community confinement facility, or a detainee in a lockup, owned or operated by the Yuba County Probation Department (28 CFR 115.5).

**Sexual abuse** - Any of the following acts if the confined individual does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva, or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)
- (e) Voyeurism (28 CFR 115.6)

Sexual abuse also includes abuse by a member of the Department or a contractor, with or without consent of the confined individual, as follows:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the department member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the member or contractor has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by the department member or contractor to engage in the activities described above

# Yuba County Probation Department

## NEW Probation Manual

### *Prison Rape Elimination Act*

---

- Any display by the department member's or contractor's uncovered genitalia, buttocks, or breast in the presence of a confined individual
- Voyeurism by the department member or contractor

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one confined individual that are directed toward another; repeated verbal comments or gestures of a sexual nature to a confined individual by a member of the Department or contractor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

#### **410.2 POLICY**

The Yuba County Probation Department has zero tolerance with regard to sexual abuse and sexual harassment in its facilities. This department will take appropriate affirmative measures to protect all confined individuals from sexual abuse and harassment, or retaliation against any person who reports sexual abuse or sexual harassment, or who cooperates with a sexual abuse or sexual harassment investigation, and will promptly, thoroughly, and objectively investigate all allegations of sexual abuse and sexual harassment (28 CFR 115.111; 28 CFR 115.211).

#### **410.3 PREA COORDINATOR**

The Superintendent of Institutions shall delegate certain responsibilities to a PREA coordinator. The coordinator shall be an upper-level manager. The coordinator must have sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards (28 CFR 115.111; 28 CFR 115.211).

The responsibilities of the PREA coordinator shall include developing and maintaining standards and procedures to comply with the PREA Rule.

##### **410.3.1 CONTRACTS WITH OUTSIDE AGENCIES**

The PREA coordinator shall ensure that any contract for the confinement or detention of confined individuals includes the requirement to adopt and comply with applicable provisions in PREA and the implementing regulations, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.287 (28 CFR 115.212).

The PREA coordinator shall implement agreements and/or memorandums of understanding for any outside investigation agencies responsible for sexual abuse investigations that include compliance with the appropriate protocol, appropriately trained investigators, evidence collection practices, forensic medical examination requirements, and an agreement to keep the Yuba County Probation Department apprised of the progress of sexual abuse investigations (28 CFR 115.221; 28 CFR 115.271).

#### **410.4 PERSONNEL ISSUES**

# Yuba County Probation Department

## NEW Probation Manual

### *Prison Rape Elimination Act*

---

#### 410.4.1 DISQUALIFICATION DECISIONS

Every person who may have confined individual contact as a member or contractor shall, prior to service, undergo a thorough background investigation to verify personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Yuba County Probation Department.

The Yuba County Probation Department shall not hire, promote, assign, or transfer any member or contractor to a position that may allow contact with confined individuals if the member has (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted of engaging in or attempting to engage in sexual activity that was facilitated by force, or overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this subsection.

The department shall ask all candidates who may have contact with confined individuals to disclose any applicable misconduct during written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

#### 410.4.2 PREA DISCLOSURE

Members have a continuing affirmative duty to notify the Chief Probation Officer in writing if they have (28 CFR 115.117; 28 CFR 115.217):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

The department shall ask all employees who may have contact with confined individuals to disclose any applicable misconduct during written evaluations or reviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

#### 410.4.3 PRESERVATION OF ABILITY TO PROTECT PROBATIONERS

The Department shall not enter into or renew any memorandum of understanding, collective bargaining agreement, or other agreement that limits the department's ability to remove alleged

# Yuba County Probation Department

## NEW Probation Manual

### *Prison Rape Elimination Act*

---

staff sexual abusers from contact with any client pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.266).

## Bias-Based Supervision

### 411.1 PURPOSE AND SCOPE

This policy provides guidance to Yuba County Probation Department members that affirms the County's commitment to supervision that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in probation activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, and partnerships).

#### 411.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based supervision** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing supervision services or enforcement of court orders.

### 411.2 POLICY

The Yuba County Probation Department is committed to providing supervision services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide probation services and to enforce the law and conditions set by the court equally, fairly, objectively, and without discrimination toward any individual or group.

### 411.3 BIAS-BASED SUPERVISION PROHIBITED

Bias-based supervision is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

### 411.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based supervision to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

#### 411.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact.

# Yuba County Probation Department

## NEW Probation Manual

### *Bias-Based Supervision*

---

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **411.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and the officer's supervisor in a timely manner.
  - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based supervision.

#### **411.6 STATE REPORTING**

The Probation Program Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020).

#### **411.7 ADMINISTRATION**

The Chief Probation Officer or authorized designee should review the efforts of the Department to provide fair and objective supervision and submit an annual report, including public concerns and complaints, to the District Attorney. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief Probation Officer to identify any changes in training or operations that should be made to improve service.

#### **411.8 TRAINING**

Training on fair and objective supervision and review of this policy should be conducted as directed by the Training Manager.

## Foot Pursuits

### 412.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 412.2 POLICY

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

Officers are expected to act reasonably, based on the totality of the circumstances.

### 412.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department/members.

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 justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place department members 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 a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

# Yuba County Probation Department

## NEW Probation Manual

### *Foot Pursuits*

---

- (f) 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 foot pursuit.

#### **412.4 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) 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) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the [dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to [department/office] members 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 environmental conditions.

# Yuba County Probation Department

## NEW Probation Manual

### *Foot Pursuits*

---

#### **412.5 RESPONSIBILITIES IN FOOT PURSUITS**

##### **412.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

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, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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 foot 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 the [dispatcher of their 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, to include requesting medical aid as needed for officers, suspects or members of the public.

##### **412.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

#### **412.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.

# Yuba County Probation Department

## NEW Probation Manual

### *Foot Pursuits*

---

- (e) Involved vehicles and officers.
- (f) 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 Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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

## **Chapter 5 - Field and Special Operations**

## Crime Scene Integrity and Investigation

### 500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the discovery of a crime or crime scene by department members and any corresponding investigation of a crime.

This policy is intended to address criminal investigations of new crimes or crime scenes, not specific violations of an offender's terms of probation. See the Violations Policy.

### 500.2 POLICY

It is the policy of this department to secure the safety of the public and the preservation of crime scenes, when reasonably practicable, until relieved by local law enforcement, a supervisor, or other designated person. It is also the policy of this department to cooperate with local law enforcement in the investigation of newly discovered crimes as set forth in this policy.

### 500.3 INITIAL CONSIDERATIONS

Officers who become aware of a crime or crime scene, including one that may involve clients under the supervision of the Department, should contact the appropriate local law enforcement agency as soon as practicable.

If the crime involves a client under supervision by the Department, the officer should coordinate investigative responsibilities and share relevant information with the responding local law enforcement agency.

An Officer who reasonably believes that an individual present during the commission of a crime or at a crime scene is under probation supervision by another officer or other department should take reasonable steps to notify the individual's supervising officer or the associated department to coordinate any necessary investigative responsibilities.

Nothing in this policy prohibits an officer from investigating a crime when such crime is observed or discovered while in the performance of their duties. Officers may arrest and/or refer charges to the District Attorney's office in accordance with the law. If a crime is beyond the scope of the individual officer's training, the officer shall refer the investigation to the responding local law enforcement agency. If in doubt, officers shall contact a supervisor for direction.

#### 500.3.1 RESPONSE

Officers who encounter or who are first to arrive at a crime scene should:

- (a) Contact local law enforcement.
- (b) Contact other local agencies (e.g., emergency medical services, fire) and request additional assistance and resources, if appropriate.
- (c) Notify a supervisor.
- (d) When reasonably practicable, provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.

# Yuba County Probation Department

## NEW Probation Manual

### *Crime Scene Integrity and Investigation*

---

- (e) Evacuate the location safely as required or appropriate.
- (f) Identify potential witnesses.

#### **500.4 ARRESTS**

An Officer at the location of a crime or crime scene should not initiate an arrest unless the officer has a reasonable belief that an immediate arrest is appropriate and warranted to prevent imminent harm to others and only if legally permitted under the circumstances, or upon conclusion of investigation by the office. Additional guidance regarding officer arrest authority under California law is provided in the Probation Authority Policy.

Circumstances involving domestic violence or the crime of possession of medical marijuana may require exceptional handling under California law.

##### **500.4.1 ARRESTS AND INVESTIGATIONS INVOLVING DOMESTIC VIOLENCE**

Absent extenuating circumstances involving an imminent threat of death or bodily injury to the officer or another person, officers who have probable cause to believe that an offense involving domestic violence has occurred within their presence should request response by the appropriate local law enforcement agency.

This should be considered even if the officer has arrest authority under California law. However, if the officer is authorized or required to take enforcement action, the officer shall take steps to reasonably ensure that appropriate action is taken, including an arrest when there is probable cause to do so. In such case, any decision not to arrest shall be made by the officer's supervisor.

Officers shall also take steps to reasonably ensure any other mandatory action related to domestic violence is accomplished. This may include mandates related but not limited to the following:

- (a) Required victim notifications or assistance.
- (b) The service of court orders.
- (c) Seizure of firearms or other deadly weapons in accordance with Penal Code § 18250 if the incident involved threats of bodily harm or physical assault and the firearm or weapon is discovered in plain view or pursuant to consent or other lawful search.

##### **500.4.2 ARRESTS AND INVESTIGATIONS INVOLVING THE USE OF MEDICAL MARIJUANA**

Officers shall not arrest a cardholder or designated primary caregiver in possession of an identification card solely for the crime of possession, transportation, delivery, or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person possesses marijuana, but not for personal medical purposes.

# Yuba County Probation Department

## NEW Probation Manual

### *Crime Scene Integrity and Investigation*

---

Officers should refer to the Violations Policy when a client alleges possession or use of marijuana for medicinal purposes and the client's terms of supervision do not allow for medicinal use or possession.

#### **500.5 EVIDENCE**

Officers should not conduct searches beyond the scope of their authority. Evidence discovered at a crime scene and that pertains to an officer's investigation of a probation violation should be documented and preserved as soon as practicable in accordance with the Search and Seizure Policy.

Officers who discover evidence that does not relate to a probation violation should defer to local law enforcement personnel for collection, if the evidence pertains to a crime which is beyond the training of the officer to investigate.

#### **500.6 REPORTS**

Reports should include adequate investigative information and reference to all evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in a related criminal case, as well as information that may adversely affect the credibility of a witness. If an officer learns of potentially incriminating or exculpatory information any time after submission of a report, the officer should prepare and submit a supplemental report documenting such information as soon as practicable.

Officers should proceed with the Violations Policy when the investigation involves a violation of probation conditions.

##### **500.6.1 DISCLOSURE OF REPORTS**

Upon completion, reports, including any supplemental reports, should be transmitted to the prosecutor's office and to any other agency to whom the original report was sent (e.g., local law enforcement agency). If information is believed to be privileged or confidential (e.g., informant or protected information), release should be approved by a supervisor prior to disclosure.

Disclosure of protected information in this context may be subject to the Records Maintenance and Release and Protected Information policies. See the Violations Policy, regarding information disclosure as part of a probation violation hearing.

#### **500.7 RECORDS**

Reports created in relation to a crime or crime scene investigation should be retained in accordance with the Records Maintenance and Release Policy.

## Ride-Alongs

### 501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Yuba County Probation Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

### 501.2 POLICY

Ride-along opportunities may be provided to members of the public, County employees, and members of this department to observe and experience, firsthand, various functions of the Yuba County Probation Department. The term “ride-along” includes riding as a passenger with an officer performing field supervision or observing the work day of members engaging in other functions within the Department facility, such as office contacts with clients or supervised persons or observing Court interactions.

### 501.3 ELIGIBILITY

A ride-along is available to Yuba County residents and business owners, consultants, students currently attending class in Yuba and individuals employed within the County and individuals employed within Yuba County. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified from participating without cause.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being younger than 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the County.
- Denial by any supervisor.

### 501.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 8:00 a.m. to 5:00 p.m. Exceptions to this schedule may be made as approved by the supervisor.

### 501.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the supervisor. The applicant will complete and sign a ride-along or job observation waiver form. [See attachment: Ride-along Policy Waiver.pdf](#) If the applicant is younger than 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birth date, address, and telephone number.

# Yuba County Probation Department

## NEW Probation Manual

### *Ride-Alongs*

---

The supervisor will schedule a date, based on availability. If approved, a copy of the waiver form will be forwarded to the Probation Program Manager as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

#### **501.6 PROCEDURES**

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Yuba County employee applicants
- Any others with approval of the supervisor
- Student workers or interns

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

##### **501.6.1 OFF-DUTY PARTICIPATION**

Off-duty members of this department or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or County employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as members of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

##### **501.6.2 CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check prior to approval of the ride-along.

##### **501.6.3 SUITABLE ATTIRE**

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, T-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the

# Yuba County Probation Department

## NEW Probation Manual

### *Ride-Alongs*

---

supervisor. The supervisor, or a lead staff member in the absence of a supervisor, may refuse a ride-along to anyone who is not dressed appropriately.

#### **501.7 MEMBER RESPONSIBILITIES**

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about conditions that necessarily limit participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims, clients, supervised persons or suspects, reading an individual's criminal history or other protected information, or handling any probation department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
  - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not probation or law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the supervisor, or lead staff in the absence of a supervisor, that a ride-along participant is present in the vehicle before going into service. An Officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lit public place. The supervisor, or lead staff in the absence of a supervisor, will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the supervisor.

## Hazardous Material Response

### 502.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the factors that members should consider when they encounter hazardous material, including the reporting of exposures and supervisor responsibilities.

#### 502.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 502.2 POLICY

It is the policy of the Yuba County Probation Department to immediately contact the appropriate local emergency services to respond to hazardous material emergencies in order to protect the safety of clients, the public, and those members who may be exposed to such incidents.

### 502.3 HAZARDOUS MATERIAL EXPOSURE

Members may encounter situations involving suspected hazardous materials, such as a chemical spill in the workplace. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Members should not perform tasks or use equipment without proper training. Officers present at a hazardous material incident may require decontamination before they are allowed to leave the scene and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

### 502.4 CONSIDERATIONS

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

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify appropriate supervisors, the appropriate fire department and hazardous response units, and local law enforcement.
  1. Provide weather conditions, wind direction, a suggested safe approach route, and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), as available and as trained, being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill, and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

# Yuba County Probation Department

## NEW Probation Manual

### *Hazardous Material Response*

---

- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community, and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.

#### **502.5 REPORTING EXPOSURE**

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Chief Probation Officer as soon as practicable. If the affected member is unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

##### **502.5.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this department may be available through the appropriate fire department or emergency response team.

## Hostage and Barricade Incidents

### 503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain, or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 503.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against the person's will under threat or actual use of force.

### 503.2 POLICY

It is the policy of the Yuba County Probation Department to address hostage and barricade situations by immediately contacting local law enforcement.

### 503.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. The focus of communication should be to stabilize the situation while awaiting local law enforcement.

### 503.4 CONSIDERATIONS

Officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

Officers should immediately contact local law enforcement when it is determined that a hostage or barricade situation exists.

The handling officer should brief the arriving local law enforcement officers of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

# Yuba County Probation Department

## NEW Probation Manual

### *Hostage and Barricade Incidents*

---

#### **503.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting local law enforcement, specialized personnel, and trained negotiators.

#### **503.4.2 HOSTAGE SITUATION**

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of local law enforcement, specialized personnel, and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats.

#### **503.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, establish a proper chain of command, and assume the role of Incident Supervisor until properly relieved by local law enforcement.

#### **503.6 REPORTING**

Unless otherwise relieved by a supervisor, the handling officer at the scene is responsible for completion of an incident report.

---

## Response to Bomb Threat Calls

### 504.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Yuba County Probation Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 504.2 POLICY

It is the policy of the Yuba 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.

### 504.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device and should immediately contact the appropriate local law enforcement agency to convey the information.

### 504.4 YUBA COUNTY PROBATION DEPARTMENT FACILITY

If the bomb threat is against the department facility, the member who received the threat should immediately contact the appropriate local law enforcement agency and notify the supervisor as soon as practicable. The supervisor, in coordination with local law enforcement, will direct and assign officers as required for coordinating a general building search or evacuation of the department, as deemed appropriate.

### 504.5 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the County that is not the property of this department, assistance to the other entity shall be requested if the supervisor deems appropriate once the appropriate local law enforcement agency has been notified of the threat.

### 504.6 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, local law enforcement and the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

# Yuba County Probation Department

## NEW Probation Manual

### *Response to Bomb Threat Calls*

---

Bomb threats against a military installation should be reported to local law enforcement and the military police or other military security responsible for the installation.

#### **504.7 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in Yuba County, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting law enforcement assistance at the facility.
- (f) Whether any internal facility procedures exist regarding bomb threats, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that local law enforcement is notified. Also notify the department supervisor immediately so that the supervisor can communicate with the person in charge of the threatened facility as necessary.

#### **504.8 ASSISTANCE**

The Chief Probation Officer or the authorized designee should be notified when department assistance is requested. The Chief Probation Officer or authorized designee will make the decision whether the Department will render assistance to responding law enforcement and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including evacuation and giving officers control over the facility.

Should the Chief Probation Officer or authorized designee determine that the department will assist law enforcement with such an incident, the Chief Probation Officer or authorized designee will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance in consultation with responding local law enforcement.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:

# Yuba County Probation Department

## NEW Probation Manual

### *Response to Bomb Threat Calls*

---

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request local law enforcement's assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **504.9 SUSPECTED DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all-inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes:
  1. Two-way radios.
  2. Cell phones.
  3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (h) Promptly relay available information to local law enforcement and the Chief Probation Officer or authorized designee including:
  1. The time of discovery.
  2. The exact location of the device.
  3. A full description of the device (e.g., size, shape, markings, construction).
  4. The anticipated danger zone and perimeter.
  5. The areas to be evacuated or cleared.

# Yuba County Probation Department

## NEW Probation Manual

### *Response to Bomb Threat Calls*

---

#### **504.10 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, the supervisor may be confronted with a multitude of considerations. As in other catastrophic events, a rapid evacuation may help to minimize injury to victims, contamination of the scene, or any additional damage from fires or unstable structures.

##### **504.10.1 CONSIDERATIONS**

Officers present at the scene of an explosion, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries, where safe and practicable.
- (b) Request through 9-1-1 additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens, and hazardous materials, where safe and practicable.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices only if trained to do so or where necessary to establish an evacuation route for self and others.
- (g) Preserve evidence, where safe and practicable.
- (h) Establish an outer perimeter and evacuate, if necessary.
- (i) Identify witnesses.

##### **504.10.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified, as appropriate:

- Local law enforcement
- Supervisor
- Fire department
- Bomb squad
- Additional department personnel, as necessary
- Other government agencies, as appropriate

#### **504.11 PRESERVATION OF EVIDENCE**

As in any other crime scene, steps should immediately be taken to preserve the scene. Pending the arrival of local law enforcement, the supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact evidence may be embedded in nearby structures or hanging in trees and bushes.

# Yuba County Probation Department

## NEW Probation Manual

### *Response to Bomb Threat Calls*

---

#### **504.11 CROWD CONTROL**

Only authorized members with a legitimate need should be permitted access to the scene and only at the direction of local law enforcement. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

## Crisis Intervention Incidents

### 505.1 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.

#### 505.1.1 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 their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; noncompliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgment.

### 505.2 POLICY

The Yuba County Probation Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 505.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation, or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

# Yuba County Probation Department

## NEW Probation Manual

### *Crisis Intervention Incidents*

---

#### **505.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief Probation Officer should designate an appropriate Probation Manager to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be in crisis and may also be used to develop case management plans for clients and other individuals under the supervision of the Department who may be suffering from mental illness.

#### **505.5 CRISIS INTERVENTION RESPONSE**

Safety is a priority during any crisis intervention incident. It is important to recognize that individuals under the influence of alcohol, drugs, or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises, and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer interacting with a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request local law enforcement and/or available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights, or sirens.
- (d) Attempt to determine if weapons are present or available.
  1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of their action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime and report the same to local law enforcement, if applicable.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

# Yuba County Probation Department

## NEW Probation Manual

### *Crisis Intervention Incidents*

---

- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **505.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous, and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

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.

#### **505.7 INCIDENT ORIENTATION**

When encountering an incident that may involve mental illness or a mental health crisis, the officer should request critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication or may have failed to take their medication.
- (b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous probation or other law enforcement response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **505.8 SUPERVISOR RESPONSIBILITIES**

If possible, a supervisor should respond to the scene of any interaction with a person in crisis.

Responding supervisors should:

# Yuba County Probation Department

## NEW Probation Manual

### *Crisis Intervention Incidents*

---

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Absent an imminent threat to the public, consider strategic disengagement. This may include removing or reducing department resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing and prepare an incident report to be forwarded to the supervisor.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **505.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **505.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Members, including but not limited to clerical staff, may interact with persons in crisis in an administrative capacity, such as during records requests or phone calls, or when reporting to the Department.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If during an interaction, a member believes a person is in crisis, the member should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may self-harm or be harmful to others, an officer should be promptly summoned to provide assistance.

#### **505.11 EVALUATION**

The Probation Manager designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining

# Yuba County Probation Department

## NEW Probation Manual

### *Crisis Intervention Incidents*

---

to any involved individuals, officers, or incidents and will be submitted to the Chief Probation Officer through the chain of command.

#### **505.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Standards and Training for Corrections (STC)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

## Civil Commitments

### 506.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take steps to place a client under mental health hold (5150 commitment) (Welfare and Institutions Code § 5150).

### 506.2 POLICY

It is the policy of the Yuba County Probation Department to protect the public and clients through legal and appropriate use of the mental health hold process.

### 506.3 AUTHORITY

An Officer having probable cause may take a client under the officer's supervision into custody and place the client in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental health disorder, the client is a danger to self or others or the client is gravely disabled (Welfare and Institutions Code § 5150).

When determining whether to take a client into custody, officers are not limited to determining the client is an imminent danger and shall consider reasonably available information about the historical course of the client's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the client
- (b) A family member
- (c) The client subject to the determination or anyone designated by the client

#### 506.3.1 AUTHORITY FOR MINORS

An Officer having probable cause may take a client under the officer's supervision into custody and place the client in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the client is a danger to self or others or the client is a gravely disabled minor and authorization for voluntary treatment is not available (Welfare and Institutions Code § 5585.50).

Gravely disabled minor means a minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder (Welfare and Institutions Code § 5585.25).

#### 506.3.2 VOLUNTARY EVALUATION

If an officer encounters a client who may qualify for a mental health hold or an involuntary commitment, the officer may inquire as to whether the client desires to be voluntarily evaluated at an appropriate facility. If the client so desires, the officer should:

# Yuba County Probation Department

## NEW Probation Manual

### *Civil Commitments*

---

- (a) Transport the client to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the client's desire to pursue voluntary evaluation and/or admission.

If at any point the person withdraws an affirmative decision for a voluntary evaluation, the officer should proceed with the application for emergency mental health evaluation, if appropriate.

#### **506.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer who comes into contact with a client who may qualify for detention for the purpose of a mental health hold or an involuntary commitment should consider, as time and circumstances reasonably permit:

- (a) Contacting local law enforcement for assistance, if appropriate.
- (b) Available information that might assist in determining the possible cause and nature of the person's actions or stated intentions.
- (c) Community or neighborhood mediation services.
- (d) Conflict resolution and de-escalation techniques.
- (e) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others. See also the Risk and Needs Assessment, Supervision, Modification of Conditions of Supervision, and Violations policies.

Mental health holds should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **506.4.1 SECURING OF PROPERTY**

When a client is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian, or conservator is in possession of the client's personal property, the officer shall take reasonable precautions to safeguard the personal property in the client's possession or on the premises occupied by the client (Welfare and Institutions Code § 5150).

The officer taking the client into custody shall provide a report to the court that describes the client's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

#### **506.5 TRANSPORTATION**

When transporting any client for a mental health hold, the transporting officer should notify a supervisor and the receiving facility of the estimated time of arrival, the level of cooperation of

# Yuba County Probation Department

## NEW Probation Manual

### *Civil Commitments*

---

the client, and whether any special medical care is needed. If appropriate, Local jurisdiction law enforcement dispatch should be utilized.

Officers may transport individuals in a department vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the client require transport in a medical transport vehicle and the safety of any person, including the client, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

#### **506.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the client into a treatment area designated by a facility staff member. If the client is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a mental health hold and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the client is transported and delivered while restrained, the officer may assist with transferring the client to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **506.7 DOCUMENTATION**

The officer shall complete an Application for 72-Hour Detention for Evaluation and Treatment form, provide it to the facility staff member assigned to the client, and retain a copy of the application for inclusion in the case report.

- [APPLICATION FOR UP TO 72-HOUR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT - DEPARTMENT OF HEALTH CARE SERVICES](#)
- [INVOLUNTARY PATIENT ADVISEMENT \(TO BE READ AND GIVEN TO THE PATIENT AT THE TIME OF ADMISSION\) - DEPARTMENT OF HEALTH CARE SERVICES](#)

The application shall include the circumstances for the officer involvement; the probable cause to believe the client is, as a result of a mental health disorder, a danger to others or self or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.2).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

##### **506.7.1 ADVISEMENT**

The officer taking a client into custody for evaluation shall advise the client of (Welfare and Institutions Code § 5150):

- (a) The Officer's name and agency.

# Yuba County Probation Department

## NEW Probation Manual

### *Civil Commitments*

---

- (b) The fact that the client is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise the client of the client's rights.
- (c) The name of the facility to which the client is being taken.
- (d) If the client is being taken into custody at the client's residence, the client should also be advised to take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where the client is being taken. The officer should also ask if the client needs assistance turning off any appliances or water.

The advisement shall be given in a language the client understands. If the client cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

#### **506.8 CRIMINAL OFFENSES**

Officers investigating a client who is suspected of committing a minor violation and who is being taken into custody through a mental health hold, should resolve the violation by completing a report and forwarding the information, as appropriate.

When an officer discovers, during a home visit or otherwise, that a client has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility (e.g., domestic violence, child abuse, homicide), the officer should:

- (a) Immediately contact the appropriate local law enforcement agency and inform them of the offense and reasons why a mental health hold may be appropriate.
- (b) Inform responding local law enforcement personnel of the facts supporting an arrest and the facts that would support a detention.
- (c) Notify the Probation Manager as soon as practicable.
- (d) Thoroughly document in the related reports the circumstances that indicate the client may qualify for a mental health hold.

#### **506.9 FIREARMS AND OTHER WEAPONS**

Whenever a client is taken into custody for a mental health hold or an involuntary commitment, the handling officers should seek to determine if the client owns or has access to any firearm or other deadly weapon as defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful warrantless entry has already been made (e.g., entry is authorized under the terms and conditions of the person's probation; the person consents). A warrant may also be needed before searching for or seizing weapons.

# Yuba County Probation Department

## NEW Probation Manual

### *Civil Commitments*

---

The handling officer shall issue a receipt describing the deadly weapon or any firearm seized and list any serial number or other identification that is on the firearm.

The officer should further advise the client of the procedure for the return, sale, transfer, or destruction of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102).

#### **506.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the client or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Chief Probation Officer or authorized designee who shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(c) to determine whether the weapon will be returned.

The petition to the superior court shall be initiated within 30 days of the release of the client from whom such weapon has been confiscated, unless the Department makes an application to the superior court to extend the time to file such a petition, up to a maximum of 60 days (Welfare and Institutions Code § 8102).

At the time any such petition is initiated, the Department shall send written notice to the client about the right to a hearing on the issue, that the client has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon (Welfare and Institutions Code § 8102).

#### **506.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with individuals who may be experiencing mental illness, mental impairment, or mental disability, mental health holds, and crisis intervention.

## Rapid Response and Deployment

### 507.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement and probation. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 507.2 POLICY

The Yuba County Probation Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those who are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 507.3 CONSIDERATIONS

When dealing with a crisis situation, members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore, and analyze sources of intelligence and known information regarding the circumstances, location, and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing, or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### 507.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent, or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat, or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to incidents at other locations.

When deciding on a course of action, officers should consider:

# Yuba County Probation Department

## NEW Probation Manual

### *Rapid Response and Deployment*

---

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advancement or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of defensive weapons, control devices, and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

#### **507.5 PLANNING**

The Chief Probation Officer or authorized designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites at the Yuba County Probation Department, such as buildings, including detention facilities, and parking areas.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Field supervision first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.

#### **507.6 TRAINING**

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites at the Yuba County Probation Department, such as buildings, including detention facilities, and parking areas.

# Yuba County Probation Department

## NEW Probation Manual

### *Rapid Response and Deployment*

---

- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Field supervision first-response training, including patrol rifle and shotgun familiarization, and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

# Immigration Violations

## 508.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Yuba County Probation Department relating to immigration and interacting with federal immigration officials.

### 508.1.1 DEFINITIONS

The following definition applies to this policy (Government Code § 7284.4):

**Immigration enforcement** – Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

## 508.2 POLICY

It is the policy of the Yuba County Probation Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 508.3 VICTIMS AND WITNESSES

To encourage cooperation, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of the Yuba County Probation Department will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

## 508.4 IMMIGRATION STATUS AND DETENTIONS

Immigration status may be reported to the court as required. Any reasonably discovered change in the immigration status of any client or any discrepancy in the record about the person's immigration status should be documented and reported to the court.

No individual should be detained solely for the purpose of waiting for information from immigration officials (Government Code § 7284.6).

### 508.4.1 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

# Yuba County Probation Department

## NEW Probation Manual

### *Immigration Violations*

---

#### 508.4.2 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Additionally, members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

#### 508.4.3 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or disclose noncriminal history information maintained by the Department of Motor Vehicles for immigration enforcement (Vehicle Code § 1808.48).

### **508.5 FEDERAL REQUEST FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

### **508.6 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

### **508.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the appropriate prosecutor or the appropriate law enforcement agency.

### **508.8 TRAINING**

The Training Manager should ensure officers receive immigration training on this policy. Training should include prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

## Mobile Data Terminal Use

### 509.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the dispatcher.

### 509.2 POLICY

Yuba County Probation Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

### 509.3 PRIVACY EXPECTATION

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

### 509.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 509.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical, or safety needs should be transmitted over the radio.

# Yuba County Probation Department

## NEW Probation Manual

### *Mobile Data Terminal Use*

---

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **509.5 EQUIPMENT CONSIDERATIONS**

Members shall immediately inform their supervisor if the MDT is malfunctioning.

##### **509.5.1 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the supervisor. It shall be the responsibility of the supervisor or the authorized designee to document all information that will then be transmitted verbally over the department radio.

## Public Recording of Probation Officer Activity

### 510.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record probation officers actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 510.2 POLICY

The Yuba County Probation Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully by local law enforcement having jurisdiction.

Officers should exercise restraint and should not resort to seeking highly discretionary arrests for offenses such as interference, failure to comply, or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 510.3 RECORDING PROBATION OFFICER ACTIVITY

Members of the public who wish to record probation officer activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with probation officer activity. Examples of interference include but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a client or other individual.
- (c) The individual may not present an undue safety risk to self, to the officer, or to others.

### 510.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

# Yuba County Probation Department

## NEW Probation Manual

### *Public Recording of Probation Officer Activity*

---

individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing individuals to clear the area, an officer could advise individuals they may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with probation officer activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **510.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practicable, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure, or other actions are constitutional and consistent with this policy and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

#### **510.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

# Yuba County Probation Department

## NEW Probation Manual

### *Public Recording of Probation Officer Activity*

---

Recording devices and media that are seized will be submitted within the guidelines of the Property Policy.

---

## Medical Aid and Response

### 511.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons in need of medical aid and establishes an appropriate response to such situations.

### 511.2 POLICY

It is the policy of the Yuba County Probation Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 511.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  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 extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

# Yuba County Probation Department

## NEW Probation Manual

### *Medical Aid and Response*

---

#### **511.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An Officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **511.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, the officer should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

##### **511.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the 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 note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

# Yuba County Probation Department

## NEW Probation Manual

### *Medical Aid and Response*

---

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee who appears to have serious medical issue to a hospital without a supervisor's approval.

#### **511.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices, and Conducted Energy Device policies.

#### **511.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

##### **511.7.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should, as soon as possible, request response by EMS.

##### **511.7.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

##### **511.7.3 AED TRAINING AND MAINTENANCE**

The Training Manager should ensure appropriate training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Manager 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 100027.05).

#### **511.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100027.03):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Management Service Agency.

# Yuba County Probation Department

## NEW Probation Manual

### *Medical Aid and Response*

---

#### 511.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should request response by EMS as soon as possible.

#### 511.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

Any officer who administers an opioid overdose medication shall complete an Incident Report in accordance with the Report Preparation Policy.

In addition to the Incident Report, Officer shall complete the S-SV EMS Law Enforcement Naloxone Utilization Patient Care Report form (605c). [See attachment: 605-C \(1\).pdf](#)

The form shall be completed and submitted to S-SV EMS via the email or fax number provided on the form. The form shall also be submitted to Yuba County Public Health.

The Training Manager will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

#### 511.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication.

Training should be coordinated with the local health department and comply with applicable standards.

## Task Force

### 512.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when participating in task force (TF) operations.

### 512.2 POLICY

It is the policy of the Yuba County Probation Department to improve public safety and reduce violent crime through proactive collaboration with law enforcement task forces.

### 512.3 AGENCY INVOLVEMENT

Participation in TF operations provides access to multi-jurisdictional resources for apprehending clients who have absconded from supervision or who have otherwise violated the law and/or supervision conditions.

Department participation in TF operations is subject to the approval of the Chief Probation Officer or the authorized designee.

#### 512.3.1 REQUESTS FOR AGENCY INVOLVEMENT

Initial requests for participation in a TF or TF operation should be routed to the Chief Probation Officer, through the chain of command, for approval. In some instances, a memorandum of understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

#### 512.3.2 OFFICER OPERATIONAL ACTIVITY

Officers involved in TF operations should confirm the existence of, time period of coverage, and prior Chief Probation Officer approval for any MOU or established protocol prior to engaging in TF operational activity.

When engaged in TF operational activity or when rendering assistance pursuant to a TF agreement, officers must conform to applicable laws and the policies of this department unless previously approved by the Chief Probation Officer.

Requests for emergency assistance unrelated to TF operations and enforcement action taken outside the jurisdiction of the department unrelated to TF operations are governed by the Outside Agency Assistance and Probation Authority policies.

### 512.4 TEMPORARY DETENTION AND TRANSPORT

TF operation arrestees should only be temporarily detained and/or transported by this department pursuant to the Transporting Persons in Custody Policy unless previously approved by the Chief Probation Officer or the authorized designee.

### 512.5 REPORTING REQUIREMENTS

Original reports of investigations, evidence seized, and other materials generated or collected by the TF operation should be retained by the agency responsible for the case. However, evidence

# Yuba County Probation Department

## NEW Probation Manual

### *Task Force*

---

may be turned over to other law enforcement agencies as appropriate pursuant to the Property Policy. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, TF rules, and Records Maintenance and Release Policy.

#### **512.6 MANDATORY SHARING AND TRAINING**

When equipment and/or supplies maintained by the department have been purchased with federal funds or grants and are subject to agency sharing requirements, the Chief Probation Officer or authorized designee should regularly document:

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

Copies of this documentation should be maintained by the Chief Probation Officer or authorized designee.

The Training Manager should maintain documentation that the appropriate members have received the required training.

#### **512.7 NEWS MEDIA**

Media inquiries should be referred to the Task Force Coordinator of the agency responsible for coordinating the activities of the TF.

## Operations Planning and Deconfliction

### 513.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction, and execution of large scale, coordinated operations.

#### 513.1.1 DEFINITIONS

Definitions related to this policy include:

**Large-Scale Coordinated operations** - Operations, including service of search and arrest warrants, that are likely to present higher risks than are commonly faced by officers on a daily basis, and the coordinated search of one or multiple clients by officers and/or other law enforcement agencies.

### 513.2 POLICY

It is the policy of the Yuba County Probation Department to properly plan and carry out large-scale coordinated operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and prevent duplicating efforts.

### 513.3 OPERATIONS DIRECTOR

The Operations Director will be any Supervising Deputy Probation Officer who has primary supervision of the officers planning the operation.

### 513.4 RISK ASSESSMENT

#### 513.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a large-scale coordinated operation shall ensure each client has a search packet completed by the supervising officer.

When preparing the packet, the officer should query all relevant and reasonably available intelligence resources for information about the subject or others who may be present at the involved location.

The officer should gather available information that includes but is not limited to:

- (a) Photographs, including aerial photographs, of the involved location, neighboring yards, and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against law enforcement, gang affiliation, criminal history).

# Yuba County Probation Department

## NEW Probation Manual

### *Operations Planning and Deconfliction*

---

- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest).

#### 513.4.2 RISK ASSESSMENT REVIEW

Officers will present the search packet and other relevant documents (such as copies of search warrants, affidavits and arrest warrants) to their supervisor and the Operations Director.

The supervisor and Operations Director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 513.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or probation operations, and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups, or locations.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### 513.6 OPERATIONS PLAN

The Operations Director should ensure that an operations plan is developed for all large-scale coordinated operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history).
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

# Yuba County Probation Department

## NEW Probation Manual

### *Operations Planning and Deconfliction*

---

information that suggests the presence of explosives, chemicals, or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids.

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children.
- (c) Information from the search packets by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate probation operation.
  2. How all participants will be identified as probation.
- (e) Whether deconfliction resources (e.g., databases, human intelligence, written reports) are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Plans for detaining people who are not under arrest.
- (i) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Mandatory Reporting and Child and Dependent Adult Safety policies.
- (j) Communications plan.
- (k) Responsibilities for writing, collecting, reviewing, and approving reports.

#### **513.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any large-scale coordinated operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and

# Yuba County Probation Department

## NEW Probation Manual

### *Operations Planning and Deconfliction*

---

initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

- (c) The Operations Director shall ensure that all participants are visually identifiable as probation officers.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the Operations Director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operations plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by Dispatch, the dispatchers should receive a copy of the operations plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **513.8 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief Probation Officer. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **513.9 OPERATIONS DEBRIEFING**

Large-scale coordinated operations should be debriefed as soon as reasonably practicable.

#### **513.10 TRAINING**

The Training Manager should ensure officers who participate in operations subject to this policy receive periodic training, including but not limited to topics such as legal issues, deconfliction practices, operations planning concepts, and reporting requirements.

## Transporting Persons in Custody

### 514.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Yuba County Probation Department.

Additional guidance can be found in the Medical Aid and Response Policy.

### 514.2 POLICY

It is the policy of the Yuba County Probation Department to make reasonable efforts to protect the safety of persons in custody while they are being transported.

### 514.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or authorized designee is responsible for reviewing the safety and restraint systems for all vehicles used to transport persons in custody. The review shall ensure the restraint systems comply with the law and shall determine whether they reasonably meet the needs of the Department. Safety systems should allow for transporting members to be in constant and reasonably clear audio contact with each person being transported.

### 514.4 TRANSPORTING MEMBER RESPONSIBILITIES

Members transporting a person in custody in a department vehicle should ensure:

- (a) All areas of the vehicle accessible to a person in custody are searched before and after each transport.
- (b) All persons in custody are searched prior to a transport.
- (c) All persons are properly restrained in the vehicle's safety restraint system in a seated position.
- (d) Any person behaving in a manner so violent or uncooperative that the person cannot or will not sit upright is considered as possibly being in need of medical aid, see the Medical Aid and Response Policy.
- (e) A verbal welfare check is made with a person in custody every 10 minutes or less.
- (f) Transport is accomplished in a direct and timely manner.
- (g) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger during transport (e.g., avoiding loud or objectionable music, rough rides, excessive heat or cold).
- (h) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.
- (i) Persons in custody are transported individually when practical, or shall have their own seat and vehicle safety restraint system.
- (j) Persons in custody should not be transported in vehicles without safety barriers.
- (k) Local jurisdiction law enforcement dispatch is advised of:

# Yuba County Probation Department

## NEW Probation Manual

### *Transporting Persons in Custody*

---

1. The time when a transport begins and the vehicle's mileage.
  2. The time, vehicle's mileage, and reason for any stops.
  3. The time of arrival at the destination and the vehicle's mileage.
- (l) Reasonable efforts are made to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (m) Sufficient visual observation and communication is maintained to determine whether a person is experiencing any stress or trauma during the transport of:
1. Persons who were placed in any restraints beyond just handcuffs due to their violent or uncooperative behavior (see the Handcuffing and Restraints Policy).
  2. Persons wearing a spit hood.
  3. Persons who are a suspected suicide risk.
  4. Persons who are ill or injured.

#### **514.5 PROHIBITIONS**

Transporting members should not:

- (a) Transport juveniles with adults.
- (b) Transport females with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with if circumstances do not allow for single transport. When transporting in-custody youth to and from Court, males and females should be separated so as not to sit next to each other.
- (c) Transport persons with known hostilities toward each other together, such as mutual combatants or rival gang members.
- (d) Leave the vehicle unattended with a person in custody inside.
- (e) Leave a vehicle with its keys or an unsecured weapon inside with a person in custody in the vehicle.
- (f) Handcuff a person to any part of a vehicle.
- (g) Place a person in custody in an unreasonable risk of harm (e.g., engaging in a pursuit, responding to a high-risk incident).
- (h) Allow any person who is not in custody (i.e., friends, family) to have contact with or be in close proximity to the person in custody.
- (i) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.

#### **514.6 SPECIFIC TRANSPORTATION ISSUES**

##### **514.6.1 TRANSPORTING PERSONS WITH DISABILITIES**

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member

# Yuba County Probation Department

## NEW Probation Manual

### *Transporting Persons in Custody*

---

should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported in such a manner that it not be damaged or pose a security threat.

#### **514.6.2 TRANSPORTING ILL OR INJURED PERSONS**

See the Medical Aid and Response Policy.

#### **514.6.3 DELIVERING A PERSON IN CUSTODY TO A FACILITY**

Members delivering persons to other facilities (e.g., hospital, other agency, court, jail) should:

- (a) Secure weapons in a manner mandated by the facility or in a manner that is appropriate for the facility.
- (b) Remove restraints in coordination with facility personnel.
- (c) Deliver the appropriate documentation concerning the person to facility personnel.
- (d) Notify the receiving facility of any known medical or safety issues, including whether restraints beyond handcuffs were applied due to the person's violent or uncooperative behavior.

#### **514.6.4 LONG-DISTANCE TRANSPORTS**

Absent exigent circumstances, members should only stop during long-distance transports for:

- Fuel
- Meals
- Restroom breaks

Where practicable, time-stamped receipts for purchases should be retained and all stops should be logged in a manner that includes the following:

- The time when a transport begins and the vehicle's mileage
- The time, vehicle's mileage, and reason for any stops
- The time of arrival at the destination and the vehicle's mileage

#### **514.7 TRAINING**

The Training Manager should ensure that members receive training on proper procedures for transporting persons in custody.

## Adult and Juvenile Clients as Informants

### 515.1 POLICY

Yuba County Probation Department employees shall not condone, authorize, or encourage the use or involvement of any ward of the Yuba County Juvenile Court, any adult probationer, post-release community supervision, or mandatory supervision client as an informant or undercover agent working for, or with any law enforcement agency. In general, such activities will be discouraged by all Department employees. Specific requests from law enforcement agencies, or from wards or adult probationers, post-release community supervision and mandatory supervision clients, to use wards, adult probationers, post-release community supervision or mandatory supervision clients in such capacity shall be reported immediately via the chain of command to the Chief Probation Officer.

## Chapter 6 - Equipment

## Department-Owned and Personal Property

### 600.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another person or entity, or department-owned property is damaged or lost.

### 600.2 POLICY

The Yuba County Probation Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

### 600.3 DEPARTMENT-ISSUED PROPERTY

The Chief Probation Officer or the designee should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 600.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property 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-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

### 600.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief Probation Officer or appropriate Probation Manager. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

# Yuba County Probation Department

## NEW Probation Manual

### *Department-Owned and Personal Property*

---

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

#### **600.4.1 FILING CLAIMS FOR PERSONAL PROPERTY**

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by the Probation Manager and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief Probation Officer, who will then forward the claim to the County department responsible for issuing payments.

#### **600.5 SUPERVISOR RESPONSIBILITIES**

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Probation Manager. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

#### **600.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY**

A member who intentionally or unintentionally damages or causes to be damaged the real or personal property of another person or entity while performing any probation function shall promptly report the damage through the chain of command.

##### **600.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY**

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the Yuba County Probation Department or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

## Personal Communication Devices

### 601.1 PURPOSE AND SCOPE

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

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

### 601.2 POLICY

The Yuba County Probation Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under the California Public Records Act (CPRA) (Government Code § 7920.000 et seq.).

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

#### 601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed, or used by any member as directed by a

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Communication Devices*

---

supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with the California Electronic Communications Privacy Act (Penal Code § 1546; Penal Code § 1546.1).

#### **601.4 DEPARTMENT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief Probation Officer or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief Probation Officer or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

#### **601.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of department communications) or as otherwise authorized by department procedures.
  1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
  2. Use of, and data within, a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
  3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Communication Devices*

---

any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief Probation Officer or the authorized designee.

- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Yuba County Probation Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandums of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record-keeping.

#### **601.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recorded media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief Probation Officer or the authorized designee.

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Communication Devices*

---

- (f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **601.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief Probation Officer or the authorized designee.

#### **601.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while using PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

#### **601.9 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature (Vehicle Code § 23123; Vehicle Code § 23123.5).

## Vehicle Use, Safety, and Maintenance

### 602.1 PURPOSE AND SCOPE

The Department uses department-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that department-owned vehicles are used and maintained appropriately, regulations relating to the use and maintenance of these vehicles have been established. The term department-owned as used in this section also refers to any vehicle leased or rented by the Department.

### 602.2 POLICY

It is the policy of this department to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Yuba County Probation Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments, and other considerations. The department will provide service for department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

### 602.3 USE OF DEPARTMENT VEHICLES

Only authorized members should operate department-owned vehicles. Members who operate department-owned vehicles must comply with all applicable state laws and must possess a valid driver's license endorsed for the type of vehicle operated.

Additionally, members are responsible for helping maintain department vehicles so they are properly equipped, maintained, refueled, and cleaned.

A list of members authorized to drive department-owned vehicles shall be maintained by the department supervisor in charge of vehicle maintenance. The list shall be updated monthly to ensure that only qualified personnel with a current and appropriately endorsed driver's license are on the list.

#### 602.3.1 USE OF SAFETY BELTS

Members shall wear provided safety restraints as stated in the Seat Belts Policy.

#### 602.3.2 VEHICLE LOCATION SYSTEM

At the discretion of the Chief Probation Officer, vehicles may be equipped with a system to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the vehicle location system. When members check out a vehicle, they shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during a shift, the member should exchange the vehicle for one with a working system, if available.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

System data may be accessed by supervisors. However, access to historical data by individuals other than supervisors will require supervisor approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### **602.3.3 KEYS**

Members approved to operate a marked vehicle should be issued a copy of the keys as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of keys shall be promptly reported in writing through the member's chain of command.

Under no circumstances will clients be allowed to operate a vehicle or possess any vehicle keys.

#### **602.3.4 AUTHORIZED PASSENGERS**

Members operating County 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-Alongs Policy.

#### **602.3.5 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any County vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **602.3.5 PARKING**

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### **602.3.6 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

### **602.4 VEHICLE SECURITY**

Department vehicles will be locked and the keys will be secured when not in use. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., equipment charging). Officers who exit a vehicle rapidly in an emergency situation must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

#### 602.4.1 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the department armory or designated storage area before releasing the vehicle for maintenance, service, or repair.

#### **602.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department-owned vehicles may be assigned to individual members at the discretion of the Chief Probation Officer or the authorized designee. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

#### 602.5.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description, essential functions, and employment or appointment status. Vehicles may be reassigned or used by other department members at the discretion of the Chief Probation Officer or the authorized designee.

#### 602.5.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where members must use department-owned vehicles to commute to and from a work assignment. Members may take home department-owned vehicles only with prior approval of a supervisor 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) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the County limits.
- (d) Off-street parking will be available at the member's residence.
- (e) The vehicle will be locked when not attended.
- (f) All firearms, weapons, and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

#### 602.5.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description, and essential functions; and the member's employment or appointment status. Residence in County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief Probation Officer or the authorized designee.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

Department members shall sign a take-home vehicle agreement that outlines certain standards, including but not limited to how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities, and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or personal transportation, unless special circumstances exist and the Chief Probation Officer or the authorized designee gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on-call by the Chief Probation Officer or the authorized designee and there is a high probability that the member will be called back to duty.
  - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  - 3. When the member has received permission from the Chief Probation Officer or the authorized designee.
  - 4. When the vehicle is being used by the Chief Probation Officer or the authorized designee or members who are in on-call administrative positions.
  - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. All department identification, portable radios, and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief Probation Officer or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and control devices shall be removed and properly secured in the member's residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department, when a member will be away (e.g., on vacation) for periods exceeding one week.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

1. If the vehicle remains at the member's residence, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
  - (i) The member is responsible for the care and maintenance of the vehicle.

#### **602.5.4 USE OF PERSONAL VEHICLES**

The use of personal vehicles for official business must be approved by the Chief Probation Officer or the authorized designee.

The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. A copy of the insurance card shall be retained in the vehicle and in a department file. All policies and procedures applicable to department vehicles shall apply to the personal vehicle while it is being used for official business.

#### **602.6 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of vehicles. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make inspections of vehicles for service/maintenance requirements and damage prior to use.
- (b) County vehicles are to be serviced for preventative maintenance as scheduled by Administrative Services.
- (c) It is the Administrative Office Manager's responsibility to ensure that County vehicles assigned to the Department are up to date with preventative maintenance schedule.
- (d) Absent emergency conditions or supervisor approval, officers driving County vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be fueled at authorized locations.
- (e) All County vehicles shall be kept clean at all times, weather conditions permitting. Employees using a vehicle shall remove any trash or debris at the end of use. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.
- (f) Members who were last assigned to a vehicle/signed out a vehicle will be ultimately responsible for the current condition of a vehicle.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles to ensure the vehicles are being maintained in accordance with this policy.

#### **602.6.1 VEHICLE INSPECTIONS**

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

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 client, the transporting member shall search all areas of the vehicle that are accessible by the client before and after that person is transported.

All department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such vehicle may have any expectation of privacy regarding the vehicle or any of its contents, regardless of who owns the contents. At a minimum, supervisors shall make monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **602.6.2 VEHICLE SAFETY REPAIRS**

Anyone authorized to drive department vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented.

Vehicles that are deemed unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The supervisor or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

All vehicles owned, leased, or used by this department shall be inspected annually by a qualified individual. Inspection reports will be forwarded to and maintained by the supervisor or the authorized designee.

#### **602.7 TOLL ROAD USAGE**

Probation vehicles are not routinely exempt from incurring toll road charges. Members responding to or returning from an emergency call on toll roads while on-duty are exempt from paying the toll if driving an authorized emergency vehicle as provided in Vehicle Code § 23301.5.

Commuting or returning to the Department after an emergency does not qualify for this exemption; members using department-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, members shall adhere to the following:

- (a) Members operating department-owned vehicles on toll roads for any reason other than responding to an emergency or urgent call shall pay the appropriate toll charge or use the appropriate tollway transponder. Members may seek reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members driving department-owned vehicles through a toll plaza while responding to an emergency or urgent call shall notify, in writing, the appropriate Probation Manager within five working days explaining the circumstances.

# Yuba County Probation Department

## NEW Probation Manual

### *Vehicle Use, Safety, and Maintenance*

---

#### **602.8 COLLISION, DAMAGE, ABUSE, AND MISUSE**

When any department-owned vehicle is involved in a traffic collision, the involved member shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The member shall complete the department's vehicle collision form.

When a collision involves an department-owned vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the member is incapable of completing this department's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum format and forwarded to the appropriate Probation Manager. An administrative investigation should be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

#### **602.8 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever a member is in public view or has contact with the public, the member's attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

## Traffic Accident Review Board

### 603.1 PURPOSE AND SCOPE

This policy establishes a process for the Yuba County Probation Department to review motor vehicle accidents involving members driving department vehicles or other vehicles when the member is operating in an official capacity.

This review process shall be in addition to any other review or investigation that may be conducted by any outside agency having jurisdiction over the accident investigation.

### 603.2 POLICY

It is the policy of the Yuba County Probation Department to objectively evaluate motor vehicle accidents involving members working in an official capacity to ensure that the operation of the vehicle was consistent with department training and policy.

### 603.3 ADMINISTRATIVE ASSIGNMENT

Generally, whenever a member's actions in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief Probation Officer or the authorized designee may exercise discretion and alter the duration or choose not to place a member in an administrative assignment.

### 603.4 TRAFFIC ACCIDENT REVIEW BOARD

The Traffic Accident Review Board will be convened on a regular basis as determined by the Probation Manager to review motor vehicle accidents involving property damage and at a reasonable time following a motor vehicle accident that results in injury or death.

It will be the responsibility of the Supervisor of the involved member to notify the Probation Manager of any incidents requiring board review. The involved member's Supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

#### 603.4.1 COMPOSITION OF THE BOARD

The Probation Manager should staff the Traffic Accident Review Board with at least three individuals, including but not limited to:

- A member of Administration from the involved member's chain of command (a single member from Administration may sit in review when the board is reviewing multiple property damage accidents).
- A non-administrative supervisor.
- A driving instructor or driver training supervisor from this department.
- A probation supervisor from an outside probation agency, if appropriate.

The senior supervisor will serve as chairperson.

# Yuba County Probation Department

## NEW Probation Manual

### *Traffic Accident Review Board*

---

#### 603.4.2 RESPONSIBILITIES OF THE BOARD

The Traffic Accident Review Board is empowered to conduct an administrative review and inquiry into the circumstances of the motor vehicle accident.

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information, and request the involved member to appear. If the involved member is requested to attend, the member will be notified of the meeting of the board and may choose to have a representative present.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members.

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

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. If the vote is tied, the Chief Probation Officer will make a determination as to fault.

The board may also recommend additional investigations or reviews, such as training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief Probation Officer.

The board does not have the authority to recommend discipline.

#### **603.5 PROBATION MANAGER RESPONSIBILITIES**

The member's Probation Manager shall review the recommendation of the board, make a final determination as to whether the member's actions were within policy and procedure, and determine whether any additional actions, investigations, or reviews are appropriate. If the member's Probation Manager concludes the member is at fault, a disciplinary process will be initiated in accordance with the provisions in the Personnel Complaints Policy.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed in Administration files.

## Personal Protective Equipment

### 604.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

#### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Disposable particulate mask** - A class of disposable respirators approved by the Food and Drug Administration (FDA) and the National Institute for Occupational Safety and Health (NIOSH) as suitable for use where fluid or particulate resistance is a priority. Examples are N95 and N100 masks.

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

**Respiratory PPE** - Any device worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

### 604.2 POLICY

The Yuba County Probation Department endeavors to protect members by supplying certain PPE as provided in this policy.

### 604.3 OFFICER/AGENT RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to use the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### 604.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Protective Equipment*

---

#### **604.5 EYE PROTECTION**

Approved eye protection, including side protection, shall be used by members during firearms training, or during situations in which eye protection may be warranted (e.g., cleaning areas where bloodborne pathogens were spilled, urine sample collections with clients). Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

#### **604.6 RESPIRATORY PROTECTION**

The Chief Probation Officer or the authorized designee is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with NIOSH, American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

##### **604.6.1 RESPIRATORY PROTECTION USE**

Disposable particulate masks should only be used to protect the member from particulate contaminants and are not suitable in an oxygen-deficient atmosphere or where an unsafe level of gases or fumes exists. See also the Communicable Diseases Policy.

Designated members may be issued respiratory PPE based on the member's assignment.

Respiratory PPE may be worn when authorized by a Supervising Deputy Probation Officer who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Supervising Deputy Probation Officers are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Protective Equipment*

---

Supervising Deputy Probation Officer shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the Supervising Deputy Probation Officer reasonably believes (8 CCR 5144):

- (a) The member's face and respirator facepiece need to be washed to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, a change in breathing resistance, or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

#### 604.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 604.6.3 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Protective Equipment*

---

#### 604.6.4 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **604.7 RECORDS**

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respiratory medical evaluation questionnaires and any subsequent physical examination.
  - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and 8 CCR 5144.

#### **604.8 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

## Body Armor

### 605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

### 605.2 POLICY

It is the policy of the Yuba County Probation Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for observing officer safety procedures.

### 605.3 ISSUANCE

The Rangemaster shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Yuba County Probation Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Chief Probation Officer may authorize issuing body armor to uniformed, non-sworn members whose jobs may make wearing of body armor advisable.

#### 605.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action, including but not limited to when they are participating in field supervision activities.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when they are involved in undercover or plainclothes work that their supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
  1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

#### 605.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

# Yuba County Probation Department

## NEW Probation Manual

### *Body Armor*

---

Annual inspections of body armor should be conducted by a person trained to perform the inspection for fit, cleanliness, and signs of damage, abuse, and wear.

#### **605.3.3 CARE AND MAINTENANCE**

The required care and maintenance of body armor is subject to the following criteria:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear, and cleanliness at the start of each shift.
  - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for properly storing their body armor.
  - 1. Body armor should not be stored for an extended period in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
  - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
  - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

#### **605.4 RANGEMASTER RESPONSIBILITIES**

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

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

## Military Equipment

### 606.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 606.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** - The elected or appointed body that oversees the Department.

**Military equipment** - Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers
- High-mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached
- Tracked armored vehicles that provide ballistic protection to their occupants
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
- Weaponized aircraft, vessels, or vehicles of any kind
- Battering rams, slugs, and breaching apparatuses that are explosive in nature (does not include a handheld, one-person ram)
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms
- Any firearm or firearm accessory designed to launch explosive projectiles
- Noise-flash diversionary devices and explosive breaching tools
- Munitions containing tear gas or oleoresin capicum, excluding standard, service-issued handheld pepper spray
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs)
- Kinetic energy weapons and munitions
- Any other equipment as determined by a governing body or a state agency to require additional oversight

# Yuba County Probation Department

## NEW Probation Manual

### *Military Equipment*

---

#### **606.2 POLICY**

It is the policy of the Yuba County Probation Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **606.3 MILITARY EQUIPMENT COORDINATOR**

The Chief Probation Officer should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Yuba County Probation Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief Probation Officer and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

#### **606.4 MILITARY EQUIPMENT INVENTORY**

The following is a list of qualifying equipment for the Department:

No current military equipment owned by the Department.

#### **606.5 APPROVAL**

The Chief Probation Officer or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief Probation Officer or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body before engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a

# Yuba County Probation Department

## NEW Probation Manual

### *Military Equipment*

---

- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body
- (f) Soliciting or responding to a proposal for or entering into an agreement with any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment
- (g) Acquiring military equipment through any means not provided above

#### **606.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

#### **606.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief Probation Officer or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief Probation Officer or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### **606.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## **Chapter 7 - Support Services**

## Property

### 700.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security, and disposition of evidence, and other property.

#### 700.1.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Yuba County Probation Department, including evidence, and items taken for safekeeping.

### 700.2 POLICY

It is the policy of the Yuba County Probation Department to process, store, secure, and dispose of all property in a reasonable manner and to maintain documentation that tracks the location of property and its disposition.

### 700.3 RESPONSIBILITIES

The Chief Probation Officer should designate an evidence technician responsible for the management of property held by the Yuba County Probation Department.

The evidence technician should:

- (a) Maintain procedures for the safety, security, and chain of custody for property received, including procedures for packaging, submitting, storing, transferring, releasing, and disposing of property.
- (b) Maintain procedures for facility security and access control, including access logs.
- (c) Maintain emergency procedures and supplies for the continuity of operations if the facility must be evacuated or moved (e.g., for hazardous spills, fires, floods), including protective equipment for personnel, lighting, and ventilation.
- (d) Develop and make available appropriate forms.
- (e) Maintain procedures for the use of property for investigative or training purposes.
- (f) Conduct inventories and participate in audits and inspections as provided in this policy and address identified issues as appropriate.
- (g) Submit an annual report regarding money that is presumed to have been abandoned to the Chief Probation Officer and the Yuba department responsible for auditing property.
- (h) Establish agreements with other appropriate organizations that have resources and expertise to store and destroy hazardous materials, flammable materials, explosive materials, narcotics and dangerous drugs, and other materials requiring specialized destruction.

### 700.4 SECURITY

Only authorized members should have access to property. Members authorized to access secure property storage areas should take reasonable steps to prevent access by unauthorized persons.

# Yuba County Probation Department

## NEW Probation Manual

### *Property*

---

This includes preventing others from accessing related keys, access codes, passwords, or access cards and reporting any possible breaches or security concerns as soon as practicable.

#### **700.5 PROPERTY HANDLING**

The member who first comes into possession of property is generally responsible for the collection, care, custody, and control of the property until it is securely stored.

Receipts should be provided to individuals when property is received or removed from them. When property is not associated with known person(s), or if the property in and of itself is not a crime to possess (i.e. gang indicia) and may be returned to the original owner at a later date, a triplicate Field Property Receipt should be used and the appropriate form given to whoever the property was confiscated.

A supervisor should be notified when a submitting member did not follow appropriate procedures.

Members should securely store property prior to going off-duty.

#### **700.6 SPECIAL CONSIDERATIONS**

The following items require special handling and should be processed according to department procedures and as follows:

##### **700.6.1 CONTROLLED SUBSTANCES**

- (a) Controlled dangerous substances should only be handled using the appropriate type and level of personal protective equipment.
- (b) Controlled dangerous substances should only be tested, opened, or repackaged in authorized areas and only by trained members, and only with prior authorization from a Supervisor.
- (c) Controlled substances shall not be packaged with other property.
- (d) Appropriate weights should be obtained and documented.
- (e) Marijuana should be packaged in a container that allows for drying.
- (f) The evidence technician should monitor stored marijuana for growth of mold.

##### **700.6.2 MISCELLANEOUS**

The following items require special consideration and should be handled in line with current department procedures, to include the following:

- (a) Cash should be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor should be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope. After initial submission, cash should be stored in a controlled-access safe. Cash that is not evidence or contaminated should be periodically deposited into a department bank account.

Digital evidence should be stored in a manner to prevent it from becoming demagnetized.

# Yuba County Probation Department

## NEW Probation Manual

### *Property*

---

Explosives, fireworks, ammunition, and hazardous and flammable substances should be secured either off-site or on-site in containers appropriate for the contents. These items should be removed or destroyed as soon as it is practical and legal to do so.

Firearms shall be unloaded and packaged separately from ammunition. Members submitting firearms should package them in such a way as to provide visual confirmation that the firearm is unloaded. Knife boxes should be used to package knives.

Syringe tubes or other sharps containers should be used to package syringes, needles and other sharps.

#### **700.7 RECORDING OF PROPERTY**

Members should ensure that all documentation and tagging is completed when entering property and evidence. The evidence technician receiving custody of property shall ensure a property control record for each item or group of items has been created.

The evidence technician shall ensure that a unique property number is obtained for each item or group of items.

See Procedures Manual on Evidence/Property Collection and Chain of Evidence for further information.

- [Evidence/Property Collection and Chain of Evidence](#)

#### **700.8 INSPECTION OF THE PROPERTY STORAGE AREA**

The Probation Manager shall ensure that periodic, unannounced inspections of the storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Probation Manager also shall ensure that an audit is conducted annually, or as directed by the Chief Probation Officer. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the property operations.

Whenever there is a change of assignment for any member with authorized access to the stored property, an inventory of all property shall be conducted by a person who is not associated with the stored property, or its function. This is to ensure that all property is accounted for and the records are correct.

## Records Maintenance and Release

### 701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the maintenance, release, and disposition of records maintained by the Department. The policy addresses responsibilities of the Records Manager for the management of file access, and requests for release of information and records.

### 701.2 POLICY

It is the policy of the Department to maintain client records and to provide for the access to and release of records consistent with department policies, administrative directives, and applicable state law. All Public Records Act (PRA) requests shall be forwarded to County Counsel immediately upon receipt for response and consultation. At no time shall a staff member respond to a PRA request without first consulting County Counsel.

### 701.3 RECORDS CUSTODIAN RESPONSIBILITIES

The Chief Probation Officer shall designate the Records Manager. The responsibilities of the Records Manager include but are not limited to:

- (a) Maintaining and updating a records procedure manual.
- (b) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (c) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (d) Maintaining and updating the department records retention schedule, including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying who has the responsibility for the original record.
- (e) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (f) Identifying records or portions of records that have release restrictions or are confidential under state or federal law and not open for inspection or copying.
- (g) Establishing procedures for sharing records as permitted by law with clients, their designees, and coordinating agencies, including law enforcement agencies, social service agencies, and medical and mental health providers.
- (h) Establishing rules regarding the processing of subpoenas for the production of records.
- (i) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of data.
- (j) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 7922.530).

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

- (k) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- (l) Ensuring that public records posted on the department website meet the requirements of Government Code § 7922.680, including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

#### **701.4 PROCESSING REQUESTS FOR RECORDS**

Any department member who receives a request for any records shall route the request to the department legal counsel, Records Manager and/or authorized designee.

All questions regarding responding to and/or compliance with any request for records should be promptly referred to legal counsel for the Department so as to ensure proper handling.

##### **701.4.1 REQUESTS FOR PUBLIC RECORDS**

The processing of requests for public records is subject to the following (Government Code § 7922.530):

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.
  2. If the record is an audio or video recording, a copy of the redacted audio/video recording release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Either the requested record or the reason for nondisclosure will be provided 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 Records Manager or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  1. When the request does not reasonably describe the records sought, the department legal counsel shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request, including providing assistance for overcoming any practical basis for denying access to the records or information. The Department legal counsel shall also assist in describing the information and technology and physical location in which the record exists (Government Code § 7922.600).
  2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code 7922.580).

All Public Records Act Requests and questions regarding compliance with any records requests should be promptly referred to legal counsel for the Department for further guidance and in order to prevent disclosure of restricted, confidential and/or privileged documents.

#### 701.4.2 DENIALS

The denial of a request for public records is subject to the following and should be handled by County Counsel:

- (a) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 7922.000; Government Code 7922.540).
- (b) The written response to the denial shall include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.540).

#### 701.4.3 RELEASE RESTRICTIONS

Examples of release restrictions include (except where allowed by law or court order):

- (a) Client records, including client classification, disciplinary records, pre-sentence or disposition reports, supervision reports, and progress reports.
- (b) Probation reports filed with a court (Penal Code § 1203.03; Penal Code § 1203.05).
- (c) Records relating to juveniles (Welfare and Institutions Code § 827; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).
- (d) Client medical, mental health, and substance abuse records (Government Code § 7930.130; Government Code 7930.170; 42 CFR 2.35).
- (e) Client education records (Family Education Rights and Privacy Act of 1974 (FERPA); Education Code § 49076).
- (f) Personnel records, medical records, or similar files that would involve an unwarranted invasion of personal privacy (Government Code 7927.700; Penal Code § 832.8; Evidence Code § 1043 et seq.).
- (g) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of department members except as allowed by Government Code § 7928.300.
- (h) Criminal intelligence and criminal history information (Penal Code § 13102; Penal Code § 13300) (see also the Protected Information Policy).
- (i) A record of a complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7(b)(9)).

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

See Procedures Manual on Records Retention and Release for further information.

- [Records Retention and Release](#)

#### **701.5 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released pursuant to a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by any officer, or depicts an incident in which the use of force by any officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Records Manager should work as appropriate with the Chief Probation Officer or the Supervising Deputy Probation Officer supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

##### **701.5.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident. After the initial 45 days and up to one year, delayed disclosure may continue if the Department demonstrates substantial interference with the investigation. Any delayed disclosure longer than one year must be supported by clear and convincing evidence (Government Code § 7923.625).

##### **701.5.2 NOTICE OF DELAY OF RELEASE**

When there is justification to delay disclosure of a recording, the department legal counsel shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the department legal counsel shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the department legal counsel shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. Department legal counsel and the Records Manager should work with the Chief Probation Officer in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

#### 701.5.3 REDACTION

If the department legal counsel, in consultation with the Records Manager and Chief Probation Officer or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the department legal counsel provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 701.5.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

Any recordings withheld shall be done so only after consultation with County Counsel. If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Records Manager shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

#### **701.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact department legal counsel, a supervisor and the Records Manager 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.

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the appropriate prosecutor or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **701.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

#### **701.8 SECURITY BREACHES**

Members who become aware that any Yuba County Probation Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system (Civil Code § 1798.29).

If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the California Attorney General (Civil Code § 1798.29).

For the purposes of the notice requirement, personal information includes (Civil Code § 1798.29):

- (a) An individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:
  - 1. Social Security number
  - 2. Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
  4. Medical information
  5. Health insurance information
  6. Unique biometric data
  7. Genetic data
- (b) A username or email address, in combination with a password or security question and answer that would permit access to an online account.

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **701.9 SEALED RECORD ORDERS**

Sealed record orders received by the Department shall be reviewed for appropriate action by the Records Manager and, if appropriate, the member assigned to supervision of the client.

The Records Manager shall seal such records as ordered by the court. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781; Welfare and Institutions Code § 786; Welfare and Institutions Code § 786.5).

##### **701.9.1 SEALED JUVENILE RECORDS**

The Records Manager shall seal the citation, arrest records, and other records in department custody relating to a juvenile's arrest and referral and participation in a diversion or supervision program as provided by Welfare and Institutions Code § 786.5.

The Records Manager should ensure that the citing or arresting law enforcement agency and the California Department of Justice (DOJ) are notified to seal any citation, arrest records, and other records required by Welfare and Institutions Code § 786.5. Within 30 days of receipt of notification from the arresting law enforcement agency that the records have been sealed, the Records Manager should ensure that the involved minor receives written notification that their records have been sealed. If the records are not sealed, written notice shall inform the minor of their ability to petition the court directly to seal their arrest, citation, and other related records (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records from the DOJ that are eligible to be sealed, the Records Manager or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Manager or the authorized designee

# Yuba County Probation Department

## NEW Probation Manual

### *Records Maintenance and Release*

---

shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

#### **701.10 JUVENILE RECORDS**

Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to authorized persons (18 U.S. Code 5038).

##### **701.10.1 JUVENILE RECORDS AND VICTIMS**

Victims of crimes committed by youth subject to Section 602 W&I shall have a right to be notified of all juvenile disposition hearings in which the alleged act would have been a felony if committed by an adult, and the right to attend and to express his or her views (656.2 W&I)

The right of victims of juvenile offenses to be present during juvenile court hearings concerning petitions filed pursuant to Section 602 W&I alleging the commission of any criminal offense, and shall be so notified by the probation officer in person, together with a notice explaining all other rights and services available to the victim with respect to the case (676.5 W&I).

## Protected Information

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Yuba County Probation Department. This policy addresses the protected information used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 702.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data collected, stored, or accessed by members of the Yuba County Probation Department and that is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information in federal, state, or local law enforcement databases that is not accessible to the public.

### 702.2 POLICY

Members of the Yuba County Probation Department will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

### 702.3 RESPONSIBILITIES

The Chief Probation Officer shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS). See [California Law Enforcement Telecommunications System \(Policies, Practices, Procedures \(and Statutes\) - California Department of Justice](#).
- (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.

# Yuba County Probation Department

## NEW Probation Manual

### *Protected Information*

---

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### **702.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Yuba County Probation Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

##### **702.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive, or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

#### **702.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from law enforcement agencies who are assisting in an investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

##### **702.5.1 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).

# Yuba County Probation Department

## NEW Probation Manual

### *Protected Information*

---

#### 702.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, other than CJI and CHRI, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a Mobile Data Terminal or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### 702.6 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

#### 702.7 SECURITY OF PROTECTED INFORMATION

The Chief Probation Officer will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

#### 702.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or

# Yuba County Probation Department

## NEW Probation Manual

### *Protected Information*

---

desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

#### **702.8 CRIMINAL INTELLIGENCE SYSTEMS**

No department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief Probation Officer has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for supervising the use of any criminal intelligence system by members. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

##### **702.8.1 SYSTEM ENTRIES**

It is the designated supervisor's responsibility to approve the entry of any information from a report, case notes, a photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Manager. Any supporting documentation for an entry shall be retained by the Records Manager in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Manager are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

##### **702.8.2 SHARED GANG DATABASE**

Any shared gang database shall be accessed and maintained in accordance with state and federal law, guidelines, and regulations (Penal Code § 186.36).

#### **702.9 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## **Chapter 8 - Personnel**

## Recruitment and Selection

### 800.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Yuba County Probation Department and that are promulgated and maintained by Human Resources Department.

### 800.2 POLICY

In accordance with applicable federal, state, and local law, the Yuba County Probation Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 800.3 RECRUITMENT

The Chief Probation Officer or the authorized designee, in conjunction with the Human Resources Department, should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates. Specific strategies are included in the County's Equal Employment Opportunities plan.

The Department and Human Resources 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 and Human Resources should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of the candidate's status in the recruiting process.

### 800.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of:

- (a) A comprehensive application for employment (including previous employment, references, current and past addresses, education, military record).

# Yuba County Probation Department

## NEW Probation Manual

### *Recruitment and Selection*

---

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed before extending an offer of employment (Penal Code § 832.12).
2. This includes a review of prior law enforcement employment information maintained by candidate's former employing agencies.
  - (b) Driving record.
  - (c) Reference checks.
  - (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
  - (e) Information obtained from public internet sites.
  - (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).
  - (g) Local, state, and federal criminal history record checks.
  - (h) Polygraph or lie detector test, or similar test or examination (when legally permissible) (Labor Code § 432.2).
  - (i) Medical and psychological examination (may only be given after a conditional offer of employment).
  - (j) Review board or selection committee assessment.

#### **800.4.1 VETERAN PREFERENCE**

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

#### **800.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Yuba County Probation Department (Government Code § 1031; 15 CCR 131).

#### **800.5.1 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).

# Yuba County Probation Department

## NEW Probation Manual

### *Recruitment and Selection*

---

#### 800.5.2 STATE NOTICES

If information disclosed in a peace officer 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).

#### 800.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the background investigator shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The background investigator 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 is verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

#### 800.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### 800.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

The narrative report and any other relevant information pertaining to all candidates should be shared with the psychological evaluator. Information should also be shared with others involved in the hiring process if it is relevant to their respective evaluations.

#### 800.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief Probation Officer, be conducted in lieu of a new full background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Yuba County Probation Department.

### **800.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole and taking into consideration the following:

- Age at the time the behavior occurred

# Yuba County Probation Department

## NEW Probation Manual

### *Recruitment and Selection*

---

- 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.

#### **800.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards established by the department and required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community (Government Code § 1029; Government Code § 1031; 15 CCR 131).

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

##### **800.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by California law, including those provided in Government Code § 1029, Government Code § 1031, and 15 CCR 131:

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States under federal law
- (c) At least 18 years of age
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of peace officer powers

# Yuba County Probation Department

## NEW Probation Manual

### *Recruitment and Selection*

---

- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years and since age 18 as determined by a background investigation (Penal Code § 13681)

Candidates must also satisfy the STC minimum selection requirements.

#### **800.8 JOB DESCRIPTIONS**

The Administrative Division Probation Manager and County Human Resources should ensure that a current job description is maintained for each position in the Department.

---

## Standards of Conduct

### 801.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Yuba County Probation Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 801.2 POLICY

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

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

### 801.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 801.3.1 UNLAWFUL OR CONFLICTING ORDERS

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

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

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that conflicts with a previous lawful order, department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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

#### **801.3.2 SUPERVISOR RESPONSIBILITIES**

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to the immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

#### **801.4 GENERAL STANDARDS**

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

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

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **801.5 CAUSES FOR DISCIPLINE**

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

##### **801.5.1 LAWS, RULES, AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or county manuals.
- (b) Disobeying any legal directive or order issued by any department member of a higher rank.

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

#### 801.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Yuba County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) Wrongfully or unlawfully exercising authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Receiving or accepting a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Accepting fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offering or accepting of a bribe or gratuity.
- (f) Misappropriating or misusing public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 801.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 801.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, probationer, supervised person, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are under the supervision of the courts, any probation department, or any correctional authority

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

after the member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this department.

- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

#### 801.5.5 ATTENDANCE

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

#### 801.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

#### 801.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact telephone numbers.
- (f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 801.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) Falsifying any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any department record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency, and discipline of this department, or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system
- (g) Improper political activity, including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by County policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by Yuba policy, the collective bargaining agreement or memorandum of understanding, or the Chief Probation Officer.
- (i) Any act on- or off-duty that brings discredit to this department.

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

#### 801.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful probation officer powers by unreasonable, unlawful, or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the County.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or memorandum of understanding, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.
- (m) Any other on- or off-duty conduct that any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this department or its members.

#### 801.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform probation duties.

# Yuba County Probation Department

## NEW Probation Manual

### *Standards of Conduct*

---

- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable within 24 hours of the event.

#### 801.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

# Performance Evaluations

## 802.1 PURPOSE AND SCOPE

This policy provides guidelines for the Yuba County Probation Department performance evaluation system.

## 802.2 POLICY

The Yuba County Probation Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 802.3 TYPES OF EVALUATIONS

The Department shall use the following types of evaluations:

**Regular** - An evaluation completed at regular intervals by the employee's immediate supervisor.

**Special** - An evaluation that may be completed at any time the supervisor and Probation Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

### 802.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

### 802.3.2 PERFORMANCE IMPROVEMENT PLAN (PIP)

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

## 802.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should

# Yuba County Probation Department

## NEW Probation Manual

### *Performance Evaluations*

---

discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based on documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

All supervisors should receive training on performance evaluations within one year of a supervisory appointment.

#### **802.5 EVALUATION FREQUENCY**

Supervisors shall ensure that all employees they supervise are evaluated and in accordance with County Merit Resolution regarding evaluation frequency.

#### **802.6 EVALUATION INTERVIEW**

When the supervisor has completed the employee's evaluation, the evaluation will be forwarded to their Program Manager, then forwarded to the Assistant Chief for final approval. If an evaluation fails to meet standards, the evaluation shall be reviewed by the Chief Probation Officer. Once final approval has been made, it will be returned to the supervisor. When the supervisor has received the evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

#### **802.7 CHAIN OF REVIEW**

The signed performance evaluation and any employee written response, if applicable, should be forwarded to the evaluating supervisor's Probation Manager or the authorized designee. The Probation Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response made by the employee.

# Yuba County Probation Department

## NEW Probation Manual

### *Performance Evaluations*

---

The Probation Manager or the authorized designee should evaluate the supervisor on the quality of ratings given.

#### **802.8 RETENTION AND DISTRIBUTION**

The original performance evaluation and, if applicable, an employee's written response, shall be maintained in the employee's permanent personnel file with the County Human Resources Department.

A copy of the evaluation and, if applicable, an employee's written response, shall be maintained in the Department's personnel file.

## Special Assignments and Promotions

### 803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments for officers within the Yuba County Probation Department.

### 803.2 POLICY

The Yuba County Probation Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief Probation Officer.

### 803.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments are not promotions, and apply only to officers:

- (a) Inter-agency task force
- (b) Field Training Officer
- (c) Training instructor

#### 803.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the California Board of State and Community Corrections (BSCC) or Standards and Training for Corrections (STC)
- (d) Exceptional skills, experience, or abilities related to the special assignment

#### 803.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance
- (b) Maintains a physical condition that aids in performance
- (c) Expresses an interest in the assignment
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct

# Yuba County Probation Department

## NEW Probation Manual

### *Special Assignments and Promotions*

---

5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

#### **803.3.3 SELECTION PROCESS**

The selection process for special assignments will include an administrative evaluation as determined by the Chief Probation Officer to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
  1. The supervisor recommendations will be submitted to the Probation Manager for whom the candidate will work.
- (b) Probation Manager interview - The Probation Manager will schedule interviews with each candidate.
  1. Based on supervisor recommendations and those of the Probation Manager after the interview, the Probation Manager will submit recommendations to the Chief Probation Officer.
- (c) The Chief Probation Officer or the authorized designee will make appointments.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief Probation Officer or the authorized designee.

#### **803.4 PROMOTIONAL REQUIREMENTS**

Requirements and information regarding any promotional process are available at the Human Resource Department.

## Grievances

### 804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Yuba County grievance process. The grievance process is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

#### 804.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- The collective bargaining agreement, master labor agreement, or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

### 804.2 PROCEDURE

It is the policy of the Yuba County Probation Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

### 804.3 PROCESS

The grievances process is outlined in the applicable collective bargaining agreement or memorandum of understanding.

# Reporting of Arrests, Convictions, and Court Orders

## 805.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that employees must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Yuba County Probation Department.

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 805.2 POLICY

The Yuba County Probation Department requires disclosure of employee arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Yuba County Probation Department.

## 805.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

California and federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees and retired officers with identification cards issued by the department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 805.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person convicted of a felony is prohibited from being a peace officer. The prohibition applies whether guilt was established by way of a verdict, or a guilty or nolo contendere plea (Government Code § 1029).

Convictions of certain violations of the Vehicle Code and other provisions of law (e.g., driver's license suspension or revocation) may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants also place restrictions on the ability of an officer to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805).

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 inherently conflicts with their duties and the public trust.

# Yuba County Probation Department

## NEW Probation Manual

### *Reporting of Arrests, Convictions, and Court Orders*

---

#### **805.5 REPORTING PROCEDURE**

All employees 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 detention, arrest, charge, outstanding warrant, or conviction, regardless of whether the matter was dropped or rejected, is pending, or is 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 promptly notify their immediate supervisor (or the Chief Probation Officer in the case of retired officers) in writing if they become the subject of a domestic violence-related order or similar court order or become the subject of an outstanding warrant.

Any employee whose criminal arrest, conviction, or court order restricts or prohibits that employee from fully and properly performing duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee, on the employee's own time and expense.

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

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

## Drug- and Alcohol-Free Workplace

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 806.2 POLICY

It is the policy of the Yuba County Probation Department to provide a drug- and alcohol-free workplace for all members. The County policy prevails if there is a conflict with Department policy.

### 806.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 806.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor before beginning any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 806.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 806.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

# Yuba County Probation Department

## NEW Probation Manual

### *Drug- and Alcohol-Free Workplace*

---

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **806.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers, or the employee assistance program for more information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **806.6 WORK RESTRICTIONS**

If a member informs a supervisor that the member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from the member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is safely transported per County policy.

#### **806.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of duties (excluding training or authorized euthanasia of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

##### **806.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing that:

- (a) The test will be given to detect either alcohol or drugs, or both.

# Yuba County Probation Department

## NEW Probation Manual

### *Drug- and Alcohol-Free Workplace*

---

- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### **806.7.2 SCREENING REFUSAL**

A member may be subject to disciplinary action if the member:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof within 72 hours after being requested, that the member took the controlled substance as directed, pursuant to a current and lawful prescription issued in the member's name.
- (c) Violates any provision of this policy.

#### **806.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **806.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 807.1 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 or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 807.2 POLICY

It is the policy of the Yuba County Probation Department to provide eligible employees with a sick-leave benefit.

See Policy Manual on Sick Leave for further information.

- [Sick Leave](#)

### 807.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 807.3.1 NOTIFICATION

All members should notify the Probation Manager or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

# Yuba County Probation Department

## NEW Probation Manual

### *Sick Leave*

---

#### **807.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members 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.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

#### **807.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those members under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  1. Negatively affected the member's performance or ability to complete assigned duties.
  2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

#### **807.6 REQUIRED NOTICES**

The Director of Human Resources shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- (b) A poster that contains information on paid sick leave as provided in Labor Code § 247 is conspicuously displayed.

# Communicable Diseases

## 808.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 808.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms present in and transmissible through human blood, urine, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood, urine, or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure includes only those instances that occur due to a member's position at the Yuba County Probation Department. (See the agency's exposure control plan for further details to assist in identifying whether an exposure has occurred).

## 808.2 POLICY

The Yuba County Probation Department is committed to providing a safe work environment for its members. Members should know that they are ultimately responsible for their own health and safety.

## 808.3 EXPOSURE CONTROL OFFICER

The Chief Probation Officer will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how members may obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member'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.
    - (b) Needleless systems and sharps injury protection.

# Yuba County Probation Department

## NEW Probation Manual

### *Communicable Diseases*

---

3. Airborne transmissible disease precautions (8 CCR 5199).
    - (a) Engineering and work practice controls related to airborne transmissible diseases.
    - (b) Distribution of appropriate PPE to minimize exposure to airborne disease.
  4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
  5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person who may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
  6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- (e) Provisions for acting as the designated liaison with health care facilities regarding communicable disease or condition exposure notification. The designated liaison should coordinate with other department members to fulfill the role when the designated liaison is not available. The designated liaison shall ensure that the name, title, and telephone number of the designated liaison is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan.

#### **808.4 EXPOSURE PREVENTION AND MITIGATION**

##### **808.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, urine, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is 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.

# Yuba County Probation Department

## NEW Probation Manual

### *Communicable Diseases*

---

- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood, urine, or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 808.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### **808.5 POST EXPOSURE**

##### 808.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other exposed skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### 808.5.2 REPORTING REQUIREMENTS

The supervisor or designated administrator on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor or designated administrator shall ensure the following information is documented:

- (a) Name and Social Security number of the member 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., cleanup, notifications)

# Yuba County Probation Department

## NEW Probation Manual

### *Communicable Diseases*

---

The supervisor or designated administrator shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor or designated administrator should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting and Illness and Injury Prevention policies).

#### 808.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating health care professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 808.5.4 COUNSELING

The Department shall provide the member, and the member's family if necessary, the opportunity for counseling and consultation regarding the exposure.

#### 808.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- (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).

# Yuba County Probation Department

## NEW Probation Manual

### *Communicable Diseases*

---

- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Counsel to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

#### **808.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **808.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193; 8 CCR 5199):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting the member's potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### **809.1 PURPOSE AND SCOPE**

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

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### **809.2 POLICY**

The Yuba County Probation Department recognizes that tobacco use is a health risk and that smoking and tobacco use can be offensive to others. Smoking and tobacco use also present an unprofessional image for the Department and its members. Therefore, smoking and tobacco use are prohibited in all department facilities, buildings, and vehicles, as further outlined in this policy. This prohibition applies to members and visitors.

### **809.3 SMOKING AND TOBACCO USE**

Smoking and tobacco use by members are prohibited any time members are in public view representing the Yuba County Probation Department.

It shall be the responsibility of each member to ensure that no person under the member's supervision smokes or uses any tobacco product inside County facilities and vehicles.

### **809.4 ADDITIONAL PROHIBITIONS**

Smoking and use of other tobacco products is not permitted inside department buildings or any department vehicle, or any other county building (Labor Code § 6404.5).

No person shall use tobacco products within 50 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; Yuba County Ordinance 7.15.040.).

## Personnel Complaints

### 810.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Yuba County Probation Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 810.2 POLICY

The Yuba County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements or memorandums of understanding.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 810.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

#### 810.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Probation Manager is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Supervising Deputy Probation Officer, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Supervising Deputy Probation Officer, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

#### 810.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### **810.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### 810.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained and readily available at the department. [See attachment: Citizens Complaint Form.pdf](#)

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### 810.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the statement at the time it is filed with the Department (Penal Code § 832.7).

##### 810.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

##### 810.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

The Department shall accept and investigate internal complaints or complaints from the public that allege an officer has, in the previous seven years and since age 18, was a member of a hate

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

#### **810.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief Probation Officer or the authorized designee.

#### **810.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **810.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Probation Manager of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Probation Manager or the Chief Probation Officer, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Chief Probation Officer.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Probation Manager and the Chief Probation Officer are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the Probation Manager for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Probation Manager, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 810.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Supervising Deputy Probation Officer, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If off-duty, the member shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Yuba County Probation Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member should be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period, and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or because the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

#### 810.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 810.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 810.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

#### 810.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 810.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence; with the member's consent; with a valid search warrant; or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

#### **810.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An officer may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the officer is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

#### **810.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief Probation Officer or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### **810.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief Probation Officer shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of the member's constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Yuba County Probation Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

#### **810.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief Probation Officer through the chain of command. Each level of command should review the report and include comments in writing before forwarding the report. The Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

##### **810.10.1 PROBATION MANAGER RESPONSIBILITIES**

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

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

Prior to forwarding recommendations to the Chief Probation Officer, the Probation Manager may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

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

##### **810.10.2 CHIEF PROBATION OFFICER RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials. The Chief Probation Officer may modify any recommendation and/or may return the file to the Probation Manager for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff, the Chief Probation Officer shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the Chief Probation Officer shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notices of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)).

The Chief Probation Officer shall also provide the member with:

- (a) Access to all the materials considered by the Chief Probation Officer in recommending the proposed discipline.
- (b) An opportunity to respond orally (b) in writing to the Chief Probation Officer within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief Probation Officer may grant a reasonable extension of time for the member to respond.
  2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

Once the member has completed a response, or if the member has elected to waive any such response, the Chief Probation Officer shall consider all information received regarding the recommended discipline. The Chief Probation Officer shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

#### **810.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT**

The Chief Probation Officer or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

#### **810.10.4 NOTICE REQUIREMENTS**

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

#### **810.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and before any recommended discipline is imposed. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the Chief Probation Officer to consider.
- (d) In the event that the Chief Probation Officer elects to conduct further investigation, the employee shall be provided with the results before any discipline is imposed.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.

#### **810.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement before the discipline is imposed, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **810.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Complaints*

---

appeal using the procedures established by any collective bargaining agreement, memorandum of understanding, and/or personnel rules.

In the event of punitive action against an officer covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

#### **810.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief Probation Officer or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief Probation Officer, or their designee, shall be final.

When an individual has been absent for more than a week or when additional time to review the individual is considered appropriate, the probationary period may be extended at the discretion of the Chief Probation Officer or the authorized designee.

#### **810.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

## Seat Belts

### 811.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 811.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and Vehicle Code § 27360.

### 811.2 POLICY

It is the policy of the Yuba County Probation Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### 811.3 WEARING SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall confirm that all other occupants, including those who are not members of the Department, are properly restrained.

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

### 811.4 TRANSPORTING CHILDREN

Child passengers younger than 8 years old shall be transported using an approved child restraint system in compliance with Vehicle Code § 27360.

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### 811.5 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any department vehicle with a transport restraint system or, when a transport restraint system is not available, by seat belts provided by the vehicle manufacturer. The transport restraint system is not intended

# Yuba County Probation Department

## NEW Probation Manual

### *Seat Belts*

---

to be a substitute for handcuffs or other appendage restraints. See the Transporting Persons in Custody Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **811.6 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief Probation Officer.

Members 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.

#### **811.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **811.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

---

## Personnel Records

### 812.1 PURPOSE AND SCOPE

This policy governs maintenance of and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 812.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the constitution and laws of California (Penal Code § 832.7).

### 812.3 DEPARTMENT AGENCY FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment, and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### **812.4 DIVISION MAJOR FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee before being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

#### **812.5 TRAINING FILE**

The Training Manager shall maintain an individual training file for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or the member's immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **812.6 SUPERVISING DEPUTY PROBATION OFFICER FILE**

Internal affairs files shall be maintained under the exclusive control of the Supervising Deputy Probation Officer in conjunction with the office of the Chief Probation Officer. Access to these files may be approved only by the Chief Probation Officer or the Supervising Deputy Probation Officer supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

#### (c) Exonerated

Investigation files arising out of sustained civilian complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

#### **812.7 MEDICAL FILE**

A medical file should be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present, or future anticipated mental, psychological or physical limitations.

#### **812.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Administrator, County Counsel, or other attorneys or representatives of the County in connection with official business.

#### **812.9 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Records Manager or other person charged with the maintenance of such records.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### **812.9.1 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES**

Members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former employee should work with counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

#### **812.9.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records shall not be disclosed except as allowed by law (see the Records Maintenance and Release Policy) (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

#### **812.9.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

#### **812.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Records Manager should work as appropriate with the Chief Probation Officer or the Supervising Deputy Probation Officer supervisor in determining what records may qualify for

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter referred to as "qualifying records") shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by an officer.
  2. The use of force by an officer against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)).
  3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the department or oversight agency regarding:
  1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of or investigation of misconduct by another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

3. An officer engaged in conduct including, but not limited to verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of a qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 812.10.1 REDACTION

County Counsel will redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

#### 812.10.2 DELAY OF RELEASE

Unless otherwise directed by the Chief Probation Officer, the Records Manager should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

- (a) Active criminal investigations
  1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
  2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
  1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
  1. Disclosure may be delayed until there is a determination from the investigation whether misconduct or the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force.

#### 812.10.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Records Manager shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
    - (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

#### **812.11 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief Probation Officer, or the authorized designee, through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline
- (b) Confidential portions of internal affairs files that have not been sustained against the member
- (c) Criminal investigations involving the member
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding

#### **812.12 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine

# Yuba County Probation Department

## NEW Probation Manual

### *Personnel Records*

---

whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief Probation Officer.
- (c) If, in the opinion of the Chief Probation Officer, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

# Request for Change of Assignment

## 813.1 PURPOSE AND SCOPE

This policy establishes guidelines for department members to request a change of assignment.

## 813.2 POLICY

It is the policy of the Yuba County Probation Department that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

## 813.3 REQUEST FOR CHANGE OF ASSIGNMENT

Members requesting a change of assignment shall submit a request document through the chain of command to their Probation Managers.

The change of assignment request document provides members with the opportunity to list their qualifications for specific assignments. It should include:

- (a) The member's relevant experience, education, and training.
- (b) All assignments in which the member is interested.

The document will remain in effect one year from date of receipt.

## 813.4 RESPONSIBILITIES

### 813.4.1 SUPERVISORS

Upon receipt of a change of assignment request document, the supervisor shall make appropriate comments in the space provided on the document and forward it to the member's Probation Manager.

### 813.4.2 PROBATION MANAGERS

If the Probation Manager receives a change of assignment request document from an officer that does not contain supervisor comments, the Probation Manager will make appropriate comments and return it to the member without consideration.

The Probation Manager will review all change of assignment requests and submit a recommendation to the Chief Probation Officer. The final decision regarding any reassignment request rests with the Chief Probation Officer, or their designee. The final decision will be based on the needs of the department. The Chief Probation Officer retains the right to transfer staff whether or not they have submitted a transfer request.

## Commendations and Awards

### 814.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Yuba County Probation Department and individuals from the community.

### 814.2 POLICY

It is the policy of the Yuba County Probation Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism, and service of its members and individuals from the community through commendations and awards.

### 814.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 814.4 CRITERIA

A meritorious or commendable act may include but is not limited to:

- (a) Superior handling of a difficult situation.
- (b) Conspicuous bravery or outstanding performance.
- (c) Any action or performance that is above and beyond typical duties.

### 814.5 PROCESSING COMMENDATIONS

Detailed information regarding the meritorious or commendable act, along with proposed presentation plans, should be forwarded through the chain of command to the Chief Probation Officer for review.

The Chief Probation Officer, or their designee, will work with members to decide the best way to present the commendation to the recognized member(s).

Documentation regarding the commendation will be returned to the Administrative Program Manager for entry into the member's personnel file.

### 814.6 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- (a) Award of Valor.
- (b) Award of Merit.
- (c) Lifesaving Award.
- (d) Meritorious Conduct.

Criteria for each award and the selection, presentation, and display of any award are determined by the Chief Probation Officer.

## Fitness for Duty

### 815.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### 815.2 POLICY

The Yuba County Probation Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical, mental, and/or emotional capabilities to determine the member's ability to perform essential functions.

### 815.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the member's position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Any member who feels unable to perform the member's duties shall promptly notify a supervisor. If a member believes another member is unable to perform that member's duties, such observations and/or belief shall be promptly reported to a supervisor.

### 815.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform any duties because of an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment or impulsive behavior, or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or a condition requiring intervention.

Consistent with this policy, supervisors shall maintain the confidentiality of any information.

# Yuba County Probation Department

## NEW Probation Manual

### *Fitness for Duty*

---

#### 815.4.1 REPORTING

A supervisor observing a member or receiving a report about a member perceived to be unable to safely or effectively perform duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the observations and actions in a written report and inform the Supervisor or the member's Probation Manager or Chief Probation Officer.

#### 815.4.2 DUTY STATUS

In conjunction with the member's Chief Probation Officer and Probation Manager, the Supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Supervisor, the member's Probation Manager, or the authorized designee should immediately relieve the member of duty pending further evaluation.

Members relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Probation Manager and Chief Probation Officer, or the authorized designee, shall be promptly notified in the event that any member is relieved of duty.

### **815.5 FITNESS-FOR-DUTY EVALUATIONS**

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member may be unfit for duty or following an officer-involved shooting or death-in-custody incident.

#### 815.5.1 PROCESS

The Probation Manager or Chief Probation Officer, in cooperation with Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report. If the member places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information relevant to such proceedings (Civil Code § 56.10(c)(8)).

To facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

# Yuba County Probation Department

## NEW Probation Manual

### *Fitness for Duty*

---

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with Human Resources Department.

#### **815.6 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- (a) 16 hours in a one-day (24 hours) period.
- (b) 30 hours in any two-day (48 hours) period.
- (c) 84 hours in any seven-day (168 hours) period.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

#### **815.7 APPEALS**

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

## Meal Periods and Breaks

### 816.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

### 816.2 POLICY

It is the policy of the Yuba County Probation Department to provide meal periods and breaks to members of this department in accordance with the collective bargaining agreement or memorandum of understanding and the County personnel manual.

### 816.3 MEAL PERIODS

Officers and supervisors shall remain subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Officers shall request clearance from the supervisor before taking a meal period. Uniformed officers shall take their meal periods within the jurisdictional limits and shall monitor normal communication channels, unless on assignment outside of the County.

The time spent for the meal period shall not exceed the authorized time allowed.

### 816.4 BREAKS

Each member is entitled to a 15-minute break near the midpoint for each four-hour work period. Only one break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of a member's shift unless approved by a supervisor.

Members performing field duties will take their breaks within any assigned areas, subject to call, and shall monitor the channels of communication. When such members take their breaks, they shall do so only with the knowledge and clearance of the supervisor.

## Lactation Breaks

### 817.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

### 817.2 POLICY

It is the policy of the Yuba County Probation Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for their nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

### 817.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify a supervisor before taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 817.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

# Yuba County Probation Department

## NEW Probation Manual

### *Lactation Breaks*

---

#### **817.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

#### **817.6 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the 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 Records

### 818.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### 818.2 POLICY

The Yuba County Probation Department maintains timely and accurate payroll records.

### 818.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their direction.

### 818.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions such as holidays. Payroll records shall be completed and submitted to the Administrative Division Probation Manager as established by the County payroll procedures.

See Procedures Manual on Time Sheets for further information.

- [Time Sheets](#)

### 818.5 RECORDS

The Administrative Division Probation Manager shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation

### 819.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 819.2 POLICY

The Yuba County Probation Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 819.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal duty day (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent shift adjustment within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(k)).

### 819.4 REQUESTS FOR OVERTIME COMPENSATION

#### 819.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Not work in excess of 16 hours, including regularly scheduled work time, overtime, and extra-duty time, in any consecutive 24-hour period without supervisory approval.
- (c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

#### 819.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.

# Yuba County Probation Department

## NEW Probation Manual

### *Overtime Compensation*

---

1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.
2. When a supervisor approaches an employee about working overtime they should designate whether the overtime to be worked is voluntary or mandatory. If voluntary the supervisor must inform the employee of the Chief Probation Officer's, or their designee's, decision to offer compensation, compensatory time off, adjustment to work hours in the same week, or a combination thereof. If mandatory a supervisor must inform the employee if they will be compensated with pay or compensatory time off.
  - (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
    1. Supervisors identifying any unauthorized overtime or discrepancy may initiate an investigation consistent with the Personnel Complaints Policy.
  - (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's Probation Manager for final approval.
    1. After the Probation Manager has authorized compensation, the request shall be submitted to Administrative Division as soon as practicable.

Supervisors may not authorize or approve their own overtime.

#### **819.5 ACCOUNTING FOR PORTIONS OF AN HOUR**

Authorized overtime work shall be accounted in the increments as listed:

| TIME WORKED      | INDICATE ON CARD |
|------------------|------------------|
| Up to 15 minutes | .25 hour         |
| 16 to 30 minutes | .50 hour         |
| 31 to 45 minutes | .75 hour         |
| 46 to 60 minutes | 1 hour           |

##### **819.5.1 VARIATION IN TIME REPORTED**

When two or more employees are assigned to the same activity, case or court trial, and the amount of time for which overtime compensation is requested varies among the officers, the Probation Manager or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

#### **819.6 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request if the request does not unduly disrupt department operations. Requests to use compensatory time should be submitted to the employee's supervisor at least 2 weeks in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

# Yuba County Probation Department

## NEW Probation Manual

### *Overtime Compensation*

---

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

## Outside Employment and Outside Overtime

### 820.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment.

#### 820.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by members of this department for another employer, organization, or individual not affiliated directly with this department when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

### 820.2 POLICY

Members of the Yuba County Probation Department shall obtain written approval from the Chief Probation Officer or the authorized designee before engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief Probation Officer or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

### 820.3 OUTSIDE EMPLOYMENT

#### 820.3.1 REQUEST AND APPROVAL

Members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief Probation Officer or the authorized designee for consideration.

If approved, the member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request form at the start of each calendar year.

#### 820.3.2 DENIAL

Any member whose request for outside employment has been denied shall be provided with a written notification of the reason at the time of the denial (Penal Code § 70(e)(3)).

#### 820.3.3 REVOCATION OR SUSPENSION

Any member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension (Penal Code § 70(e)(3)).

Approval for outside employment may be revoked or suspended:

# Yuba County Probation Department

## NEW Probation Manual

### *Outside Employment and Outside Overtime*

---

- (a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
  - 1. Approval for the outside employment may be reestablished with the authorization of the member's supervisor once the member's performance has reached a satisfactory level.
- (b) When a member's conduct or outside employment conflicts with department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or County.

#### **820.4 REQUIREMENTS**

##### 820.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The Department reserves the right to deny any request for outside employment that involves (Government Code § 1126):

- (a) The use of department time, facilities, equipment, or supplies.
- (b) The use of the Yuba County Probation Department badge, uniform, or influence for private gain or advantage.
- (c) The member's receipt or acceptance of any money or other consideration for performing duties or services that the member would be required or expected to render in the course or hours of the member's employment or appointment, or as a part of the member's regular duties.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other member of this department.
- (e) Demands upon the member's time that would render the performance of the member's duties for this department deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the Department.

##### 820.4.2 SECURITY AND PEACE OFFICER OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment as a peace officer, private security guard, private investigator, or other similar private security position.

##### 820.4.3 DEPARTMENT RESOURCES

Members 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 against any member using a position with this department to gain access to official records or databases of this department or other agencies.

# Yuba County Probation Department

## NEW Probation Manual

### *Outside Employment and Outside Overtime*

---

#### 820.4.4 REVIEW OF FINANCIAL RECORDS

Members approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflicts of interest (Government Code § 3308; Government Code § 1126).

Before approving outside employment, the Department may request that a member provide personal financial records for review if the Chief Probation Officer determines that a conflict of interest may exist. Failure or refusal by the member to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the Department obtains information that a financial conflict of interest exists, the Department may request that the member provide personal financial records for review. Failure or refusal by the member to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

#### 820.4.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates outside employment, the member shall promptly submit written notification of such termination to the Chief Probation Officer or the authorized designee through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief Probation Officer or the authorized designee any material changes in outside employment, including any change in the number of hours, type of duties, or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

#### 820.4.6 LEAVE OR RESTRICTED DUTY STATUS

Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief Probation Officer or the authorized designee regarding whether such employment should continue.

In the event that the Chief Probation Officer or the authorized designee determines that the outside employment should be discontinued, or if the member fails to promptly notify the immediate supervisor of the member's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as required of an on-duty member.

# Yuba County Probation Department

## NEW Probation Manual

### *Outside Employment and Outside Overtime*

---

(c) The member's failure to make timely notice of the member's intention to the supervisor.

When the member returns to full duty with the Yuba County Probation Department, a written request may be submitted to the Chief Probation Officer or the authorized designee to approve the outside employment request.

# Occupational Disease and Work-Related Injury Reporting

## 821.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, mental health issues, and work-related injuries.

### 821.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - Any injury, disease, or mental health issue arising out of the member's employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 821.2 POLICY

The Yuba County Probation Department will address work-related injuries and occupational disease appropriately and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

## 821.3 RESPONSIBILITIES

### 821.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

### 821.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related County-wide injury- or disease-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### 821.3.3 PROBATION MANAGER RESPONSIBILITIES

The Probation Manager who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief Probation Officer or authorized designee, the County's risk management entity, and the Administrative Division Supervisor to ensure any required Division of Occupational Safety and Health (Cal/OSHA) reporting is made as required in the disease and injury prevention plan identified in the Illness and Injury Prevention Policy.

# Yuba County Probation Department

## NEW Probation Manual

### *Occupational Disease and Work-Related Injury Reporting*

---

#### **821.3.4 CHIEF PROBATION OFFICER RESPONSIBILITIES**

The Chief Probation Officer shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

#### **821.4 OTHER DISEASE OR INJURY**

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Probation Manager through the chain of command and a copy sent to the Chief Probation Officer or the authorized designee.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that the member desired no medical attention at the time of the report. Signing the report does not preclude the member's ability to later seek medical attention.

#### **821.5 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury caused by another person and is subsequently contacted by that person or that person's agent, insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to the member's supervisor as soon as possible.

##### **821.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief Probation Officer or the authorized designee with written notice of the proposed terms of such settlement. The member shall never accept a settlement without first providing written notice to the Chief Probation Officer or the authorized designee. Such notice permits the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury. Notice also protects the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 822.1 PURPOSE AND SCOPE

Probation staff, regardless of their function or assignment, should recognize that they represent the professional standard and image of this department to the public and to other agencies. Therefore, their appearance must be in good taste and reflect favorably on the 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.

### 822.2 GENERAL GUIDELINES

The following guidelines are provided to assist staff in maintaining a professional appearance while performing the various duties members of this Department may be assigned.

#### 822.2.1 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 should wear attire or have attire available that quickly transitions to court attire for unanticipated court appearances.

#### 822.2.2 COURT ATTIRE

Court appearances require Probation staff to wear appropriate business attire: slacks, dress shoes, sport coat, dress shirt and tie for men; dress, skirt, slacks, and blouse, professional pantsuits, dress shoes for women.

#### 822.2.3 CASUAL DAYS

The Chief Probation Officer may designate a casual day for all staff with the exception of institutional staff members, who must dress in uniform or designated attire for safety and security reasons. All office employees, with the exception of those officers who must appear in court may elect to wear appropriate casual wear. If employees participate in casual day, they will be expected to maintain a neat appearance.

#### 822.2.4 TRAINING DAYS

Training days are considered on-duty hours. Office, field, or institutional attire may be worn and must be appropriate to the training site.

#### 822.2.5 INAPPROPRIATE ATTIRE

Unacceptable clothing that distracts from a professional work environment is not permitted. Examples of such clothing include, but are not limited to, uncollared shirts, revealing clothes, shorts, extremely short shirts, shirts with slogans that can be reasonably construed as obscene, suggestive, vulgar, or demeaning, that advertise a business, alcohol, tobacco, or drugs, sweat pants, sweatshirts with hoods and clothes that are ragged or worn out.

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Appearance Standards*

---

#### 822.2.6 EXCEPTIONS TO THIS POLICY

The Chief Probation Officer, Assistant Chief Probation Officer or any Manager may temporarily exempt an employee from the minimum dress standard while performing a specific short-term task, for specific medical reasons, or for training.

#### 822.2.7 NON-COMPLIANCE

Any staff member not in compliance with the Department dress policy will be directed to change into appropriate attire. If an absence from the workplace is required to change clothing, it shall not be compensated.

#### **822.3 TATTOOS**

At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language, or demean another person's protected class. Tattoos or body art shall not be visible above the shoulders.

#### **822.4 BODY PIERCING OR ALTERATION**

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.

#### **822.5 WEARING OF DEPARTMENT UNIFORM/IDENTIFICATION APPAREL OFF-DUTY**

No member of this department shall appear publicly in uniform in an "off-duty" status unless an emergency exists or he/she has specific prior approval from his/her Probation Program Manager.

Personnel who elect to wear their uniform/identification apparel to and from work shall wear an outer garment at all times, which conforms to the following:

- (a) The outer garment shall cover any distinguishable parts of the uniform/identification apparel that identifies the wearer as a member of this department.
- (b) The outer garment shall not be a portion of the uniform/identification apparel.
- (c) The outer garment shall not bear any insignias particular to this department.

To preclude public criticism, personnel electing to wear their uniform/identification apparel to and from work shall use discretion and good judgment in making prolonged or excessive stops at public establishments.

No member of this department shall authorize or permit any other person to wear his/her uniform/identification apparel at any time or for any purpose whatsoever.

# Yuba County Probation Department

## NEW Probation Manual

### *Personal Appearance Standards*

---

#### **822.6 RELIGIOUS ACCOMMODATION**

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

#### **822.7 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief Probation Officer should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Conflict of Interest

### 823.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Yuba County Probation Department.

#### 823.1.1 DEFINITIONS

Definitions related to this policy include:

**Conflict of interest** - Any actual, perceived, or potential conflict in which it reasonably appears that a member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

### 823.2 POLICY

Members of the Yuba County Probation Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and other department members.

### 823.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members (Government Code § 12940):

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

# Yuba County Probation Department

## NEW Probation Manual

### *Conflict of Interest*

---

#### **823.4 MEMBER RESPONSIBILITIES**

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the member shall promptly notify the Chief Probation Officer or the authorized designee to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action

#### **823.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

## Badges, Patches, and Identification

### 824.1 PURPOSE AND SCOPE

The Yuba County Probation Department (YCPD) badge, logo, patch, and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

### 824.2 POLICY

The Yuba County Probation Department issues each member appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the member's position within the Department.

### 824.3 MEMBER RESPONSIBILITIES

Members of the Yuba County Probation Department will use the YCPD badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The YCPD badge, logo, patch, and identification card shall only be displayed or used by a member when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the YCPD badge, patch, or identification card for personal gain or benefit.
- (b) Loan the YCPD badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the YCPD badge, patch, or identification card, or the likeness thereof, or the Yuba County Probation Department name, for personal or private reasons, including but not limited to letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

### 824.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their YCPD badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control.

### 824.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by department members.

Only badges issued by this department may be used, displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

#### 824.5.1 RETIREE BADGES

The Chief Probation Officer may establish rules for allowing honorably retired members to keep their badges in some form or possess a retirement badge upon retirement.

# Yuba County Probation Department

## NEW Probation Manual

### *Badges, Patches, and Identification*

---

#### 824.5.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the YCPD badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the YCPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Yuba County Probation Department. The following modification shall be included:
  1. Any text identifying the Yuba County Probation Department is replaced with the name of the employee group.
  2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

#### 824.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., Interagency Task Forces, K-9) should be submitted to the Chief Probation Officer in writing.

Only patches issued by this department are authorized to be displayed or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief Probation Officer, may request additional patches, at their own expense.

#### 824.7 IDENTIFICATION CARDS

All members will be issued an official YCPD identification card bearing the member's name, full-face photograph, member identification number, member's signature, and signature of the Chief Probation Officer or the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Probation Managers.

#### 824.8 BUSINESS CARDS

The Department will supply business cards to those members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information, including but not limited to the member's name, Division, badge or other identification number, and contact information (e.g., telephone number, email address).

Members should provide a business card to any member of the public who requests one.

## Temporary Modified-Duty Assignments

### 825.1 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, Yuba rules, or 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 or limitation that is protected under federal or state law.

### 825.2 POLICY

Subject to operational considerations, the Yuba 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.

### 825.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act shall be treated equally, without regard to any preference, for a work-related injury (Government Code § 12940 et seq.).

No position in the Yuba County Probation Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 825.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Yuba County Probation Department

## NEW Probation Manual

### *Temporary Modified-Duty Assignments*

---

Employees seeking a temporary modified-duty assignment should submit a written request to their Probation Managers or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Probation Manager will make a recommendation through the chain of command to the Chief Probation Officer regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief Probation Officer or the authorized designee shall confer with the Human Resources Department or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment may be approved and facilitated by the Probation Manager or Supervisor, with notice to the Chief Probation Officer or authorized designee. The Probation Manager or Supervisor shall confer with the Human Resources Department or County Counsel and appropriate.

#### **825.5 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 Probation Manager.

##### **825.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Probation Manager that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

# Yuba County Probation Department

## NEW Probation Manual

### *Temporary Modified-Duty Assignments*

---

#### **825.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

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

- (a) Periodically apprising the Probation Manager of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Probation Manager and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **825.6 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.

#### **825.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other employee with a temporary disability (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

##### **825.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

#### **825.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

# Yuba County Probation Department

## NEW Probation Manual

### *Temporary Modified-Duty Assignments*

---

#### **825.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

# Speech, Expression, and Social Networking

## 826.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provide guidelines for regulating and balancing member speech and expression with the legitimate needs of the Yuba County Probation Department.

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, and use of all internet services, including the World Wide Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and video-sharing and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression 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 a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

## 826.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Yuba County Probation Department. Due to the nature of the work and influence associated with the probation profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

## 826.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Yuba County Probation Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member or a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- (a) Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.

# Yuba County Probation Department

## NEW Probation Manual

### *Speech, Expression, and Social Networking*

---

- (b) Disclosing the address of a fellow officer.
- (c) Disclosing where another officer can be located off-duty.

#### **826.4 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, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that compromises or damages the mission, function, reputation, or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and could compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. 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 member 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 Department members. For example, a statement on a blog that provides specific details on how and when custody 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 contrary to the Ethics section in Standards of Conduct Policy as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, or video or other recording obtained or accessible because of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.
- (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 Yuba County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

Members must take reasonable and prompt action to remove any content, including content posted by others, that violates this policy from any web page or website maintained by the employee (e.g., social or personal website).

# Yuba County Probation Department

## NEW Probation Manual

### *Speech, Expression, and Social Networking*

---

#### 826.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Yuba County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity
- (d) Appear in any commercial, social, or nonprofit publication, or motion picture, film, video, or public broadcast, or on any website

Additionally, when it can reasonably be construed that a member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Yuba County Probation Department.

Members 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 recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

#### **826.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **826.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

# Yuba County Probation Department

## NEW Probation Manual

### *Speech, Expression, and Social Networking*

---

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in performance of duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

#### **826.7 TRAINING**

Subject to available resources, the Department should provide periodic training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

## Illness and Injury Prevention

### 827.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Yuba County Probation Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede but supplements any related Countywide safety efforts.

### 827.2 POLICY

The Yuba County Probation Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injury. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 827.3 ILLNESS AND INJURY PREVENTION PLAN

The County Risk Manager shall have the overall authority and responsibility of the Injury and Illness Prevention Program. The Yuba County Injury and Illness Prevention Program is available to all members on the County Intranet site in the Safety Program section of the Human Resources Department. The County Safety Officer will assist the Department in developing safety plans and processes that meet the specific needs of the Department. The illness and injury prevention plan shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings as coordinated by the County Safety Officer.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Prepare a written record of safety and health committee meetings.
  3. Review the results of periodic scheduled inspections.
  4. Review investigations of accidents and exposures.
  5. Make suggestions to command staff for the prevention of future incidents.
  6. Review investigations of alleged hazardous conditions.
  7. Submit recommendations to assist in the evaluation of member safety suggestions.

# Yuba County Probation Department

## NEW Probation Manual

### *Illness and Injury Prevention*

---

8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

#### **827.4 PROBATION MANAGER RESPONSIBILITIES**

The responsibilities of the Probation Manager include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  1. New member orientation that includes a discussion of safety and health policies and procedures.
  2. Regular member review of the illness and injury prevention plan.
  3. Providing access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules to maintain a safe work environment. This includes but is not limited to:
  1. Informing members of the illness and injury prevention guidelines.
  2. Recognizing members who perform safe work practices.
  3. Ensuring that the member evaluation process includes member safety performance.
  4. Ensuring department compliance to meet standards regarding the following:
    - (a) Respiratory protection (8 CCR 5144)
    - (b) Bloodborne pathogens (8 CCR 5193)
    - (c) Aerosol transmissible diseases (8 CCR 5199)
    - (d) Heat illness (8 CCR 3395; 8 CCR 3396)
    - (e) Emergency Action Plan (8 CCR 3220)
    - (f) Fire Prevention Plan (8 CCR 3221)
    - (g) Hazards associated with wildfire smoke (8 CCR 5141.1)
- (e) Making available a form to document inspections, unsafe conditions, or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

# Yuba County Probation Department

## NEW Probation Manual

### *Illness and Injury Prevention*

---

- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **827.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Probation Manager.
- (e) Notifying the Probation Manager when:
  1. New substances, processes, procedures, or equipment that present potential new hazards are introduced to the work environment.
  2. New, previously unidentified hazards are recognized.
  3. Occupational illnesses and injuries occur.
  4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  5. Workplace conditions warrant an inspection.

#### **827.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

# Yuba County Probation Department

## NEW Probation Manual

### *Illness and Injury Prevention*

---

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Program Manager via the chain of command.

The Program Manager will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **827.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Program Manager shall ensure that the appropriate documentation is completed for each inspection.

##### **827.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **827.8 INVESTIGATIONS**

Any member suffering from any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

#### **827.9 TRAINING**

The Program Manager should work with the Training Manager to provide all members, including Managers, with training on general and job-specific workplace safety and health practices. Training shall be provided:

# Yuba County Probation Department

## NEW Probation Manual

### *Illness and Injury Prevention*

---

- (a) To managers to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **827.9.1 TRAINING TOPICS**

The Training Manager shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **827.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Line-of-Duty Deaths

### 828.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Yuba County Probation Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 828.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing probation-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 828.2 POLICY

It is the policy of the Yuba County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 828.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Probation Manager.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Probation Manager should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Probation Manager or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (d) The Chief Probation Officer or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **828.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased member's emergency contact information and emergency notification form, if one exists, and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief Probation Officer, Probation Manager, or the authorized designee should select at least two members, one of which may be the Department Chaplain, to notify survivors.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles when possible. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other Yuba County Probation Department members may be apprised that survivor notifications are complete.

#### **828.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

#### **828.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief Probation Officer are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., chaplain, counselor, peer support group, Employee Assistance Program, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

#### **828.6 LIAISONS AND COORDINATORS**

The Chief Probation Officer or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **828.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Probation Manager or of sufficient rank to effectively coordinate Department resources and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief Probation Officer. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will be sufficient to accommodate visitation and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 828.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Yuba County Probation Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting actions at the conclusion of liaison duties.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

#### 828.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Probation Manager. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (h) Coordinating with the department's Public Information Officer to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 828.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 828.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on probation funeral procedures.
- (b) Completing funeral notification to other probation and law enforcement agencies.
- (c) Coordinating the funeral activities of the Department or outside assisting agencies, including but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
  - 2. Uniform for burial
  - 3. Flag presentation
- (d) Briefing the Chief Probation Officer and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 828.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Yuba County Probation Department members as possible can attend funeral services.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

#### 828.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits Program.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Education benefits (Education Code § 68120)
  - 2. Health benefits (Labor Code § 4856)
  - 3. Workers' compensation death benefit (Labor Code § 4702)
- (d) Researching and assisting survivors with application for other survivor benefits, such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by probation associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 828.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief Probation Officer and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include but are not limited to:

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

#### **828.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's Public Information Officer, Chief Probation Officer, or the authorized designee should be the department's contact point for the media. As such, the Public Information Officer should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the Public Information Officer.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the Public Information Officer should request that the media withhold the

# Yuba County Probation Department

## NEW Probation Manual

### *Line-of-Duty Deaths*

---

information from release until proper notification can be made to survivors. The Public Information Officer should ensure that media are notified when survivor notifications have been made.

#### **828.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- Assisting liaisons and coordinators with their assignments as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

#### **828.9 INVESTIGATION OF THE INCIDENT**

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **828.10 NON-LINE-OF-DUTY DEATH**

The Chief Probation Officer may authorize certain support services for the death of a member not occurring in the line of duty.

## Threats/Danger to Members and Others

### **829.1 PURPOSE AND SCOPE**

Member safety is a major concern. It should be clearly understood that employees are not expected, during the performance of their duties, to place themselves in any situation, that presents an unreasonable degree of danger to their lives or health.

Members shall utilize reasonable methods to minimize, reduce, or avoid danger to themselves and others. They are encouraged to seek assistance from other employees or outside agencies as appropriate. Members are to plan and apply reasonable care and caution in all potentially dangerous situations, and use good judgment in balancing the requirements of job performance and safety issues.

### **829.2 THREATS TO MEMBERS**

Members shall notify their immediate supervisor if, as a result of employment with the Probation Department, the member is assaulted, attacked or threatened, or any member of the member's family is assaulted, attacked or threatened.

Should such an incident occur, every effort shall be made to prevent further or prolonged attack or injury. All assaults shall be referred to the District Attorney's office. All threats shall be referred to the District Attorney's office at the request of the affected member or management. The member shall cooperate with the department to develop a long-range plan to minimize/eliminate the danger.

#### **829.2.1 THREATS TO OTHERS**

When any member in the course of his/her duties becomes aware of a serious threat against the life, safety, or property of another person, that member shall immediately report the information to their direct supervisor.

When any member becomes aware of such a threat, any potential victim shall be given immediate and adequate notice of the impending danger in accordance with department policies.

# NEW Yuba County Probation Department Probation Manual

NEW Probation Manual

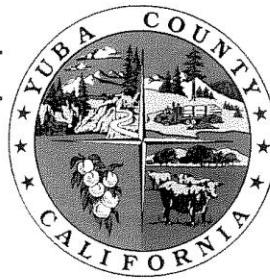
## Attachments

**Citizens Complaint Form 20200813.pdf**

# The County Of Yuba

## PROBATION DEPARTMENT

JAMES L. ARNOLD  
CHIEF PROBATION OFFICER



(530) 749-7550  
FAX (530) 749-7364

Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_

Telephone Number(s) Home: \_\_\_\_\_ Office: \_\_\_\_\_

Date of Occurrence: \_\_\_\_\_ Time of Occurrence: \_\_\_\_\_

Location of Occurrence: \_\_\_\_\_

Names of Persons Involved (if known): Description of Employee (if name unknown)

\_\_\_\_\_  
\_\_\_\_\_

Details of Complaint (include names, times, locations, witnesses and any other factual supporting information. Attach additional sheets, if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

| Witness(es) | Residence Address | Telephone Numbers |        |
|-------------|-------------------|-------------------|--------|
|             |                   | Home              | Office |
|             |                   |                   |        |
|             |                   |                   |        |
|             |                   |                   |        |

(Attach additional sheets, if necessary)

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

**CITIZEN'S COMPLAINT**

**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER OR ANY PROBATION DEPARTMENT EMPLOYEE FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEASE FIVE YEARS.**

**IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.**

I have read and understood the above statement.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's Address, City, State, Zip Code

**PROCEDURE**

The Citizen's Complaint Form is to be completed, signed and dated. It may be filed at any Yuba County Probation Department office or facility. All written complaints regarding employee conduct are forwarded to the unit manager responsible for the employee involved. When there appears to be reasonable evidence to indicate that employee conduct has been in violation of departmental standards, the complaint may be forwarded to the Professional Standards Unit of the Probation Department for further investigation. Or, if the complainant feels that the investigation of the matter cannot be satisfactorily conducted at the office/facility level, the complaint may be filed at:

**Yuba County Probation Department  
Professional Standards Unit Investigator  
215 5<sup>th</sup> Street, STE 154  
Marysville, CA 95901  
Telephone (530) 749-7550**

Upon completion of the investigation, all findings are summarized and forwarded to the Chief Probation Officer. In all cases, the citizen making the complaint is informed of the final decision.

## Secondary Employment Form 7-2024.xlsx

## Secondary Employment Form 7-2024.pdf



Matthew Ricardy  
Chief Probation Officer

In part, **Section 819.2** of the Probation Department reads: No member of this department may engage in any any outside employment without first obtaining prior written approval of the Chief Probation Officer. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy may lead to disciplinary action.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Secondary Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date of Employment: \_\_\_\_\_ Your Title: \_\_\_\_\_

Brief description of duties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By my signature below, I acknowledge that I have received a copy of Policy Section 819, Outside Employment, of the Yuba County Probation Department Policy Manual.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Date forwarded to Chief Probation Officer: \_\_\_\_\_  
Program Manager

- Approved       Approved with limitations (See attached)
- Denied (See attached)

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## Ride-along Policy Waiver.pdf

Yuba County Probation Department

Agreement Assuming Risk, Injury or Damage, Waiver and Release of Claims and Indemnity Agreement

Caution: Read this document in full before signing.

WHEREAS, I \_\_\_\_\_, being over the age of 18 and not being a member of the Probation Department of the County of Yuba, have made a voluntary request to ride as a guest in a vehicle assigned to the Yuba County Probation Department ("Probation Department") and to accompany a member or members of the Probation Department during the performance of their official duties, and

WHEREAS, the Probation Department is willing to allow me to ride as a guest in a vehicle assigned to the Probation Department and to accompany a member or members of the Probation Department during the performance of their duties on the following conditions:

NOW, THEREFORE, in consideration of the permission given to me to ride in a vehicle assigned to the Probation Department and to accompany a member or members of said Probation Department during the performance of their official duties, I do hereby agree:

1. That I am aware the work of the Probation Department is inherently dangerous and that I may be subjected to the risk of death or personal injury or damage to my property by accompanying a member or members of the Probation Department during the performance of their official duties and that I freely, voluntarily and with such knowledge assume the risk of death, personal injury, or property damage arising from or in any way connected with the use of weapons; unlawful acts or forcible resistance by law violators, assault, riot, breach of the peace, fire explosion, gas, electrocution, or the escape of radioactive substances while accompanying a member or members of the Probation Department during the performance of their official duties.
2. That the County of Yuba, Jim Arnold, Chief Probation Officer of Yuba County, his sureties, all members of the Probation Department, their sureties, and each of them, shall not be responsible or liable for any injury, damage, loss or expense, either to me or my property, incurred while riding in any vehicle assigned to the Probation Department or while accompanying any member or members of said Probation Department during the performance of their official duties resulting from any negligent act or omission on the part of any member of the Probation Department.
3. That I am aware of the provisions of California Vehicle Code Section 17158, which provides:  
"No person riding in or occupying a vehicle owned by him and driven by another person with his permission, has any right of action for civil damages against the driver of the vehicle or against any other person legally liable for the conduct of the driver on account of personal injury to or the death of the owner during the ride, unless the plaintiff in any such action establishes that the injury or death proximately resulted from the intoxication or willful misconduct of the driver."

And that during such time as I am riding in any vehicle assigned to the Probation Department, I am in the status of a guest, and that my right, if any, for civil damages against the driver of the vehicle or any other person legally liable for the conduct of the

driver for death, personal injury, or property damage occurring during such time is that provided in Vehicle Code Section 17158.

4. That I shall dress in an appropriate manner (no shorts, tank tops, etc.) and shall conduct myself appropriately during the ride-along process.
5. For myself, my heirs, executors, administrators, and assigns to defend and indemnify the County of Yuba, Jim Arnold, Chief Probation Officer of Yuba County, all members of the Yuba County Probation Department, their sureties and each of them, against any and all manner of actions, causes of actions, suits, debts, claims, demands, or damages, or liability, or expense of every kind and nature incurred or arising by reason of any actual or claimed negligent or wrongful act or omission of mine while riding in any vehicle assigned to the Probation Department or while accompanying any member or members of said Probation Department during the performance of their official duties.

I hereby represent I have carefully read and understand the contents of this document and sign the same of my own free will.

CAUTION: Read this document in full before signing.

## Blue Light Activation Form.pdf

**YUBA COUNTY PROBATION DEPARTMENT BLUE LIGHT ACTIVATION FORM**

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PO: \_\_\_\_\_

PURPOSE OF ACTIVATION:

---

---

---

---

---

---

---

---

---

SIGNATURE: \_\_\_\_\_

**605-C (1).pdf**



# S-SV EMS Law Enforcement Naloxone Utilization Patient Care Report



| Law Enforcement Agency Information   |   |                 |              |
|--|---|-----------------|--------------|
| Agency Name:   |   |                 |              |
| Incident Date:   |   | Event/Report #: |              |
| Dispatch Time:   |   | On Scene Time:  |              |
| Incident Location (including city):  |   |                 |              |
| Patient Information  |   |                 |              |
| Patient Name:  | <input type="checkbox"/> Male <input type="checkbox"/> Female | Age:            | DOB:         |
| Indication/Presenting Patient Condition:   |   |                 |              |
|  |   |                 |              |
|  |   |                 |              |
| Naloxone Administration Detail   |   |                 |              |
| Time:  |   | Dose:           |              |
| Time:  |   | Dose:           |              |
| Patient Response To Naloxone Administration: <input type="checkbox"/> Improved <input type="checkbox"/> Unchanged <input type="checkbox"/> Worse |   |                 |              |
| Additional Notes/Comments/Complications:   |   |                 |              |
|  |   |                 |              |
|  |   |                 |              |
| EMS Provider/Agency Assuming Patient Care:   |   |                 |              |
| Treating Officer Name:   |   |                 | Badge/Unit # |

Please submit a copy of the completed report to the S-SV EMS Agency

Email: [john.poland@ssevms.com](mailto:john.poland@ssevms.com) or Fax: (916) 625-1720

## **Retiree Liability Waiver and Release Form 2020.pdf**

RETIREE LIABILITY WAIVER AND RELEASE

I, \_\_\_\_\_ certify that I am a retired peace officer of the Yuba County Probation Department, and I am eligible to attempt to qualify to carry a concealed firearm, pursuant to the Law Enforcement Officers Safety Act (LEOSA) of 2004 (18 U.S.C. 96 C). I understand in order to qualify; I will be required to fire my weapon under the direct supervision and direction of a State certified range officer. I also agree to comply with all aspects of LEOSA when currently, or seeking to conceal carry a firearm pursuant to the act.

I hereby specifically agree to indemnify and hold harmless the Yuba County Probation Department; it's agents, and employees, from any and all liability resulting from my possession and/or use of any weapon permissible under LEOSA. This release of waiver includes, but is not limited to, civil action in any competent jurisdiction.

\_\_\_\_\_  
Retired Officer's Name  
Date

\_\_\_\_\_  
Retired Officer's Signature

\_\_\_\_\_  
Chief Probation Officer Signature

\_\_\_\_\_  
Date

## **Citizens Complaint Form.pdf**

# The County Of Yuba

## PROBATION DEPARTMENT

MATT RICARDY  
CHIEF PROBATION OFFICER



(530) 749-7550  
FAX (530) 749-7364

Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_

Telephone Number(s) Home: \_\_\_\_\_ Office: \_\_\_\_\_

Date of Occurrence: \_\_\_\_\_ Time of Occurrence: \_\_\_\_\_

Location of Occurrence: \_\_\_\_\_

Names of Persons Involved (if known): Description of Employee (if name unknown)

\_\_\_\_\_  
\_\_\_\_\_

Details of Complaint (include names, times, locations, witnesses and any other factual supporting information. Attach additional sheets, if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

| Witness(es) | Residence Address | Telephone Numbers |        |
|-------------|-------------------|-------------------|--------|
|             |                   | Home              | Office |
|             |                   |                   |        |
|             |                   |                   |        |
|             |                   |                   |        |

(Attach additional sheets, if necessary)

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

**CITIZEN'S COMPLAINT**

**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER OR ANY PROBATION DEPARTMENT EMPLOYEE FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEASE FIVE YEARS.**

**IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.**

I have read and understood the above statement.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant's Address, City, State, Zip Code

**PROCEDURE**

The Citizen's Complaint Form is to be completed, signed and dated. It may be filed at any Yuba County Probation Department office or facility. All written complaints regarding employee conduct are forwarded to the unit manager responsible for the employee involved. When there appears to be reasonable evidence to indicate that employee conduct has been in violation of departmental standards, the complaint may be forwarded to the Professional Standards Unit of the Probation Department for further investigation. Or, if the complainant feels that the investigation of the matter cannot be satisfactorily conducted at the office/facility level, the complaint may be filed at:

**Yuba County Probation Department  
Professional Standards Unit Investigator  
215 5<sup>th</sup> Street, STE 154  
Marysville, CA 95901  
Telephone (530) 749-7550**

Upon completion of the investigation, all findings are summarized and forwarded to the Chief Probation Officer. In all cases, the citizen making the complaint is informed of the final decision.

# NEW Yuba County Probation Department Probation Manual

NEW Probation Manual

---

## **INDEX / TOPICS**