

**Siskiyou County  
Probation Department  
Policy Manual**



805 Juvenile Lane

Yreka, CA 96097

530-841-4155

Updated: December 2019

## Table of Contents

Table of Contents .....	ii
Chief’s Preface .....	1
Law Enforcement Code of Ethics: .....	1
Mission, Vision and Values: .....	2
100 - Policy Manual.....	3
101 - Goals and Objectives .....	7
102 - Organizational Values .....	9
103 - Policy, Procedure, and the Law.....	12
104 - Departmental Directive.....	13
105 - Working Hours and Off-Duty Telephone Calls .....	14
107 - Lunch and Breaks .....	16
108 - Sick Leave for Permanent FTE and Extra Help Employees.....	18
109 - Vacation, Administrative Leave, and Floating Holidays.....	24
110 - Confidentiality of Case Work.....	25
111 - Use of Private Vehicles .....	32
112 - Electronic Communication Usage Policy (County Policy) .....	33
200 - General Statement on Workload Protocol.....	41
201 - Sign-Out Board .....	42
202 - Desk and Office Space Areas .....	43
203 - Personal Visits and Phone Calls .....	44
204 - Officer of the Day Duties .....	45
205 - Case Notes .....	46
206 - Case Files .....	47
207 - Court Document Filing Deadlines.....	48
208 - Management/Supervisor Signatures on Court Documents .....	49
209 - Correspondences with Adjunct Agencies.....	51
210 - Other Agency Relationships.....	52
211 - Superior Court Relations.....	53
212 - Relationship with Child Protective Services (CPS) and Dependent Children.....	54

Siskiyou County Probation Department – Policy Manual

213 - Outside Inquiries .....	55
214 - Records Maintenance and Release .....	56
216 - Destruction of Probation Files: .....	65
217 - Use of Interns.....	66
300 - Policy Statement on Scope and Authority of Probation Officers:.....	67
301 - Deputy Probation Officer Qualifications .....	69
302 - Job Applications and Interviews .....	71
303 - Background Investigations .....	72
304 - Oath of Office .....	74
305 - Policy Statement on Probationary Employment Periods: .....	75
306 - Driver's License.....	76
307 - Employee Conduct.....	77
308 - Intoxicants .....	78
370 - Policy Statement on Promotions: .....	79
375 - Policy Statement on Problem Resolution and Grievances: .....	80
380 - Policy Statement on Contracting for Services and Supplies: .....	81
385 - Policy Statement on Placement of Foster Children: .....	82
390 - Policy Statement on Fitness for Duty: .....	83
395 - Policy Statement on Department Employee Speech, Expression and Social Networking: .....	86
400 - Policy Statement on Department Dress Code:.....	87
401 - Performance Evaluations .....	89
407 - Policy Statement on Training Requirements: .....	90
425 - Policy Statement on Personal Vehicle Parking .....	92
500 - Purchasing Policy and Procedure .....	93
507 - Handcuffing and Restraints.....	96
516 - Policy Statement on Taking Work Home:.....	99
520 - Policy Statement on Filing Paperwork in Case Files: .....	100
527 Threats/Danger to Employees and Others .....	101
532 - Client Relationships and Prohibited Associations .....	102
565 - Canines.....	104

Siskiyou County Probation Department – Policy Manual

566 - Canine-Departmental Relations .....	125
603 - Motor Vehicles .....	128
615 - Policy Statement on Media and Public Relations: .....	131
606 - Cellular/Smart Phones .....	132
700 - Policy Statement on County Property, Equipment, and Supplies:.....	133
715 - Policy Statement on Radio Communications: .....	134
725 - Policy Statement on Identification Cards and Badges:.....	135
795 - Policy Statement on Return of Department-Issued Equipment: .....	136
810 - Policy Statement on Travel .....	137
806 - On the Job Injuries and Worker's Compensation .....	140
815 - Policy Statement on Out-Of-County/State Travel:.....	142
820 - Staff in Need of Mental Health Assistance .....	143
828 - Work Assignments and Transfer Requests .....	145
842 - Personal Appearance Standards .....	147
853 - Employee Speech, Expression and Social Networking.....	149
905 - Policy Statement on Use of Force for Field Officers:.....	154
910 – Firearms .....	158
915 – Search and Seizure .....	184
920 – Forced Entry.....	186
925 – Handcuffs .....	187
930 – Transporting in Custody .....	188
935 – Use of Body Armor .....	190
940 – Use of Oleoresin Capsicum (OC) Pepper Spray .....	191
945 – Threats/Danger to Employees and Others; Duty to Warn .....	194
950 – Communicable Diseases.....	195
960 – Field Work .....	199
965 – Electronic Systems.....	200
970 – Taser .....	202
980 - Criminal Justice Information Disposal, Storage and Protection.....	209

## Chief's Preface

This manual represents the foundation upon which the Siskiyou County Probation Department operates. The policies 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. Our mission statement, vision and values will always be our guiding principles in everything we do.

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, as it is a fundamental tool you can rely upon to help you do your job. But remember, it is only a tool. Not all situations can be addressed in a policy manual. Sometimes we must rely on our training and common sense in order to make proper decisions in the course of our duties. 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.

## Law Enforcement Code of Ethics:

- I do solemnly swear that I will serve with humility, act without prejudice, uphold the law with dignity, be objective in the performance of my duties, and honest in every way.
- I will be aware of my responsibility to the community I serve and will conduct my personal life with decorum, neither accepting nor granting favors in connection with my position. I will put loyalty to moral principles above personal consideration.
- I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. Whatever I see or hear of a confidential nature will be kept ever secret unless revelation is necessary in the performance of my duties.
- I know that I alone am responsible for my own standard of performance and will take every reasonable opportunity to enhance and improve my professional knowledge and competence.
- I recognize my department as a symbol of public trust, to be held so long as I am true to the ethics of probation service. I will constantly strive to achieve these objectives and ideals, dedicating myself fully to my chosen profession.

## **Mission, Vision and Values:**

Our mission is to provide quality investigations to the Siskiyou County Superior Court, enforce Court orders, hold offenders accountable, promote positive change in offender behavior through evidence-based practices and assist in restoring victims.

Siskiyou County Probation Department Vision:

- Effecting Change for a Safer Community
- Siskiyou County Probation Department Values:
- Accountability, Integrity, Innovation, Teamwork

## **100 - Policy Manual**

### **Purpose and Scope**

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

### **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 circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### **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 Siskiyou County Probation and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Siskiyou County Probation reserves the right to revise any policy content, in whole or in part.

### **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.

## Definitions

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

**Adult** - Any person 18 years of age or older

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

**CHP**- The California Highway Patrol

**CFR** - Code of Federal Regulations

**County** - The County of Siskiyou

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

**Department/SCPD** - The Siskiyou County Probation.

**DMV** - The Department of Motor Vehicles.

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

**Juvenile**- Any person under the age of 18 years.

**Manual** - The Siskiyou County Probation Policy Manual.

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

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

Full and part time employees

Sworn peace officers

Reserve, auxiliary officers

Non-sworn employees

Volunteers.

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

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

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

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

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

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

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

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

The term "supervisor" may also include any person (e.g., officer-in-charge, 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.

**USC** - United States Code.

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

## **Periodic Review of The Policy Manual**

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

## **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 he/she 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 Deputy Chief Probation Officer will ensure that members under his/her 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 Deputy Chief Probation Officers, who will consider the recommendations and forward them to the command staff as appropriate.

## **Department and Personal Philosophies**

Policy and Procedure Manuals, state laws and other relevant county documents to which all employees must adhere can only provide a general guideline to the routine, anticipated repeated situations that occur in the courts or a job function and, therefore, policies have limitations. These resources will not address all situations. Employees must exercise sound professional judgment and seek supervisory input when necessary.

The primary responsibility of the Chief Probation Officer as an officer of the Court is the protection of the community through the provision of legally mandated services to the Courts and the utilization of rehabilitative services for the offenders under adult or juvenile supervision. Fulfilling the role of probation requires a blend of peace officer duties and casework skills. Strategies for effective case management include using Evidence Based Practices, prevention, diversion, investigation, supervision, detention and collaboration with other agencies.

Employees must be careful to evaluate the difference between the department's philosophy and their own personal philosophy. Personal, political or religious beliefs should be kept separate from the employee's departmental role. In any case in which there is a potential conflict, the employee shall advise the immediate supervisor so appropriate action can be taken.

## 101 - Goals and Objectives

### Goals

A primary goal and objective of the department is to assist offenders we serve to be successful on probation and enable them to eventually be able to put their past behind them and be productive members of the community. This objective can be obtained if the offender is willing to work with the department and Evidence Based Supervision and Practices are used. In cases where an offender is unwilling or unable to work with the department, accountability and punishment must become the focus for both juveniles and adults. However, the department and officers will never give up on any individual offender and recognize that making significant change can take time.

The primary goal of the Siskiyou County Probation Department is to provide the highest quality of probation services to the Courts, offenders and the community. The goal is achieved when the following are accomplished:

Dangerous persons are removed from the community.

Offenders are deterred from criminal and/or delinquent behavior.

Evidence Based Practices, services and supervision are provided to offenders.

Crime prevention is promoted through prevention services, education and appropriate referral to adjunct and community agencies.

Recidivism is reduced.

Opportunities are provided to offenders to become law-abiding through the promotion of responsible behavior.

### Objectives

In order to reach these goals, employees must adhere to the following department objectives:

- To provide the Court with reliable background information gathered through sound and thorough investigative techniques and report preparation.
- To assess and evaluate all offenders in a manner which leads to credible recommendations and dispositions which enhance the protection of the community and provide offenders with the opportunity to modify their behavior and change their lifestyle through the utilization of Evidence Based Practices.
- To provide prevention services whenever possible to those who are at-risk of entering the judicial system.

## Siskiyou County Probation Department – Policy Manual

- To provide supervision services which promote the protection of the community and modification of the offender's behavior while in the community through the enforcement of court orders.
- To provide quality aftercare services to those juvenile offenders who are reintegrating into the community following out-of-home placements.
- To maximize effectiveness through collaborative working relationships with other departments and agencies.
- To provide cost-effective alternatives to incarceration which utilize technological advances to closely monitor offenders.
- To confront the issue of drug and alcohol abuse in the community and recognize the impact that substance abuse has on probation caseloads by emphasizing drug- and-alcohol-free lifestyles, monitoring and testing, and development of treatment resources.
- To promote a safe and secure environment in our juvenile institution which includes supervision, treatment, education and rehabilitation through the use of evidence-based programming.
- To divert appropriate offenders from further involvement in the justice system.
- To recognize the rights of victims of crime and to include and encourage them to become involved in the court process.
- To promote and enforce the collection of restitution and restitution fines for crime victims.
- To provide general reparation to the community and encourage responsibility through fines, fees for services and through participation in community service work projects.
- To educate the community as to the role and function of the Probation Department.

A primary goal and objectives of the department is to assist offenders we serve to be successful on probation, and enable them, to eventually be able to put their past behind them and be productive members of community. This objective can be obtained if the offender is willing to work with the department and Evidence Based Supervision and Practices are used. In cases where an offender is unwilling or unable to work with the department, accountability and punishment must become the focus for both juveniles and adults. However, the Department and Officers will never give up on any individual offender and recognizes that making significant change can take time.

## **102 - Organizational Values**

### **Purpose and Scope**

In order to carry out the mission, goals, and objectives that have been articulated; the department must adopt certain fundamental organizational values. These values are the foundation upon which we perform our daily tasks and responsibilities, interact with one another, the Courts, our clientele and the general public. These values also determine the manner in which we develop and implement policies, procedures and decisions within our departmental organization. The strength and effectiveness of our department rests on the recognition, understanding and utilization of these values.

### **Positive and Constructive Interpersonal Relationships**

All personal interactions, whether with co-workers, probationers or the general public, should be based on respect, courtesy and consideration.

Interpersonal relationships do not disparage, demean or belittle others; rather, they should support, encourage, counsel and assist.

The focus of negative interactions is on the behavior or the issue, and not on the person.

### **Effective Communications**

Communications, both written and oral, should be clear and understandable.

Honest feedback is encouraged to clarify and assure mutual understanding.

The flow of communication in the department should, whenever practicable and appropriate, move downward, upward and horizontally on matters of mutual concern. That said, there must be an understanding on the part of line staff that management cannot, and in some instances will not be able to communicate certain information.

Upward communication should be encouraged through the chain-of-command, not blocked.

### **Change in the Organization**

Organizational change is necessary to improve effectiveness and to accommodate an ever-changing environment.

The impetus for change in policy, procedures or organizational structure should be effectively communicated.

Prior to the implementation of change, alternatives will be identified and reviewed. Input is solicited and considered whenever possible from those who will be impacted by the change.

Organizational changes should be planned as carefully as possible given the circumstances in order to affect a well-timed, sequential implementation. All organizational and policy decisions are the ultimate responsibility of the Chief.

In the development of organizational policy, input is solicited and considered from all levels.

Policies are written, distributed and available to all staff through the department manuals.

Policies are reviewed and amended as necessary on an on-going basis.

### **Human Resource Development**

Training is available in order to help staff carry out their duties and responsibilities.

Advancement within the organization is enhanced by providing the opportunity for a variety of work experiences and assignments.

Exceptional work performance is appreciated and recognized within the organization.

Efforts should be made to realize the County-adopted Affirmative Action/Equal Employment Opportunity goals (County Policy 2-1).

### **Leadership in the Organization**

The opportunity to develop leadership skills is provided at all levels within the organization.

Leadership is displayed through initiative, decisiveness, and a sense of responsibility.

Leadership occurs within a spirit of teamwork, cooperation, and involvement with others.

Leadership styles are variable with different situations and circumstances.

Leadership is provided with compassion and understanding.

True Leaders inspire and motivate those around them.

## **The Work Environment**

The work environment must be free of bias, negativity, harassment and discrimination. It should stimulate initiative, productivity, creativity, growth and a positive environment for all employees.

The work environment must protect the safety and welfare of staff, probationers and the general public.

Obstacles to accomplishing effective and productive work within the organization must be removed or mitigated.

## **Policy Development and Implementation**

Organizational policies are established which are supportive of its purpose, goals and objectives.

All staff will be notified in a timely manner of any new policy implementation or policy changes.

All staff will be required to acknowledge that they have read and understood all policies.

## **103 - Policy, Procedure, and the Law**

### **Policy, Procedure and the Law**

The Probation Department is an arm of the Court. The Chief Probation Officer is legally mandated under Section 2013.6 of the California Penal Code for adults, and Section 270 of the California Welfare and Institutions Code for juveniles, to provide specific services to the Court and other services to the community. These services may be delegated to deputy staff in the department. These services are to be provided in a lawful and professional manner. Staff are expected to implement policy and procedure in a lawful manner. Staff are responsible for keeping current on departmental policies and procedures, as well as changes in the law.

Should any employee become aware of a conflict between the law, policy manuals or procedures, the employee shall notify their direct supervisor of the apparent conflict. The supervisor will take the appropriate action, via the chain of command, to handle the situation.

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

All employees are expected at all times to provide accurate, complete and appropriate information to the Court, other employees and to other agencies as appropriate.

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

## **104 - Departmental Directive**

### **Purpose and Scope**

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

### **Departmental Directive Protocol**

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 16-01 signifies the first Departmental Directive for the year 2016.

### **Responsibilities**

#### **Executive Management Team**

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

#### **Chief Probation Officer or Their Designee**

The Chief Probation Officer or their designee shall issue all Departmental Directives.

### **104.4 Acceptance of Departmental Directives**

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive.

## **105 - Working Hours and Off-Duty Telephone Calls**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines consistent with County Policy for working hours and off-duty telephone calls.

### **Normal Work Hours**

Normal working hours of the Siskiyou County Probation Department are as follows:

The Siskiyou County Probation Department is open 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding holidays.

The department is closed to the public each day from 12:00 p.m. to 1:00 p.m.

The office hours can be adjusted by the Chief Probation Officer to meet the needs of the Department and the public.

### **Alternate Work Schedules**

Alternate work schedules might also be facilitated at the sole discretion of the Chief Probation Officer, including the 9/80 schedule, and in certain assignments, the 4/10 schedule. Additionally, some employees may be allowed to work from 8:00 a.m. through 4:30 p.m., with only a half-hour lunch.

The County MOU for probation officers (09.06.01) clearly states that the department head has the authority to revoke an alternate work schedule at any time, and that such revocation is not subject to an appeal of any kind.

It is the sole responsibility of the Department Head to ensure that alternate work schedules do not impede the quality and effectiveness of the overall operations of the department.

On occasion, it will be necessary to alter regular work hours in the performance of certain job tasks. This will only be done with the approval of the Chief Probation Officer, Assistant Chief Probation Officer, or the Deputy Chief Probation Officer, who shall have the discretion to regulate the working hours for employees within the department subject to the county personnel ordinance or other Board action.

Alternate work schedules are not an employee entitlement or right, but an option to be considered on a case-by-case basis.

### **Fair Labor Standards Act (FLSA) Exempt Employees**

Certain positions in the Department are FLSA exempt, which simply means that these positions are not covered by the minimum wage and overtime provisions of the Fair

Labor Standards Act. This means that they are not eligible to be fiscally compensated for working overtime. In lieu of overtime pay, the respective MOU's for these employees allows for them to take compensated Administrative Leave each calendar year. The number of hours varies pursuant to their MOU's. These employees cannot take less than a full day off.

### **Off-Duty Telephone Calls**

Probation Officers and Senior Probation Officers are non-exempt employees, which means that they are subject to overtime laws. In addition to standard FLSA protections, the following policies shall apply to receiving work related telephone calls during hours not contiguous to the regular work schedule (County Policy 5.4):

Any non-exempt officer receiving such calls shall receive a minimum of two (2) Hours compensation and will be paid in accordance with the Federal Labor Standards Act (FLSA) for the purposes of regular and overtime rates. If time worked during the work week, including "after hour calls," exceed 40 hours in the work period/week, the employee will be paid at time and a half, or they may request comp time earned in accordance with FLSA. Comp time earned versus pay at time and a half is at the department head's discretion.

Two (2) hours minimum pay will be paid for any and all work-related callstaken at home after normal business hours or on weekends and holidays. If the amount of time spent answering calls/working after hours exceeds two (2) hours, the employee will be compensated for actual time worked.

Any calls/time worked after hours for which an employee is seeking compensation must be reported the following business day to his/her supervisor for payroll reporting. The employee will report the time and date of the call, the length of the call, the caller, and the case/probationer.

## 107 - Lunch and Breaks

### Policy

The normal schedule for the lunch hour for those employees who take a one-hour lunch is from 12:00 p.m. to 1:00 p.m. Employees working a flex schedule with a half-hour lunch are also encouraged to take their lunch between 12:00 p.m. and 1:00

p.m. The clerical rotation for half-hour lunches, as well as one-hour lunches once a week if applicable for those clericals working a flex schedule, will be coordinated by the Supervisor. Special circumstances may require that the above be flexible.

An employee cannot forego their lunch hour or half hour, and subsequently leave early for the day, or come in late for the day.

Employees are permitted two (2) fifteen-minute breaks during the course of an eight

(8) Hour work shift. One break can be taken during the first four hours, and the other during the final four hours of the shift. Breaks are the employee's privilege. Employees are not required to take them. However, voluntarily not taking them cannot be credited towards the completion of a shift. Breaks likewise cannot be accumulated. Under special conditions, and with the prior approval of the immediate supervisor, Assistant Chief Probation Officer or Chief Probation Officer, an employee may be permitted to combine breaks with the normal lunch hour or half hour, or at the beginning or end of each shift. The department is receptive to working with the employee if a special condition exists and a modification to the break situation would alleviate the condition.

The normal schedule for the lunch hour for those employees who take a one-hour lunch is from 12:00 to 1:00 p.m. Employees working a flex schedule with a half-hour lunch are also encouraged to take their lunch between 12:00 and 1:00 p.m. The clerical rotation for half-hour lunches, as well as one-hour lunches once a week if applicable for those clericals working a flex schedule, will be coordinated by the Supervisor. Special circumstances may require that the above be flexible.

An employee cannot forego their lunch-hour, or half-hour, and subsequently leave early for the day, or come in late for the day.

Employees are permitted two (2) fifteen-minute breaks during the course of an eight (8) hour work shift. One break can be taken during the first four hours, and the other during the final four hours of the shift. Breaks are the employee's privilege. Employees are not required to take them. However, voluntarily not taking them cannot be credited towards the completion of a shift. Breaks likewise cannot be accumulated. Under special conditions, and with the prior approval of the immediate Supervisor, Assistant Chief Probation Officer, or Chief Probation Officer, an employee may be permitted to combine breaks with the normal lunch hour or half-hour, or at the beginning or end of each shift.

## Siskiyou County Probation Department – Policy Manual

The Department is receptive to working with the employee if a special condition exists and a modification to the break situation would alleviate the condition.

## **108 - Sick Leave for Permanent FTE and Extra Help Employees**

### **Purpose:**

To establish guidelines for the use of sick leave for personal illness and on-the-job injuries for County employees.

### **Department Responsibilities:**

It is the responsibility of each department head or designated supervisor to ensure the provisions of this policy are observed. Department heads shall ensure that any sick leave used will be reflected with the submission of time sheets. Corrective action should be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave

Department heads or designee (i.e., Department Payroll staff) shall notify the Auditor-Controller's Office when an extra help employee reaches the 30th work day. Notification must occur during the same pay period that the 30th worked day is reached. The Auditor-Controller will notify the departments as to what they will need to submit in order to satisfy the documentation requirement.

It is the responsibility of the Auditor's office to ensure that proper accountability of sick leave is kept on all eligible employees. This shall include keeping a record of accruals and utilization

Supervisors shall have the discretion to place employees on sick leave when, in the judgment of the supervisor, the presence of the employee at work would endanger the health and welfare of other employees or where the illness or injury of the employee interferes with the performance of such employee's duties.

Department heads shall ensure that any sick leave used will be reflected with the submission of time sheets.

### **Notification to Supervisor:**

If, for any legitimate reason, an employee is unable to report to work, or is unable to report on time, he or she shall notify their direct Supervisor. The notification can be accomplished via email, text message or phone call.

In addition, the employee shall call the appropriate main office line and speak with staff or leave a message, prior to the start of the workday.

When an employee goes on sick leave, he or she is encouraged to notify his or her department head or designated supervisor within thirty (30) minutes after the beginning

of the scheduled workday. The employee also should let the supervisor know when he or she expects to return to work.

If an employee becomes ill during their workday, or becomes aware of an immediate family member illness, said employee shall notify their Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer prior to leaving the facility. The notification can be done via email, text, or phone call.

An employee who is on authorized disability or sick leave shall keep his or her supervisor advised on a regular basis as to his or her condition and expected date of return to duty.

### **Accrual and Accumulation:**

The County recognizes that inability to work because of illness or injury may cause economic hardship. For this reason, the County provides paid sick days to full-time regular employees. Part-time regular employees receive paid sick days on a pro-rated basis.

Sick leave shall accrue from the date of initial employment at the rate of 3.7 hours per pay period for regular full-time employees. Regular part-time employees will accrue sick leave on a pro-rated basis. Employees covered under the Deputy Sheriff's Association and Sheriff's Management may accrue up to a maximum of 1500 hours.

Upon termination, resignation, or other separation of employment, an employee shall not be entitled to any compensation for any accrued and unused sick leave. An employee who is separated from employment and is re-hired within 12 months of separation is entitled to reinstatement of up to 6 days or 48 hours of previously accrued and unused sick leave. Upon retirement, however, accrued sick leave shall be applied to CalPERS service credit calculations in accordance with CalPERS regulations.

Permanent employees with five or more years of continuous service, upon death or retirement, shall receive 33 1/3% of the monetary value of their accrued and unused sick leave in excess of 96 hours with a maximum pay out of \$1500 unless otherwise stated in the applicable MOU

When an employee is transferred to another position, any unused sick leave which may have accumulated to the employee's credit shall transfer with the employee.

Sick leave shall not accrue during leaves of absence without pay.

### **Use of Sick Leave:**

Employees entitled to sick leave may remain away from work with pay, where such absence is the result of the following: a) diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee's family member,

or involuntary or enforced quarantine; or b) for an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code Section 230.1(a).

An employee who is collecting Worker's Compensation Temporary Disability Benefits as a result of an on-the-job injury shall receive sick leave benefits to supplement such Worker's Compensation benefits in an amount sufficient to equal the employee's regular rate of pay during the period of temporary disability to the extent permitted by law. However, such supplementary benefits shall not be paid in excess of the accrued sick leave credited to the employee.

Sick leave benefits shall apply to bona fide cases of illness, injury, exposure to contagious disease, illness or injury of a member of the employee's family member requiring the employee's attendance, and medical, dental, and optical appointments to the extent that such appointments cannot be scheduled outside the work day.

"Family Member" shall include parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent.

An employee who is on sick leave as specified above for a period longer than three (3) days shall, prior to being entitled to any compensation therefore, furnish without delay a report from a qualified medical care provider which shall verify the need for sick leave and a return to work date.

A qualified medical care provider shall be a duly licensed physician, osteopath, chiropractor, chiropodist, optometrist, dentist, psychologist, licensed clinical social worker, advanced registered nurse practitioner, substance abuse professional, marriage/family therapist, certified nurse midwife, and a Christian Science Practitioner currently listed in the Christian Science Journal.

In any case in which an employee shall be entitled to benefits or payments under the Workers' Compensation Act or similar legislation of the state, or any other governmental unit, the County shall pay the difference from an employee's paid sick leave accruals between the benefits and payments received under such Act by such employee and the regular rate of compensation he or she would have received from the County if able to work to the extent permitted by law. The payment or contribution by the County shall be limited to the period of time that such employee had accumulated sick leave credits. Furthermore, sick leave benefits shall not be applicable to any employee who is covered by any relief and pension act or similar legislation providing for sickness and/or disability payments, or the state, granting substantially equal or greater benefits than provided.

Public safety employees shall not be entitled to utilize sick leave for any worker's compensation injury or illness.

When an employee suffers an on-the-job injury and receives a paycheck from the County for sick leave usage, plus receives a time-loss check from the County's worker's compensation administrator, the sick leave check shall be turned back to the County. The County then pays back the employee a proportionate amount of sick leave credits used.

Sick leave shall be rounded off to the nearest quarter hour. No sick leave will be given to an employee in excess of the amount earned and available to the employee.

An employee may utilize vacation time for sick leave purposes when sick leave has been exhausted. Earned sick leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

## **108.2 - Paid Sick Leave for Extra Help Employees**

**PURPOSE:** The purpose of this policy is to comply with the Healthy Workplaces, Health Families Act of 2014 ("Paid Sick Leave Law"), this provision is to establish guidelines for the use of sick leave for personal illness for extra help employees.

Effective July 1, 2015, the County will provide paid sick leave to eligible extra help employees pursuant to the Paid Sick Leave Law.

### **Accrual/Accumulation:**

An extra help employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment.

An extra help employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12- month period.

An extra help employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carryover year to year while continuously employed.

For extra help employees who work shifts greater than 8 hours, the County will provide the greater amount of 24 hours or 3 days in a 12-month period.

Example: An employee who works a 12-hour shift would actually be able to use up to 3 days/36 hours of paid sick leave in a 12-month period.

### **Eligibility:**

Extra Help employees qualify for paid sick leave by working for the County for at least 30 days within a year.

Retired annuitants are not eligible for paid sick leave under this policy.

### **Use of Sick Leave:**

An extra help employee shall be eligible to use their sick leave accruals beginning on the 90th day of employment. Sick leave can only be used on days the extra help employee is scheduled to work. Extra help employee's may not donate or participate in Catastrophic Leave Pools.

### **Purposes for Paid Sick Leave:**

Extra help employees entitled to sick leave may use their accrued sick leave up to the limit set, where such absence is the result of the following: Diagnosis, care, or treatment of an existing health condition of, or preventative care for the employee or employee's family member.

For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code Section 230.1(a).

Family Member includes: Parent, child ("child" includes: biological, adopted, foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis, regardless of age or dependency status), spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent.

### **Compensation:**

Paid Sick Days will be compensated at the same wage as the extra help employee normally earns during the regular work hours. Upon termination, resignation, retirement, transitioning to a permanent position, or other separation of employment, an extra help employee shall not be entitled to any compensation for any accrued and unused sick leave.

### **Notification:**

An extra help employee may request to use their sick leave orally or in writing. When the need to use sick leave is foreseeable, the employee shall provide reasonable advance notification to his/her first line supervisor. If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for leave as soon as practicable to his/her first line supervisor.

If, for any legitimate reason, an employee is unable to report to work, or is unable to report on time, he or she shall notify their direct Supervisor. The notification can be accomplished via email, text message or phone call.

In addition, the employee shall call the appropriate main office line and speak with staff or leave a message, prior to the start of the workday.

When an employee goes on sick leave, he or she is encouraged to notify his or her department head or designated supervisor within thirty (30) minutes after the beginning of the scheduled workday. The employee also should let the supervisor know when he or she expects to return to work.

If an employee becomes ill during their workday, or becomes aware of an immediate family member illness, said employee shall notify their Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer prior to leaving the facility. The notification can be done via email, text, or phone call.

**Reinstatement or Rehired:**

If an extra help employee separates from employment with the County and is rehired or reinstated as an extra help employee within one (1) year from the date of separation, an employee's unused sick leave accruals at the time of separation of employment will be reinstated.

A rehired employee, who returns within one year, is eligible to use their sick leave accrual immediately up on being rehired except, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement collectively over the periods of employment with the Agency before any paid sick leave can be used.

**Extra Help to Permanent:**

If an extra help employee is appointed to a permanent position, he or she shall have their unused sick leave carried over to their sick leave balance upon the hire date of their permanent appointment.

**Permanent to Extra Help:**

If a permanent employee moves to an extra help position, only up to 6 days or 48 hours of any unused sick leave will be carried over upon the transfer to extra help status.

## 109 - Vacation, Administrative Leave, and Floating Holidays

### Policy

Vacation, administrative leave and floating holiday time off must meet with the prior approval of a Deputy Chief, the Assistant Chief Probation Officer and the final approval of the Chief Probation Officer. The request for time off must be presented to the immediate supervisor. Compensatory time off will only be granted when the workload of the department permits. It is the responsibility of each employee that his or her time off will not adversely affect their workload. Time off should be taken throughout the year so that employees are not forced to take excessive time off during the holiday season. Requests for time off during the holiday season shall not be submitted until September 1st of each year and will be granted based on the discretion of management.

Vacation is earned subject to the County MOU:

- For the first five years of full-time employment, employees will accrue 10 days of vacation per year (3.08 hours per pay period).
- At the end of five years, employees also receive an additional forty (40) hours of vacation.
- For the next five years, employees will accrue 15 days of vacation per year (4.62 hours per pay period).
- At ten years of service, employees begin to accrue 20 days of vacation per year (6.16 hours per pay period).
- Employees will not be able to use any of their accrued vacation during the first six months of employment.
- Accrual maximums are as follows:
  - Employees with five years or less of service can accrue up to 192 hours;
  - Employees with over five years of service can accrue 272 hours;
  - The Chief and Assistant Chief Probation Officer can accrue 312 hours.
- Vacation accrual limits are enforced on the first full pay period in January of each year (County Policy 7.1).

Administrative leave time, afforded to exempt employees in lieu of overtime pay, must be used within the calendar year in which it is granted. Any excess of hours will be deleted during the first full pay period in January of each year (County Policy 7.3).

Each employee shall be granted three (3) floating holiday's per year. These must be taken within the calendar year they are granted. Any excess of hours will be deleted during the first full pay period in January of each year (County Policy 7.2).

## 110 - Confidentiality of Case Work

### General Policy

Criminal record information and probation case information in general are confidential and may only be released to those agencies that have a need and right to know. Access to such information is strictly limited to statute, case law, Court directive, and departmental policies. The unauthorized release of such information is strictly prohibited, and all release requests not covered specifically in this Section should be screened with an immediate supervisor.

As defined in Section 11075 PC, Criminal Offender Record Information (CORI) includes records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining for such offenders a summary of arrest, pre-trial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings, or any consequent criminal proceedings.

Criminal Offender Record Information may be disseminated, whether directly or through an intermediary, only to agencies who are authorized by statute to receive such records (§11076 PC).

The Attorney General is responsible for the Security of Criminal Offender Record Information (§11077 PC) and, as such, is required to:

- Establish regulations to assure the security of Criminal Offender Record Information.
- Establish regulations to assure the lawful dissemination of Criminal Offender Record Information.
- Coordinate the dissemination of Criminal Offender Record Information with other states.
- Establish a training program for the proper use and control of Criminal Offender Record Information.
- Establish any other regulations necessary to enforce this statute.

As established in Section 11105 PC, State Summary Criminal History Information is the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person including name, date of birth, physical description, fingerprints, dates of arrests, arresting agencies and booking numbers, charges, disposition, and similar data about such persons. Such information is available through the California Law Enforcement Telecommunications System (CLETS) and is commonly called the CII “Rap Sheet.”

## **Access to Criminal History Information**

The Attorney General, through the Department of Justice, shall furnish State Summary Criminal History Information to any agency statutorily permitted to receive such information when it is needed in the course of carrying out the duties of that agency. Probation officers of the State of California are one of the entities permitted to receive State Summary Criminal History Information via a CLETS terminal. The Siskiyou County Probation Department currently has a CLETS terminal located in the Adult Unit. Only those employees who are trained and authorized to use the CLETS terminal may do so. All inquiries via CLETS must be based on the need to know and the right to know. It is strictly forbidden to utilize the CLETS for any reason other than a work-related criminal investigation (§11105.2 PC). Employment background checks must be submitted to the Department of Justice via the mail with fingerprint cards. Whenever an employee runs a Criminal History on CLETS, they shall log into the Department CLETS Log the following information:

- The name of the person being checked.
- The appropriate case number.
- The current date.
- The name of the officer who requested the check.
- The name of the person who actually input the data.
- Federal Bureau of Investigation Criminal Records and National Crime Information Center (NCIC) Records are restricted in the same manner as CII records outlined within.
- The Department of Motor Vehicles Driver History, while accessible CLETS, is not part of the State Summary Criminal History Information. However, unauthorized inquiry or use of such information outside the scope of work-related criminal investigation is prohibited.
- The Department of Motor Vehicles Driver History may be accessed by a member of Management authorized by the Chief Probation Officer in order to run driver's license checks on prospective employees, or, at the direction of the Chief Probation Officer, to check the driver's license status of any current employees when maintaining a valid driver's license is part of their job description.

## **Release of Criminal History Information**

In accordance with Sections 11107.75 and 11105 PC, the Attorney General has compiled a list of all agencies that have a right to receive State Summary Criminal History Information. This list also limits the release of information derived from our probation files to secondary sources. As a general guideline, all information in our probation files derived from State Summary Criminal §13300 PC History Information,

whether a direct copy of a “rap sheet,” or a narrative interpretation of such information, is considered to be restricted under this statute and may be released in accordance with the Attorney General’s Authorized Agency List and contingent on the receiving agency’s need to know. In all such releases, the criteria of both the need to know and the right to know must be met; otherwise, the release is unlawful. All such releases must be documented in the probation file.

All records of the Juvenile Court, including those contained in juvenile probation files, are subject to the provisions of the Welfare and Institutions Code (§827 W&I).

### **Unlawful Furnishing of Criminal History Information**

It is a violation of the law, punishable as a misdemeanor, for any of the following to take place:

A Justice Department employee to knowingly furnish a State Summary Criminal History Information Record to a person not authorized by law to receive it (§11141 PC).

A person authorized to receive such a record to knowingly furnish such record to a person not authorized to receive it (§11142 PC).

A local criminal justice employee to knowingly furnish Criminal History Information from a probation file to a person not authorized to receive it (§13302 PC).

### **Security Events and Reporting**

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weaknesses that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact (the designated point of contact is either the Assistant Chief Probation Officer or the Chief Probation Officer).

### **Signed Waiver - Release of Criminal History Information**

Currently, the Department is subject to an order of the Court established in 1977 which prohibits the release of information, even with a signed waiver, to most outside agencies. This “TNG Order” (T.N.G. v. Superior Court, 4 C.3d 767; May 1971) holds that juvenile arrest information may be released only to the following:

- The minor.

- The minor's attorney.
- The District Attorney of Siskiyou County.
- The law enforcement agency of the minor's residence.
- Siskiyou County Probation Office.
- Court personnel.
- Parents or guardian of the minor.
- Hospitals, schools, camps, ranches, placement agencies and the like which require the information for the placement, treatment, or rehabilitation of the juvenile.

### **Victims of Crime - Release of Criminal History Information**

Crime victims have a constitutional right to be included in the Court process as their case is being adjudicated. Probation officers have certain statutory obligations in felony cases to notify victims of their right to appear at sentencing hearings, or, in the case of juvenile matters, at the disposition hearing. Crime victims have the right to make a statement to the Court, the right to restitution and/or civil recovery for losses, and the right to review the recommendation of the probation officer. Currently the Siskiyou County District Attorney's Victim/Witness Services unit is gathering Victim Impact Statements, including restitution requests, and filing them with the Court. This is appropriate, so long as the probation officer realizes that statutorily this is the ultimate responsibility of the Probation Department.

Given the general rights of crime victims, there is an inherent right to certain information relating to the offense and its adjudication. Thus, crime victims may be furnished the address of probationers if their interest is to pursue civil litigation. The probation officer should carefully screen such requests. The crime victim may be furnished with dispositional information regarding a case if it has an impact on restitution or any potential danger that they may face.

### **Field Contact - Release of Criminal History Information**

During the course of supervising a probationer, especially while making field contacts, the probation officer may interact with friends, neighbors, or employers of the probationer. During such incidental contact, it may be necessary for the probation officer to identify oneself, leading by implication to the conclusion that the subject of the inquiry is on probation. Such incidental revelation is permissible, although it should be handled with discretion. The mere fact that an individual is subject to probation jurisdiction is not protected in the same manner as Criminal Record Information. The key element for field officers is to properly identify themselves and the scope of their duties in making the field contact. In this context, the release of information would be limited to the

establishment of probation jurisdiction, and not for a specific release of Criminal Record Information.

### **Telephonic Communication - Release of Criminal History Information**

Confidential information should not be released over the telephone unless the identity of the caller has been established and they meet the criteria of both the need to know and the right to know. When a routine telephone inquiry routed through clerical begins with an open-ended request such as, “May I speak to Jane Doe’s probation officer?” or “Is Jane Doe on probation?” the caller’s identity and purpose should first be determined by the clerical worker, or such requests should be transferred to a probation officer who must carefully scrutinize the circumstances of the caller to determine if they are authorized to receive any confidential information. If not authorized, no confidential information will be released.

### **Duty to Warn - Release of Information**

Under general tort law, an individual who has a special custodial relationship or control over another person owes a duty of care to any third party or the public in general who may be endangered by a breach of this duty to care. A probation officer has this type of relationship with a probationer under their care, custody or control. Thus, there is a dual and sometimes conflicting responsibility to protect the confidentiality of the probationer’s criminal history and to protect the public from any violent propensities capable of being perpetrated by the probationer.

This duty to warn occurs when a threat to harm is directed toward a specific victim. In *Tarasoff v. Regents of the University of California*, the California Supreme Court held that a psychotherapist owed a duty to the victim of a patient’s direct threat to harm despite the confidential relationship between a psychotherapist and their patient. In *Thompson v. County of Alameda*, this principle of a duty to warn when there is a specific victim was reiterated.

In both of the above-mentioned cases, the duty to warn was required based on a threat of harm to a specific victim. In all such cases, the probation officer shall not be hampered by the confidentiality statutes in notifying the potential victim(s) of the threat and taking immediate action against the probationer in order to protect the public.

In cases that present no danger of physical violence, but do present the danger of monetary loss, the duty to warn is less established by case law. The probation officer must determine a “reasonably foreseeable risk of harm” between the probationer’s criminal history and prior pattern of criminal conduct and a current situation such as employment or a living arrangement. In such a situation, the probation officer should immediately staff the case with the Supervisor in order to establish the “reasonably foreseeable risk of harm.” If established, the probation officer should order the probationer to notify the employer or the person facing potential harm. If the probationer

fails to comply, the matter should be referred to the Court in order to modify the conditions of probation.

## **Probation Department Files and Reports**

Adult probation files constitute a part of the records of the Court and shall at all times be open to the inspection of the Court or any person appointed by the Court for that purpose (§1203.10 PC).

Adult probation reports filed by the probation officer with the Court may be inspected or copied as follows (§1203.05 PC):

By any person, from the date judgment is pronounced or probation granted, up to and including 60 days from the date judgment is pronounced or probation is granted, whichever is earlier.

By any person, at any time, by order of the Court, upon filing a petition by such person.

By the general public, if the Court upon its own motion orders that a report shall be open or that the contents of the report shall be disclosed.

By any person authorized or required by law to inspect or receive copies of the report.

Any copies requested by the general public under the above provisions shall be obtained from the Court Clerk and shall not be provided by the probation officer.

Pursuant to Section 827 W&I, juvenile probation records, including all petitions filed, reports of the probation officer, and all other documents contained in the file that are submitted to the Court may be inspected by the following:

- Court personnel.
- The minor who is the subject of the proceeding.
- The minor's parent(s) or guardian(s).
- The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.
- The District Attorney or their Deputies, a City Attorney, or City Prosecutor authorized to prosecute criminal or juvenile cases under state law.
- Child Protective Services in conducting dependency proceedings.
- The superintendent or designee of the school district where the minor is enrolled or attending school.

## Siskiyou County Probation Department – Policy Manual

- School officials pursuant to the provisions of Sections 827(b)(1) through 827(e) W&I.
- Said notice shall only include the offense found to have been committed and the disposition of the minor's case. It is the responsibility of the Court Clerk to make the written notification.

Any other person as may be designated by the Welfare and Institutions Code. Siskiyou County Probation.

## **111 - Use of Private Vehicles**

### **Personal Vehicle Use**

Every reasonable effort should be made by County officers and employees to obtain and utilize County vehicles in the conduct of County business.

A county vehicle shall be used in all situations requiring contact with or transportation of a probationer. Under no circumstances shall a probationer ever be transported in a private vehicle. The only exception to this policy is a life-threatening emergency.

County vehicles shall always be used in preference to private vehicles unless approved by the immediate Supervisor, the Assistant Chief, or the Chief Probation Officer. Car-pooling should be done in both County and private vehicles where practical.

Transportation to out-of-county training should be arranged through the Training Manager or the Supervisor in charge of vehicles. Transportation to in-county training should be arranged with others attending within the office. County vehicles shall be used to travel to training and car-pooling shall be done when practical. Any exception to this policy must be approved by a Supervisor, the Assistant Chief, or the Chief Probation Officer.

Any employee authorized to use a private vehicle for work-related business must have on file with the Department a current proof of insurance or affidavit of insurance.

## **112 - Electronic Communication Usage Policy (County Policy)**

### **Purpose**

- To provide a policy that defines conditions for the authorized use of information technology and associated electronic information devices including, but not necessarily limited to the following:
- E-mail (electronic mail)
- Internet use
- Intranet use
- Telephone and voice mail
- Desktop computers
- Laptop computers
- Cellular phones
- Personal Digital Assistant (PDA)
- Diskettes, flash drives and other storage media
- Online bulletin boards
- Electronic Documents
- Pagers
- Any other forms of electronic communication

### **General Principles**

Electronic communications services are provided by Siskiyou County to support open communications and research through the exchange of information and to provide the opportunity for collaborative government related work. Siskiyou County encourages the use of electronic communications by its agencies and employees.

The County's electronic communication systems are the property of Siskiyou County government and are intended for use in carrying out government business. Siskiyou County retains all personal property rights in any matter created, received or sent via the County's electronic communications systems and such matter is not the property of the employees. The contents of any electronic communication may be disclosed to authorized individuals within the organization without the permission of the sender or recipient. Employees should have no expectation of privacy in any matter created, received or sent using the County's electronic communications systems. Employees must not assume that communications or messages of any type are confidential

because a private password is used. The use of passwords to gain access to the electronic communications systems is for the protection of the County, not employees. The appropriate County staff must have access to the entire network.

Electronic communications may be “public records” under Government code section 6253.9 (part of the Public Records Act). This section provides essentially that even though records are in electronic format they are still subject to review and inspection by the public. Certain types of information are exempt from review as covered by other Government codes.

Although access to information and information technology is essential to the missions of government agencies and their employees, use of electronic communications services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required. All Siskiyou County departments are expected to maintain and enforce this policy.

COMPUTER VIRUSES CAN DESTROY VITAL INFORMATION AND BRING DOWN AN ENTIRE ORGANIZATION! Viruses can be transmitted via download, infected software, diskette, and email attachments. Even sealed, store-bought diskettes have been found to be infected with viruses! Accordingly, anti-virus software has been installed on our servers to guard against LAN infections.

### **Applicability**

All Siskiyou County employees shall be covered by this policy. Nonadherence and or/ violations of this policy may result in the loss of the privilege of using Siskiyou County’s Electronic Resources for personal purposes as well as other disciplinary actions in accordance with County Personnel Policies.

Contractors and other non-County employees may be granted access to County-provided electronic communications services at the discretion of the contracting authority. Acceptable use by contractors and other non-County employees working for Siskiyou County is the responsibility of each department’s contract monitor. The contract administrator is expected to provide contractors who use Siskiyou County electronic communications services with this information and require their signed acknowledgement as provided in Section 12.

### **Policy**

This policy applies to all electronic and telephonic communications systems and all communications and information transmitted by, received from, or stored in these systems. These systems are the property of Siskiyou County, and as such, are to be used primarily for job-related communications.

While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided information processing resources, employees are expected to use those resources identified in Section I responsibly and professionally and shall make no intentional use of those resources for any unlawful purpose. Employees may make reasonable personal use of publicly owned or provided resources as long as:

There is no or negligible cost to the County or public;

There is no compromise of County electronic communication systems;

There is no negative impact on employee performance;

No other provision in this Usage Policy is violated, including that which prohibits intentional use of resources for an unlawful purpose.

### **Use of County Telephone System**

Personal phone calls must be kept to a minimum. County policy does not hold that an occasional telephone call by an employee to his or her home, child's school, child care provider, doctor's office, etc. constitutes violation, in and of itself of this policy. Rather, employees and supervisors are to use reasonable judgment in a consistent, non-discriminatory manner with regard to personal telephone calls.

The toll-free lines provided by the County are to be used exclusively for County business by staff when they are away from the office or for inquiries by the public.

Department Heads or their designated representatives are responsible for disseminating and enforcing their employees' compliance with the provisions of this policy and for investigating non-compliance. When an instance of non-compliance with this policy is discovered or suspected, the agency shall proceed in accordance with departmental and Siskiyou County personnel policies. Any criminal conduct which is revealed may be referred to the appropriate authorities.

All County rules, regulations, and guidelines, as they presently exist and as they may be amended in the future, on ethical and appropriate behavior of County employees and the appropriate use of County resources apply to the use of all electronic communications.

County employees, contractors, or vendors with access to Siskiyou County electronic communications are required to abide by this policy while using the County's data and telecommunications infrastructure. All references to County employees throughout this document shall also apply to all contractors, vendors and other non-County employees who have been granted access to County-owned electronic communications. All County employees, contractors, or vendors using the County's data and telecommunications

infrastructure must sign the appropriate acknowledgment in Section 12. The employee, contractor or vendor shall receive a copy of the signed acknowledgement. A copy shall also be retained in the employee's department or, in the case of a contractor or vendor, in the department utilizing the services of such contractor or vendor. Should the employee, contractor or vendor refuse to sign the acknowledgement, that fact can be noted on the acknowledgement.

Use of electronic media communication may not always be appropriate particularly those communications which involve sensitive or confidential information. Where it is feasibly possible these communications should be made in written form. Where it is not feasibly possible to do so, the communications should be electronically encrypted.

It is acknowledged that some departments may have access to highly confidential information including, but not limited to, personal health information, financial information and personal identification information, the disclosure of which could lead to identify theft. This access may necessitate the need for additional departmental guidelines relating to the access and use of such information.

### **Acceptable Uses**

Communication and information exchange directly related to the mission or work tasks of the County department.

Communication and exchange for professional development, to maintain currency of training or education, or to discuss issues related to the employee's department activities.

Applying for or administering grants or contracts for County research or programs.

Advisory, standards, research, analysis, and professional society activities related to the County governmental work tasks and duties.

Announcement of new laws, procedures, policies, rules, services, programs, information, or activities.

Personal purchases when following these guidelines: if made on the employee's own time, a County e-mail address is not used as a contact source and the purchase is not from a prohibited website.

Personal use as defined in section 4.2.

### **Prohibited Uses**

Electronic media and communications shall not be used in any manner in violation of the law or County rules, policies or procedures. Electronic media and communications shall in no manner be used for any improper, illegal, offensive or harassing purpose.

## Siskiyou County Probation Department – Policy Manual

Activities prohibited by this policy include, but are not necessarily limited to the following:

Accessing or sending of any material or communication in violation of any federal, state, or local law, ordinance, or regulation.

Accessing or sending of any material or communication which includes potentially offensive material (such as pornography, or sexual, racial or ethnic comments, jokes or slurs).

Accessing or sending any material of a political nature. Employees may not use County time and equipment to either support or oppose campaigns or candidates for elected offices.

Sending messages of a religious nature or promoting or opposing religious beliefs.

Using a County e-mail address to sign up to any mail list or newsgroup of a personal nature.

Misrepresentation under any circumstances of an employee's true identity.

Unauthorized access to any computer system.

Any action intended to accomplish or assist in unauthorized access to computer systems.

Unauthorized or improper downloading, accessing or sending of copyrighted information, documents or software.

Personal Web Sites. County employees are prohibited from developing or maintaining personal Web sites on County electronic communications equipment or on or through any County contracted ISP services.

Use of the County's electronic communications equipment or network for private business purposes.

Use of the County's electronic communications equipment or network for any purpose related to gambling.

Use of the "All County" e-mail list for personal use.

Any action that causes the County to incur a fee for which there has not been prior approval.

Use of a security code or password other than as authorized.

Disclosing a username and password to anyone for any purpose.

Sending unauthorized confidential communications.

Use of stock market, weather, sports or other types of streaming data tickers. Use of streaming audio, video and data is also prohibited unless approved in advance by the Department Head or his/her designee.

Use of any non-County web site, without Department Head approval, which requires the acceptance of any contractual terms and conditions as a condition to use that web site.

Knowingly disabling any Antivirus software or any other County monitoring software.

No PC software by Internet download or diskettes will be installed or utilized on any PC workstation in the office without first being approved by the Department Head or designated staff. There are no exceptions.

### **Notice of the County's Right and Ability to Store Communications**

Deletion of electronic communications, e.g., deleting an e-mail message from their mailbox does not necessarily mean that it is permanently deleted from the system. E-mail messages may be saved by the County. County maintains a record of all telephone use (incoming/outgoing calls, date and time of call, duration of call and number called.) This usage information is subject to disclosure under the Public Records Act or by order of court.

### **Notice of the County's Right and Ability to Access and Monitor**

All electronic media communications or data stored on County systems are considered at all times to be County records. **Employees should have no expectation of privacy in any electronic media communications.**

### **Software**

A license needs to be purchased for each employee using software. This also includes software downloaded from the Internet. As a rule, downloads from the Internet are not permitted; however, in some cases it is necessary to obtain upgrades and various software patches and fixes from the Internet. In order to keep track of Internet downloads and to determine legality, all downloaded files must be approved in advance by the Department Head or designated staff.

Employees must get Department Head approval prior to loading County owned software that include home use provisions on home computers and must abide by this policy while using them.

## **E-Mail Retention, Categories of E-Mail**

Business E-mails – These are e-mails that contain information relating to the conduct of the County’s business and can be either transitory in nature or more permanent.

E-mails – These are e-mails that have limited or transitory value to the County, and are created primarily for the informal communication of information. Transitory e-mails would include, but would not be limited to, e-mails announcing the date and time of a meeting, casual and routine communications and announcements similar to telephone conversations, notes, interagency or intra- agency memoranda and preliminary drafts which are not directly related to any non-transitory communications indicated below.

Transitory

Non-Transitory E-mails – These are e-mails that are more formal in nature and have lasting value to the County. Examples:

- E-mails of a policy or decision making nature,
- E-mails connected to specific case files,
- E-mails that are contract related,
- Other e-mails that are an essential part of a larger record, or other memorandum of significant public business. As such, these e-mail messages are similar to printed communications and should be written, transmitted and stored with the same care.
- Non-Business E-mails – These are e-mails that do not contain information relating to the conduct of the County’s business. These e-mails include unofficial, personal messages.
- Retention – All e-mail is considered public record and is subject to retention in accordance with statutory requirements.
- Employees are encouraged to aggressively manage transitory and non- business e-mail.

Regardless of what category an e-mail falls in, if an employee sends or receives any large attachments via e-mail, he or she should immediately store the attachment on other media and then either delete the corresponding e-mail message or copy the message to another file format and then delete it.

## **Additional Guidelines**

The responsibility for compliance with this policy lies with each County employee. It is the responsibility of departmental management to develop internal procedures consistent with this policy to ensure compliance.

Employees should be aware that even when they delete an e-mail from their mailbox, and empty it from their GroupWise Trash or equivalent, it may continue to exist in backup or archival storage devices or in the mailboxes of other recipients or addressees.

If an employee sets up a vacation rule that generates an automatic reply to incoming e-mails, the reply option should always be “reply to sender”, not “reply to all”. The “reply to all” option can cause problems if the original e-mail was sent to a large group of people.

Logoff (Exiting). Employees must complete the logoff or other termination procedure when finished using any system at the end of their workday.

Large file transfers should not be sent unless they are compressed.

## **Employee Acknowledgement**

Department Heads shall have all employees acknowledge in writing that they have received this policy. Such written acknowledgment shall be retained in department files. (Nevertheless, the failure to provide such written acknowledgment shall not in any way limit the County’s ability to enforce this policy.)

### **Acknowledgment of Receipt**

“I have received a copy of Siskiyou County’s Electronic Communications Usage Policy, and agree to abide by the terms of this policy. I understand that I should have no expectation of privacy in any matter created, received, or sent using the County’s electronic communications systems. I understand that any violation of this policy may result in disciplinary actions being taken against me, and may constitute a criminal offense.”

## **Vendor/Contractor Acknowledgement**

Department Heads shall have all vendors and contractors acknowledge in writing that they have received this policy. Such written acknowledgment shall be retained in department files. (Nevertheless, the failure to provide such written acknowledgment shall not in any way limit the County’s ability to enforce this policy.)

### **Acknowledgment of Receipt**

“I have received a copy of Siskiyou County’s Electronic Communications Usage Policy, and agree to abide by the terms of this policy. I understand that I should have no expectation of privacy in any matter created, received or sent using the County’s electronic communications systems. I understand that any violation of this policy may result in termination of my contract with the County.”

## **200 - General Statement on Workload Protocol**

### **Statement**

This section of the Policy Manual is intended to outline general policies regarding certain aspects of workload protocol. This section is not intended to conflict with or supplant the Procedure Manual. Certain Chapters of this section will be repeated in the Procedure Manual. However, Administration feels strongly that the Policy Manual should contain some general guidelines in order to establish workload continuity and efficiency within the Department.

## 201 - Sign-Out Board

### Policy

Any time an employee leaves the office during normal working hours, he or she is required to sign out on the designated sign-out board. A specific location must be indicated, as well as an expected return time. Signing out with just the specification “local” is permissible for no more than thirty (30) minutes. It is imperative that this guideline be followed so that clerical, administration, and other staff may be able to contact employees if necessary.

If an officer’s anticipated return time changes by more than 30 minutes, they should call the office and have a Probation Aide, clerical staff or a Supervisor, change their return time accordingly.

If an officer is going to be out in the field beyond the time that the Probation Department closes, they first need to get approval from their Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer. Additionally, they must make sure that the sign-out board in their building reflects that they will be working late. If an officer is unable to reach their Supervisor, the Assistant, or the Chief, then they must call the corrections center who in turn will notify probation clerical to change the time on the sign-out board.

## **202 - Desk and Office Space Areas**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for maintaining desk and office spaces in the Department.

### **Policy**

The office or workspace of each employee shall be maintained in a clean and neat condition. Any addition of furniture or other incidentals other than County property shall meet with approval from the Chief Probation Officer. It will be the Chief Probation Officer's sole discretion what articles shall be considered in good taste and in the best interest of the Department. Responsibility for damage or loss of personal articles is solely the employee's and will not be replaced by the Department.

Case files shall never be left on the floor of any office or work station. Case files shall also not be left on the top of a trash can, or any other place where they risk being inadvertently thrown away during janitorial maintenance.

## **203 - Personal Visits and Phone Calls**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for personal visits and phone calls while working.

### **Policy**

Employees are generally discouraged from excessive personal visits and phone calls during working hours. The Administration of the Department is cognizant of the fact that, on occasion, such situations are appropriate and unavoidable.

## 204 - Officer of the Day Duties

### Purpose and Scope

The purpose of this policy is to establish guidelines to maintain office coverage, and this policy applies to Deputy Probation Officers.

### Policy

This policy may not always be utilized. In the event it is, the following shall be adhered to:

The Officer of the Day program is designed to ensure that a probation officer is always available in each building to deal with routine telephone calls, urinalysis tests, etc. It is ultimately the responsibility of the Deputy Chief Probation Officer or Supervisor in each building to schedule and monitor the Officer of the Day Program.

During times when the Officer of the Day (O.D.) program is being utilized, the officer assigned to O.D. duty on any given day is expected to either remain in their building throughout the day in order to be available to take phone calls or deal with office visits, urinalysis tests, etc., or to arrange coverage when they need to leave the office.

This program is not designed to encourage sitting at one's desk doing nothing. In fact, if the building is particularly well staffed, and especially if a supervisor or administrator is in the office and available to cover O.D. duties, then the regularly assigned O.D. officer is encouraged to leave the office in order to carry out their regular duties.

Before leaving the building, the regularly assigned O.D. officer shall notify the appropriate clerical staff regarding who is filling in for them.

Likewise, upon their return, appropriate clerical staff should be advised that they are back in the building.

If possible, officers should schedule their office visits, interviews, etc., on days when they are assigned O.D. duties. This will allow them to maximize their time in the office, as well as preserve their time in the field, if their assignment so warrants, on those days when they do not have O.D. duties.

If an officer puts in for the day off on a day when they were previously scheduled to have O.D. duties, or if they call in sick, then it is the responsibility of their Supervisor, the Assistant Chief or Chief in their absence, to find another officer to cover the O.D. duties.

## 205 - Case Notes

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for entering case notes into the case management system.

### **Policy**

Any contact, telephonically, field, or otherwise, concerning a matter in which the Probation Department maintains a file shall be documented in a timely fashion. It is mandatory that case notes be placed in the database following any activity relative to the case. These notes are to be kept in chronological order and as up to date as possible. Any action taken in either an adult or juvenile file should be documented by the reporting officer. This includes any investigation or interviews.

All Department employees should be cognizant of the fact that a probationer's file is subject to be either subpoenaed by the Court, or simply reviewed by either the District Attorney's Office or a defense attorney or their Investigator. It is therefore imperative that all case notes are written in a professional manner, refraining from unnecessary expletives or personal opinions.

## **206 - Case Files**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for the maintenance and possession of Department case files.

### **Policy**

As a general rule, case files shall not be taken home. In any case, a case file shall not be taken home without permission from a supervisor, or member of management (ASM excluded).

Case files may be pulled as needed from the file room. Officers are expected to re- file their own files in the appropriate section once they are done with them.

## **207 - Court Document Filing Deadlines**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines and deadlines for the efficient handling and filing of Court documents.

### **Policy**

It is equally the responsibility of all persons involved in the routing process to consider Court documents a top priority. Files waiting for signature(s) should never sit on a desk any longer than is absolutely necessary. They should be reviewed and signed immediately, and then passed on to the next person for signature and/or filing.

It is the responsibility of any officer authoring a document which needs to be filed with the Court to ensure that any such document is turned in to clerical early enough to allow sufficient time for correction, review with appropriate signatures, and timely filing with the Court.

With the approval of the Deputy Chief, documents may be filed with the Court by fax. This should be done only when a time crunch mandates it and should be the exception. If filed by fax, documents should not also be filed as a hard copy.

## **208 - Management/Supervisor Signatures on Court Documents**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for authorized signers on Court documents.

### **Policy**

One of the primary responsibilities of the Probation Department is to prepare various types of memos and reports for the Superior Court. The Siskiyou County Probation Department prides itself on doing so timely and with the highest degree of quality and integrity. In an effort to ensure all documents filed with the Court are accurate and error-free, the following policies have been put into place:

All documents which are filed into the Court shall be subject to the following policy regarding signatures by Supervisors, the Deputy Chief, the Assistant Chief, and/or the Chief Probation Officer. The documents must also have the initials of the Legal Secretary who proof-read the report.

Court Reports (PSI's, Dispositions, and all Supplemental Reports) will be subject to the Three-Signature Rule: specifically, they will be signed by the preparer of the report, and any combination of two Supervisors, the Deputy Chief, the Assistant Chief or Chief Probation Officer.

All other Documents filed with the Court (except those noted in A. 3.), such as Detention Memos, Termination of Wardship Memos, OSCs, Notices of VOPs, etc.), will be subject to the Two-Signature Rule: specifically, they will be signed by the preparer of the report and one Supervisor, the Deputy Chief, the Assistant Chief or Chief Probation Officer.

All short cover memos consisting of usually only a few sentences (such as top sheets for filing a Case Plan after the Disposition Hearing, Request to Calendar Memos, Electronic Monitoring Memos, etc.), will only need one signature by the preparer of the report. They will not need the signature of a Supervisor, the Deputy Chief, the Assistant Chief or Chief Probation Officer.

The only exceptions to the above policy are as follows:

A Supervisor or member of probation management may sign "for" the preparer of the report if the preparer is not available at the time signatures are needed.

This does not hold true for documents filed "under penalty of perjury," in which case the author must sign.

## Siskiyou County Probation Department – Policy Manual

If only one Supervisor or management member is available at the time a Court document needs to be filed, it is acceptable for the document to be filed with only one approval signature.

In the extremely rare case that absolutely no Legal Secretary and/or member of probation management are available and a document must be filed, then it is acceptable to contact a member of probation management telephonically and receive verbal approval to file a document without any signatures. If no member of probation management is available, then filing deadlines supersede this policy, and it is okay to file without supervisor or probation management signature. If either of these circumstances are present, a case note will be entered into the case management system documenting either the verbal approval or the unavailability of management.

It should be remembered that the point behind this policy is to ensure the highest quality of documents are being filed into the Court. Many times, one person finds simple mistakes another might overlook, and careful review by more than one person helps ensure quality. In order for this process to be effective, Court reports, and other documents which get filed with the Court, should be prepared and routed to clerical as early as possible so they can be proof-read and passed on for signatures. Waiting until right before “filing crunch time” defeats the purpose of this policy entirely.

## **209 - Correspondences with Adjunct Agencies**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for correspondence with adjunct agencies.

### **Policy**

All correspondences with adjunct agencies, or any letter to adjunct agency which states a position of the Department, that leaves the Department on Siskiyou County Probation Department official letterhead, shall be approved by a Supervisor, the Deputy Chief, the Assistant Chief Probation Officer, or the Chief Probation Officer.

Note that only one signature is required, as opposed to certain Court documents which require two or more.

Prior to any line staff contacting the Administration of an adjunct agency, by letter, email, telephonically, or otherwise, they should secure the approval of a Supervisor, the Deputy Chief, the Assistant Chief, or the Chief Probation Officer. Any email sent to Administration in another department should be copied to the immediate Supervisor.

## 210 - Other Agency Relationships

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for professional relationships with outside agencies.

### **Policy**

All employees are encouraged to develop and maintain a positive and professional working relationship with all agencies that the department works with including, but not limited to, other law enforcement agencies, Human Services, Behavioral Health, schools, and all other agencies that have a common interest in the Probation Department's case work. Free exchange of information, specifically with other law enforcement agencies and within the legal parameters of confidentiality, is highly encouraged and can greatly enhance interagency relationships.

Employees shall not give false or misleading information to adjunct agencies. Doing so can result in disciplinary action.

## **211 - Superior Court Relations**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for Superior Court relations.

### **Policy**

The Probation Department is the law enforcement arm of the Court. As such, it is imperative that all employees conduct themselves professionally in all dealings with the Superior Court. Dishonesty with the Court, whether it be verbal or in writing, will not be tolerated. Any such act will lead to discipline, up to and including termination.

Any policy or procedure issue involving the Court will be discussed in advance with the Deputy Chief, the Assistant Chief, and/or the Chief Probation Officer prior to any type of judicial contact. If such policies or procedures arise in the course of conversations with the Court, it is best to politely defer this responsibility to Management.

## **212 - Relationship with Child Protective Services (CPS) and Dependent Children**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for the working relationship with CPS and dependent children.

### **Policy**

The Probation Department has a unique relationship with the Child Protective Services (CPS) division of the Siskiyou County Human Services Department, in that our respective caseloads frequently overlap. CPS is also the arm of the Court in family and dependency proceedings. It is critical to understand that the handling of dependent children is the responsibility of CPS, and the Probation Department should not interfere in that function.

Under no circumstances will any employee of the Probation Department or Corrections Center discuss with any foster parent or other non-governmental agency or person any case information pertaining to dependent children.

No employee of the Probation Department shall endeavor to counsel or advise foster parents of dependent children in their dealings with CPS. Any inquiries concerning dependent children from any source shall be referred to CPS.

In cases where potential dual jurisdiction is present between Probation and CPS, such as a dependent being booked, it is the policy of the Department to share freely information with CPS, and cooperate fully with their social workers, supervisors, and administration.

## 213 - Outside Inquiries

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for staff responding to outside inquiries.

### **Policy**

Department staff and County personnel telephone numbers, street addresses are not to be divulged to the general public. None of the above should be divulged to anybody, including other agencies, without the prior permission of the employee.

The Department does distribute a list of Probation Officer's home and/or personal cell phone numbers to law enforcement agencies within the County. These lists are typically used for after-hours telephone calls directly from the agency. No officers shall be compelled to have their number(s) on such a list. If any officer does not want to have their personal phone numbers on this list, they must inform their immediate Supervisor, who will forward this information to the appropriate person in the Department who distributes such lists.

This section does not preclude an employee of the Probation Department from personally giving any of the above-mentioned information to another person or agency. Employees are highly discouraged from giving any of the above information out to probationers but might find it appropriate to give their home or cellular phone number out to certain law enforcement agencies for after-hour contact.

## 214 - Records Maintenance and Release

### Purpose and Scope

This policy provides guidance on the maintenance and release of department records. Protected information is covered separately in the Protected Information Policy.

### Policy

The Siskiyou County Probation is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

### Custodian of Records Responsibilities

The Chief Probation Officer shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

Maintaining and updating the [department/office] records retention schedule including:

- Identifying the minimum length of time the Department must keep records.
- Identifying the [department/office] division responsible for the original record.
- Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- Establishing rules regarding the processing of subpoenas for the production of records.
- Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- Determining how the [department/office]'s website may be used to post public records in accordance with Government Code § 6253.
- Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 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.

- Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the [Department/Office]'s website.

### **Adult Probation Files**

Adult Probation Files (Records) constitute a part of the records of the Court and shall at all times be open to the inspection of the Court or any person appointed by the Court for that purpose, as well as all magistrates, chiefs of police, unless otherwise ordered by the Court (Penal Code § 1203.10).

### **Adult Probation Reports**

Adult probation reports filed by the probation officer with the Court may be inspected or copied as follows:

By any person, from the date judgment is pronounced or probation granted, up to and including 60 days from the date judgment is pronounced or probation is granted, whichever is earlier.

By any person, at any time, by order of the Court, upon filing a petition by such person.

By the general public, if the Court upon its own motion orders that a report shall be open or that the contents of the report shall be disclosed.

By any person authorized or required by law to inspect or receive copies of the report.

Any copies requested by the general public under the above provisions shall be obtained from the Court Clerk and shall not be provided by the probation officer or probation department staff.

### **Juvenile Probation Records**

Juvenile probation records, including all petitions filed, reports of the probation officer, and all other documents contained in the file that are submitted to the Court may be inspected but not copied by the following:

- Court personnel.
- The minor who is subject of the proceedings.
- The minor's parent or guardian.
- The attorneys for those parties.
- Any other person as may be designated by the Welfare and Institutions Code.
- District Attorney in conducting a criminal investigation.
- Child Protective Services in conducting dependency proceedings.

- School officials pursuant to the provisions of Welfare and Institutions Code §§ 827(b)(1) through 827(e).

### **Processing Requests for Public Records**

A. Any [department/office] member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

### **Requests for Records**

Any member of the public, including the media and elected officials, may access unrestricted records of this department during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

The department is not required to create records that do not exist.

Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records 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.

When the request does not reasonably describe the records sought, the Custodian of Records 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 Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

## Siskiyou County Probation Department – Policy Manual

Upon request via a California Public Records Act (CPRA), the release of audio/video recordings of critical incidents shall be released within 45 days following a CPRA is received. Legal restrictions to this do apply.

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 § 6253.9).

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.

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. If the record is audio or video, a copy of the redacted audio/video 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.

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 § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

### **Release Restrictions**

Examples of release restrictions include:

Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any [department/office] record, including traffic collision reports, are restricted except as authorized by the [Department/ Office], and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

Social Security numbers (Government Code § 6254.29).

Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

## Siskiyou County Probation Department – Policy Manual

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief Probation Officer, or as required by law.

Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted [Penal Code § 680.2(b)].

Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the Court pursuant to Penal Code § 1054.5.

## Siskiyou County Probation Department – Policy Manual

Certain types of reports involving, but not limited to, child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code §20012.

Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

Records relating to the security of the [department/office]'s electronic technology systems (Government Code § 6254.19).

A record of a civilian 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)(8)).

Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code § 6254).

Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

### **Subpoenas and Discovery Requests**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records 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.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel 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/Office] so that a timely response can be prepared.

### **Release of Information to Crime Victims**

Crime victims have a constitutional right to be included in the court process as their case is being adjudicated. Probation officers have certain statutory obligations in felony cases to notify victims of their right to appear at sentencing hearings, their right to make a statement to the Court, the right to restitution and/or civil recovery for losses, and the right to review the recommendation of the probation officer.

Given the general rights of crime victims, there is an inherent right to certain information relating to the offense and its adjudication. Thus, crime victims may be furnished the address of probationers if their interest is to pursue civil litigation. The probation officer should carefully screen such requests. The crime victim may be furnished with dispositional information regarding a case if it has impact on restitution or any potential danger that they may face.

### **Release of Information During Field Contacts**

During the course of supervising a probationer, especially while making field contacts, the probation officer may interact with friends, neighbors or employers of the probationer. During such incidental contact, it may be necessary for the probation officer to identify oneself as such, leading by implication to the conclusion that the subject of the inquiry is a probationer. The mere fact that an individual is subject to probation jurisdiction is not protected in the same manner as Criminal Offender Record Information (CORI). Such incidental revelation is therefore permissible and should be handled with discretion.

The key element for field officers is to properly identify themselves and the scope of their duties in making the field contact. In this context, the release of information would be limited to the establishment of probation jurisdiction and not for a specific release of Criminal Offender Record Information.

### **Release of Information During Telephone Calls**

Confidential information should not be released via the telephone unless the identity of the caller has been established and they meet the criteria of both the need to know and

the right to know. When a routine telephone inquiry begins with an open-ended request such as, "May I speak with John Doe's probation officer?" or, "Is John Doe on probation?" such requests should be transferred to a probation officer who must carefully scrutinize and verify the circumstances of the caller to determine if they are authorized to receive any confidential information. If not authorized, no such information shall be released.

This does not preclude the officer from receiving information from the caller regarding a probationer. It is important that the probation officer take the call seriously even if the caller does not want to be identified. The officer is to document the information received and then investigate it. This may include conducting a search, drug testing a probationer, interviewing witnesses, etc. Much information regarding the behavior of the probationer is available the public and confidentiality is not an issue as long as the officer does not discuss the case with the caller.

### **Release of Information - Duty to Warn**

Under general tort law, an individual who has a special custodial relationship or control of another person owes a duty of care to any third party or the public in general who may be endangered by a breach of this duty of care. A probation officer has this type of relationship to a probationer under their care, custody or control.

This duty to warn would occur when a threat of harm is directed toward a specific victim. In *Tarasoff v. Regents of the University of California*, the California Supreme Court held that a psychotherapist owed a duty to the victim of a patient's direct threat to her, in spite of the confidential relationship between a psychotherapist and patient. In *Thompson v. County of Alameda*, this principle of a duty to warn when there was a specific victim was reiterated. In both of these cases, the duty to warn was required based on a threat of harm to a specific person. In all such cases, the probation officer shall not be hampered by the confidentiality statutes in notifying the potential victim(s) of the threat and taking immediate action against the probationer in order to protect the public.

In cases that present no danger of physical violence, but do present the danger of monetary loss, the duty to warn is less established by case law. The probation officer must determine a "reasonable foreseeable risk of harm" between the probationer's criminal history and prior pattern of criminal conduct and a current situation such as employment or a living arrangement. In such a situation, the probation officer should immediately staff the case with their supervisor in order to establish the "reasonably foreseeable risk of harm." If established, the probation officer should order the probationer to notify the employer or the person facing potential harm. If the probationer fails to comply, the matter should be referred to the Court in order to modify the conditions of probation.

In any case where Tarasoff Warnings become an issue, the probation officer shall immediately notify their Deputy Chief and the Chief Probation Officer, who shall then determine whether or not County Counsel needs to become involved.

### **Release of Information with a Signed Waiver**

If a probationer or former probationer has signed a waiver specifically designated to release their criminal record and/or probation status to a specific person or entity **and** the release would assist in furthering the rehabilitation of the probationer, the criminal history information may be released.

A military recruiter is not an authorized release entity according to the Attorney General; thus a signed release is required to furnish such information.

An employment, job training, or educational program is not necessarily an authorized release entity according to the Attorney General; thus a signed release is required to furnish such information.

### **Sealed Record Orders**

Sealed record orders received by the [Department/Office] shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the Court. Records may include, but are not limited to, a record of arrest, investigation, detention, or conviction. Once the 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).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Custodian of Records shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

## 216 - Destruction of Probation Files:

Pursuant to Sections 1203.10 PC and 826 W&I, probation records may be purged 5 years after the termination of probation or juvenile court jurisdiction.

It will be the policy of the Siskiyou County Probation Department to purge records as follows:

Non-State Prison Cases:	5 years
State Prison Cases:	8 years
Juvenile Cases:	5 years
CDCR-DJJ Cases (formerly CYA):	5 years
Bench Warrants:	5 years
Parole Cases:	3 years
Parole Cases (with other probation cases):	5 years
Drug Diversion (11361.5 H&S):	2 years
Other Drug Diversion:	5 years
Family Violence Diversion:	2 years (from date of grant)

Whenever the Department is in a position to purge files, the following steps will be taken:

A list will be compiled of all files to be purged, which will include the name of the probationer, their date of birth, and the file number.

This list will be forwarded to County Counsel who will determine whether all the cases are eligible for destruction.

The list will then be forwarded to the Auditor's Office, who will determine if any of the cases still owe mandatory fines or fees.

Once the list is finalized, it will be attached to a Petition for Order to Purge and will be presented to the Board of Supervisors for signature.

Once approved by the Board, the files will be completely destroyed. The manner of destruction will be determined by the Chief Probation Officer or their designee.

## 217 - Use of Interns

### Purpose and Scope

The purpose of this policy is to establish policy and guidelines for the use of interns.

### Policy

The Siskiyou County Probation Department encourages the use of volunteers/interns to augment the services provided to the community and the Court, and to provide administrative support to probation officers and/or other probation staff.

Potential volunteers/interns will submit a letter of interest/application and will be subject to an interview and a criminal background check.

All potential volunteers/interns will be given the Volunteer/Intern Packet containing:

- Volunteer/Intern Application
- Select Siskiyou County and Probation Department policies
- Volunteer Acknowledgement

When the completed Volunteer/Intern Application and Volunteer Acknowledgement are submitted, the Chief Probation Officer, or their designee, will direct the applicant to schedule an appointment for fingerprinting.

Once the background investigation is complete, the Chief Probation Officer, or their designee, is responsible for approving or denying the volunteer application. Approval can be acknowledged to the volunteer via telephone call or letter.

The Chief Probation Officer, or their designee, will be responsible for providing any type of documentation or necessary reports to the appropriate agency for any volunteer/intern who is doing so as part of a work-study program.

The Chief Probation Officer, or their designee, will be responsible for periodic review of the volunteer and/or intern's performance. The volunteer/intern will serve at-will to the department and the Volunteer Agreement may be terminated without cause at any point.

## **300 - Policy Statement on Scope and Authority of Probation Officers:**

It is the mission of the Siskiyou County Probation Department to protect the community, to enforce Court orders, to promote responsible behavior in offenders, to provide information and recommendations to the Court, and to provide services to victims. It is the role of the Deputy Probation Officer to serve the Courts, the community, and those offenders placed under its jurisdiction by statute and by Court order. To accomplish the above, Deputy Probation Officers are classified as peace officers per Section 830.5 PC. Pursuant to Section 830.5(a) PC, the authority of the Probation Officer shall extend to:

- The conditions of probation of any person within the State of California on probation.
- The escape of any inmate or ward from a State or local institution.
- The transportation of such persons.
- Violations of any penal provisions of the law which are discovered in the course of and arising in connection with her/his employment.
- The rendering of mutual aid to any other law enforcement agency.

As designated in the Penal Code, the peace officer powers of a Deputy Probation Officer are limited and, therefore, Deputy Probation Officers will not preempt other law enforcement agencies in enforcing the law. The Deputy Probation Officer may arrest non-probationers who are observed committing serious crimes during the performance of the Deputy Probation Officer's duties. However, the Deputy Probation Officer must first consider other alternatives and resources and make certain that the immediate arrest of the non-probationer is in the public's best interest and can be made with minimal danger to the Deputy Probation Officer and other persons.

In order for a Deputy Probation Officer to arrest a non-probationer for a criminal offense, the Deputy Probation Officer must be engaged in probation-related duties at the time such situation occurs. Such intervention may be appropriate in the following circumstances:

- Crimes against persons: The Deputy Probation Officer observes an assault or battery in progress or is the victim of an assault or battery, and arrest is the most effective means of intervening.
- Interference: A non-probationer is interfering with an investigation or arrest of a probationer.
- Property offense: The Deputy Probation Officer discovers illegal, stolen articles on the premises of a probationer, and it is apparent that another person present in the residence is responsible.

## Siskiyou County Probation Department – Policy Manual

- Drug offenses: The Deputy Probation Officer discovers illegal drug use, possession of drugs, or observes a drug sale and has probable cause to believe another person may be responsible.

Deputy Probation Officers will not attempt the arrest of non-probationers, except as noted in the subsections above, unless responding to a request by a law enforcement officer. A Deputy Probation Officer will not attempt an arrest of a non-probationer without law enforcement assistance when the Deputy Probation Officer believes the arrest cannot be affected successfully without assistance. In any case, the Deputy Probation Officer must take the most prudent course of action in view of all immediate circumstances. In many cases, the most prudent course of action may be to merely report the information to law enforcement, or radio in for assistance, rather than directly affecting the arrest.

The unit Supervisor will be notified immediately upon completion of any arrest situation, whether planned or unplanned. If the arrest involves a non-probationer, an Arrest Report shall be completed by the officer who affected the arrest in a timely manner.

A Deputy Probation Officer is considered “on duty” anytime, day or night, when, because of their peace officer status, they are required to respond to a probation-related situation. Level of response may be determined by:

- The seriousness of the violation.
- The Deputy Probation Officer’s confidence in their ability to successfully execute the arrest.
- The necessity of arrest at the time of the incident.
- Alternatives to arrest.

The Deputy Probation Officer will request uniformed law enforcement assistance in an arrest any time case factors indicate a potential or probable safety hazard to the Deputy Probation Officer, and where the presence of additional law enforcement personnel will minimize danger to the Deputy Probation Officer and/or others who may be involved.

The Deputy Probation Officer should never attempt an arrest when motor skills, reflexes, or judgment may be adversely affected because of the use of alcohol or medication.

## **301 - Deputy Probation Officer Qualifications**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for the qualifications for Deputy Probation Officers that is consistent with County Policy and state law.

### **Qualifications**

The qualifications of Deputy Probation Officer are those established by county policy and state law. The department requires that applicants have either:

A Bachelor's degree, preferably in a field related to the job, such as criminal justice, psychology, or social work, from an accredited college or university, or;

An Associate of Arts degree or 60 units of academically oriented coursework (preferably in behavioral science, social science, psychology, sociology, criminology or a related field) AND at least two years of experience in custodial care, probation, parole, treatment counseling, correctional, patrol, and/or a criminal investigative field, or;

30 units of academically oriented coursework (preferably in behavioral science, social science, psychology, sociology, criminology or a related field AND at least 2 years previous experience as a supervisor in a related law enforcement field.

Written, oral, physical, and psychological examinations are required for applicants in this position. A pre-employment drug test is also required. The testing procedures and policies are subject to the County personnel ordinance (County Policy 3.1-3.2).

Successful candidates for the position of Deputy Probation Officer are required to comply with departmental and county policy, as well as appropriate state laws relative to this position.

### **Minimum Standards**

Probation Officers are Peace Officers pursuant to Sections 830 and 830.5 of the Penal Code and Sections 1029, 1031 and 1031.5 of the Government Code and must meet all the minimum standards contained therein including:

- Age: Must be at least 18 years of age.
- U.S. Citizenship:
- Persons applying for Peace Officer positions must be U.S. citizens or permanent resident aliens who have applied for citizenship;
- Permanent resident aliens who have applied for citizenship will be required, if appointed, to yearly provide proof of their application status with the Immigration

and Naturalization Services (INS). Failure to cooperate with INS or denial of citizenship will result in termination of employment.

- Felony Convictions: Persons convicted of a felony are prohibited from being appointed to a governmental Peace Officer position.
- Physical and Psychological Requirements:
- Prior to appointment, applicants must submit to physical and psychological examination provided by the County to determine their ability to meet Peace Officer Standards;
- The psychological examination will include the administration of psychological tests, which include an assessment of psychological factors and an interview with a County designated psychologist.
- The physical examination will determine whether the applicant has the dexterity, strength, endurance and ability to restrain assaultive, combative or violent offenders.
- Background Investigation: Applicants must be of good moral character, as determined by a thorough background investigation which involves contacting references and fingerprinting for search and disclosure of a criminal record. Applicants may be subject to a polygraph examination.
- License: Possession of a valid California drive license is required. Possession of a valid California Class B driver license may be required for certain assignments. Where required, the employee must obtain such a license.
- Training: Persons appointed in this classification are mandated by the State to attend and successfully complete 40 hours of approved training per year. Additionally, applicants must have already met all CORE training requirements for Deputy Probation Officer or have received equivalency approval by the Board of State and Community Corrections (BSCC).

## **302 - Job Applications and Interviews**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines regarding honesty on application and during interviews.

### **Policy**

Any false or misleading statements contained in any employment application or stated during oral interviews may be grounds for discipline, up to and including, termination of employment. The provisions of this section are applicable at any time either during or after the probationary period.

## 303 - Background Investigations

### Purpose and Scope

The purpose of this policy is to establish guidelines for background investigations that is consistent with County policy and the Government Code of the State of California.

### Policy

The Government Code of the State of California requires that each class of public officer or employee declared by law to be a peace officer shall meet certain minimum requirements:.

- It is a requirement that applicants are fingerprinted and a thorough background investigation be conducted.
- A medical screening and psychological testing is also required for all potential officers prior to beginning employment.
- Fingerprint results, Criminal Offender Record Information (CORI), will be destroyed once a decision is made as to employment.

Non - Peace Officer positions shall meet certain minimum requirements:

- It is a requirement that applicants are fingerprinted and a thorough background investigation be conducted.
- A psychological examination is required as required by specific job descriptions.

Fingerprint results, Criminal Offender Record Information (CORI), will be destroyed once a decision is made as to employment.

The Department operates under the requirements of the State of California, Department of Criminal Justice Information Services. To ensure the suitability of employees assessing the confidential criminal records, all employees with access to CORI shall be fingerprinted and processed through the California Department of Justice.

Responsibility for compliance with DOJ requirements rests with the Chief Probation Officer, or their designee.

Any questions regarding the release, security and privacy of CORI shall be directed to the Chief Probation Officer, or their designee.

Retention of CORI records beyond 30 days from receipt should be based on documented legal authority and need.

## Siskiyou County Probation Department – Policy Manual

CORI shall be used only for the purpose for which it was requested and shall be securely maintained and accessible only to the agency head or his/her designee who is committed to protect CORI from unauthorized access, use or disclosure.

CORI may not be reproduced for secondary dissemination.

## **304 - Oath of Office**

### **Purpose and Scope**

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

### **Policy**

It is the policy of the Siskiyou County Probation 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.

### **Oath of Office**

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

### **Maintenance of Records**

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

## **305 - Policy Statement on Probationary Employment Periods:**

Any individual hired or promoted by the Siskiyou County Probation Department as a Deputy Probation Officer will be subject to a probationary period of employment as follows:

### **Deputy Probation Officer I:**

All new hire Deputy Probation Officers I are required to fulfill a one-year probationary employment period.

Phase One (first six months):

- Satisfactorily complete probation officer CORE training
- Perform satisfactorily for six months or 13 pay period
- At or after the 13<sup>th</sup> pay period, DPO will be promoted to DPO II

Phase Two (second six months):

- Perform satisfactorily for an additional six months or 13 pay periods as a DPO II.

During this period of one year, the new employee may be terminated at the discretion of the department head without cause and without the right of appeal (County Policy 6.2).

### **Deputy Probation Officer II:**

- All new hire Deputy Probation Officers II are required to fulfill a one-year probationary employment period.
- During this period of one year, the new employee may be terminated at the discretion of the department head without cause and without the right of appeal (County Policy 6.2).

### **Internally Promoted Employees:**

- All promoted employees are required to fulfill a six-month or 13 pay period probationary employment period.
- During that time, the promoted employee may be demoted at the discretion of the department head without cause and without the right of appeal (County Policy 6.2).

## 306 - Driver's License

### Policy

It is a requirement of the department that each employee have or obtain a valid driver's license prior to employment or, with the express permission of the Chief Probation Officer, to obtain same as soon as possible. While most employees would normally possess a valid California driver's license, it is acceptable for a resident of Oregon to work for the department with a valid Oregon driver's license. The driver's license must remain valid throughout the term of employment with the department. An expired, suspended or revoked driver's license can be cause for immediate suspension or termination of employment with the department. Any employee of the department, sworn or non-sworn, who does not possess a valid driver's license must immediately report said fact in writing to the Chief Probation Officer.

## 307 - Employee Conduct

### Employee Conduct

In general, employees of the Probation Department shall conduct themselves, on and off duty, in such a manner as to reflect positively on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute, or reflects discredit upon the employee as a member of the Department, or that which impairs the reasonable operation, efficiency, morale, or discipline of the Department.

Any employee of the Probation Department who violates or attempts to violate any federal statute, law of any State or local jurisdiction, or any employee who fails to obey any lawful order, written or oral, given by a Superior Officer, which shall include but not necessarily be limited to these rules and regulations, all general and special orders, and the policies and procedures of the Department, is subject to appropriate disciplinary action, up to and possibly including termination from employment. The term “lawful order” shall be construed as any order in keeping with the performance of any duty prescribed by law, by these rules and regulations, or for the preservation of good order, efficiency, and proper discipline, which is not in conflict with these rules and regulations.

An employee who is arrested, charged, or knowingly under investigation for the alleged commission of any misdemeanor or felony, shall report said offense(s) to their immediate Supervisor as soon as possible. The Supervisor is to go through the chain of command to ensure that the Chief Probation Officer is aware of the situation.

Any employee who has an immediate family member or person residing in their home who has been arrested for a misdemeanor or felony shall report this information to their immediate Supervisor as soon as possible.

Peace Officers shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the corrections profession. They shall not engage in any conduct which would impair their ability to perform as peace officers, or cause the Department or the Court to be brought into disrepute.

Employees, on or off-duty, shall refrain from engaging in conduct which adversely affects the morale or efficiency of the Department, or destroys, damages, or undermines public respect for the employee, the Department, and/or the Court.

## **308 - Intoxicants**

### **Intoxicants**

Under no circumstances shall any employee use alcohol while on duty, including during the lunch hour. Employees shall not be under the influence of alcohol and/or controlled substances which would impair their job performance, upon arrival or return to duty. Use or non-work-related possession of illegal drugs, without a valid prescription, may result in disciplinary action or dismissal.

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

When controlled substances or any other medication that may affect job performance by causing drowsiness or impairing judgment are prescribed, employees shall notify their Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer.

### **370 - Policy Statement on Promotions:**

All employees of the Siskiyou County Probation Department will be given an equal opportunity to apply for promotion to any position for which the minimum qualifications are met when the Department receives the available names from Personnel (County Policy 5.5). Those who qualify for internal promotions will be evaluated objectively, and promotions will be made consistent with overall suitability for the position, coupled with that which is in the best overall interest of the Department. Considerations for promotion include, but are not limited to, the following:

- Leadership ability
- Maturity
- Overall work performance
- Employee evaluations
- Experience
- Cross training
- The specific promotion to be made
- Special skills and abilities of the applicant

The promotion process involves filling out an application from Personnel, and then typically an interview before an oral board. Administration will then decide which candidate will promote, giving equal consideration to the results of the interview, as well as the above-mentioned considerations. The Chief Probation Officer will ultimately decide which candidate will promote and will base their decision on that which is in the best interest of the Department. There are no grounds for appeal for those candidates who are passed up for promotion.

The Chief Probation Officer has the option of appointing an applicant to a promotional position without going through the interview process.

Upon the selection for promotion, the employee will be contacted to verify acceptance of the position. All other candidates will be contacted and advised of the decision. Whenever possible, this contact will be made personally, by telephone, or by email, prior to a formal announcement of the promotion.

### **375 - Policy Statement on Problem Resolution and Grievances:**

Employees may address any problem through informal discussion. Any employee is encouraged to initiate discussion with their immediate Supervisor if there is a problem they would like to discuss. Supervisor's and Management are to take a pro-active position in identifying problems as quickly as possible.

While prompt and effective resolution of problems is encouraged, if it concerns wages, hours, or working conditions, or if the employee does not feel that the situation can be satisfactorily resolved on an informal basis, then the employee may contact their union representative and/or pursue the matter through the County's established grievance process.

### **380 - Policy Statement on Contracting for Services and Supplies:**

No employee of the Probation Department or Corrections Center shall contract for any services or supplies without the express prior approval of the Chief Probation Officer, or their designee.

### **385 - Policy Statement on Placement of Foster Children:**

The Department reserves the right to deny an employee the ability to be a foster parent. Under certain circumstances, an obvious conflict of interest may exist, and thus it is felt that such a situation would not be in the best interest of the child or the Department. Each request to be a foster parent will be evaluated on its own merits, and the decision will ultimately be up to the Chief Probation Officer.

If an employee has volunteered or acts as a foster parent in their personal time, they must disclose this to their supervisor, to include the name of the potential foster child and the respective parents. Prior to an employee fostering a child, the management team shall make a determination if the potential foster child would present a conflict of interest for the employee and Department. The management team will work to ensure that there is not a conflict in assignment of a probationer, presentence report or any other duty to that officer and the child he/she is caring for. There may times when conflict will be unavoidable, as such the Officer shall work with management to ensure that everything is done with professionalism and within the law.

If a foster child placement presents as a conflict of interest for the employee and the Department, the employee may have to advise CPS that the child may need to be placed in another foster home.

## **390 - Policy Statement on Fitness for Duty:**

### **Purpose and Scope**

All sworn employees are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all deputies of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

### **Employee Responsibilities**

It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **Supervisor Responsibilities**

A supervisor observing an employee or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

In conjunction with the Supervisor or employee's available Deputy Chief, the Assistant Chief, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

The Chief shall be promptly notified in the event that any employee is relieved from duty.

## **Non-Work-Related Conditions**

Any employee suffering from a non-work-related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

## **Work-Related Conditions**

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the it supervisor and concurrence of a Deputy Chief or the Assistant Chief, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

## **Physical and Psychological Examinations**

Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief Probation Officer may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

### **Appeals**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## **395 - Policy Statement on Department Employee Speech, Expression and Social Networking:**

### **Purpose and Scope**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### **Applicability**

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

### **Policy**

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Siskiyou County Probation Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 400 - Policy Statement on Department Dress Code:

It is the policy of the Siskiyou County Probation Department that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation. While various duties and functions in the Department may require some degree of flexibility in the standards of dress, the primary concern is the appropriateness of the clothing to the job function. There is an assumption that as employees of the Department and Officers of the Court, sound judgment and common sense will prevail and that the clothing worn will reflect our role in the Criminal Justice System.

Employees are expected at all times during work hours to present a professional, businesslike image to our co-workers, our clientele, as well as the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the probation department. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

Tactical attire is acceptable for field work; however, it must be remembered that our appearance can at times become a barrier in creating rapport with our clientele.

Tactical attire is not acceptable for court or meeting with court officials unless you are called in from the field.

The County's Personnel Policies address "Personal Appearance and Demeanor" (Section 8.3) as follows: *Discretion in style of dress and behavior is essential to the efficient operation of the County. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Employees are expected to use good judgment in choice of work clothes and remember to conduct themselves at all times in a way that best represents the County. Work clothes, including uniforms, should be clean and in good repair.* Phrases such as "appropriate business attire" and "use good judgment" are certainly open to subjective interpretation. Considering the fact that probation officers are Officers of the Court, however, certain general guidelines need to apply:

Whenever an officer is attending Court, they should dress in appropriate Court attire. The Local Rules of the Siskiyou County Superior Court, Section 2.05, Appendix 1, addresses Courtroom decorum, including, among other etiquettes, proper and professional conduct and attire. This document can be found on the Siskiyou County Superior Court website. Proper Courtroom attire would include a coat, tie and dress shoes for men, and a dress, suit, blouse (with or without jacket), slacks, skirt and dress shoes for women. Jeans of any color shall not be worn in Court.

With the exception of the jacket, officers should adhere to this standard when conducting Informal Citation Hearings at the Department.

## Siskiyou County Probation Department – Policy Manual

Considering probation officers also do field work, which can on occasion lead to uncooperative arrests, certain safety guidelines should also be followed. Specifically, an officer shall not wear open-toed shoes, nor open-back shoes. Shoes with back-straps are allowable.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Repeated violations may warrant further discipline.

## 401 - Performance Evaluations

### **Purpose and Scope**

It is the purpose of this policy to establish guidelines for Performance Evaluation in accordance with County Policy and the Government Code.

### **Policy**

Regular performance evaluations will be done according to County Policy (County Policy 3.6).

All immediate Supervisors will maintain ongoing documentation of the job performance, both positive and negative, of each person under their direct supervision accordance to Government Code 3305 and 3306.

Employee performance evaluations will be used as an opportunity to constructively review the employee's contributions to their assignment and the department. They will also serve as a means of providing direction for improvement, professional development, job satisfaction and productivity.

Performance evaluations will be comprehensive, fair, accurate, timely, sensitive and candid. They will address both strengths and weaknesses. When an area in need of improvement is identified, the evaluation will likewise identify the improvement plan.

Employees will receive their yearly evaluation within the first three months of the calendar year.

## **407 - Policy Statement on Training Requirements:**

The Probation Department participates in the Standards and Training for Corrections (STC) program, as provided by the California Department of Corrections and Rehabilitation, Corrections Standards Authority. Required annual training hours are as follows:

Juvenile Correctional Officer:	24 hours
Senior Juvenile Correctional Officer:	40 hours
Corrections Center Superintendent:	40 hours
Probation Officers:	40 hours

All new probation officers and corrections center employees are also mandated to attend PC 832 Training, as well as CORE training, within their first year of employment. PC 832 Training is divided into Arrest and Control (40 hours) and Firearms (24 hours). CORE training is a minimum of 134 hours for Juvenile Hall Correctional Officers, and 174 hours for Probation Officers.

Promoted employees must also attend CORE training within one year of their promotion date. Supervisor and Manager CORE training is 80 hours in duration. This requirement applies to Supervising Probation Officers, the Assistant Chief Probation Officer, Senior Juvenile Correctional Officers, and the Corrections Center Superintendent.

It is the responsibility of the Training Manager to ensure that all employees remain in compliance with STC training regulations. Employees are encouraged to request to attend specific trainings using the Request to Travel Forms (RTF); however, it is at the sole discretion of the Training Manager as to what trainings will be approved. No employee shall attend any training without the express prior approval of the immediate Supervisor and the Training Manager.

### **Policy Statement on Training Attendance and Conduct:**

Any employee attending a scheduled training, or other such activity, shall attend and participate in the total hours that are offered. Willful failure to attend all scheduled hours may result in disciplinary action. Any exception to this policy must first be cleared by the immediate Supervisor, the Juvenile Hall Superintendent, the Assistant Chief Probation Officer, or the Chief Probation Officer.

Any employee attending a training session is representing both the Siskiyou County Probation Department, as well as the County of Siskiyou. It is essential that at all times during these trainings, the employee's attitude and demeanor is beyond reproach. Socialization with other agencies or participants at training is encouraged; however, it should be compatible with the goals and ideals of the Department. Any behavior

## Siskiyou County Probation Department – Policy Manual

displayed at a training which reflects poorly on the Department or the County may lead to disciplinary action.

Any exception in attending scheduled training shall only be with the prior approval of the immediate Supervisor, Assistant Chief Probation Officer, or Chief Probation Officer.

## **425 - Policy Statement on Personal Vehicle Parking**

Parking of personal vehicles will be in the appropriate parking facility designated by the Department. Please do not utilize spaces designated for county vehicles, visitor parking, or other such controlled areas.

## **500 - Purchasing Policy and Procedure**

### **Purpose and Scope**

Probation is required to follow California state law and Board of Supervisor approved fiscal procedures. This policy provides guidelines for departmental purchasing. Listed are fiscal purchasing procedures department staff may encounter on a regular basis and are required to comply with:

### **Purchase Requisitions**

With the exception of an emergent situation, a requisition form must be completed prior to making a purchase and submitted to fiscal – verbal approval does not override this procedure except in the case of an emergency

All purchase requisitions must have approval signature

Complete all boxes (if shopping at store such as Walmart, amount can be left blank)

Note funding source (if available)

### **Cal-Card Usage**

All County employees assigned a Cal-Card are required to follow the County Credit Card Program Policy & Procedures

Cal-Cards are a privilege and can be revoked due to violating County policy & procedures

All Cal-Card purchases must have an approved Purchase Requisition completed prior to making the purchase

Unless in an emergent situation, Cal-Cards shall not be used at local businesses where Probation has an account – check with fiscal regarding accounts

The maximum amount for any one transaction is \$1,000 including sales tax & shipping.

Services cannot be charged to Cal-Card which includes most all custom orders such as printing, t-shirts, mugs, pencils, etc. These purchases must be invoiced to Probation only.

### **Shopping Locally**

All County employees assigned a Cal-Card are required to follow the County Credit Card Program Policy & Procedures

Cal-Cards are a privilege and can be revoked due to violating County policy & procedures

## Siskiyou County Probation Department – Policy Manual

All Cal-Card purchases must have an approved Purchase Requisition completed prior to making the purchase

Unless in an emergent situation, Cal-Cards shall not be used at local businesses where Probation has an account – check with fiscal regarding accounts

The maximum amount for any one transaction is \$1,000 including sales tax & shipping.

Services cannot be charged to Cal-Card which includes most all custom orders such as printing, t-shirts, mugs, pencils, etc. These purchases must be invoiced to Probation only.

### **Amazon.com**

Probation has a business account with amazon.com

Staff may not make purchases on amazon.com

Please send approved purchase requisitions with an attached print out of needed item to Admin Services Manager to place the order

### **Original Receipts**

All purchases require an original itemized receipt per state law and will need to be attached to the requisition. This includes:

Itemized Cal-card charges

Voyager fuel charges – turn in receipt to fiscal immediately with vehicle # written on it

Car wash purchases

Any incurred charge or purchase except travel meals; sometimes people use their Cal Card for meals, in that case a receipt would be necessary.

If an original receipt cannot be obtained, a written explanation is required by the County

### **Credit Memos**

If a vendor is crediting our account, a credit memo must be obtained and turned into fiscal staff

### **Invoices**

The Board of Supervisors have made it a priority to pay all vendors within 30 days.

Departments are now required to submit all payment claims within 7 business days of receipt of invoice (not receipt to fiscal team)

The CAO's office periodically analyzes department's payment claim process to ensure the procedure is followed and requests explanation when not fulfilled

### **Creating Business Accounts**

Only fiscal staff set up business accounts

## **507 - Handcuffing and Restraints**

### **Purpose and Scope**

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

### **Policy**

The Siskiyou County Probation Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy (Policy 505) and department training. Restraint devices shall not be used to threaten, to punish, to display authority or as a show of force.

### **Citizens Arrests**

Nothing in this Section shall prohibit any off-duty officer from exercising their right to affect a Citizen's Arrest pursuant to Section 837 of the California Penal Code. Any such arrest opens the off-duty officer up to the civil responsibilities and liabilities outlined in Section 847 of the California Penal Code.

### **Use of Restraints**

Only members who have successfully completed PC 832 training, as well as any other Siskiyou County Probation approved training on the use of restraint devices described in this policy are authorized to use these devices.

Officers, if carrying their Department issued firearm, shall carry their Department issued handcuffs while conducting field work.

Officers who are not armed shall carry their Department issued handcuffs while conducting field work.

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

- The circumstances or crime leading to the arrest.
- The potential safety hazards to the person deploying the handcuffs, the handcuffed person, and others.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.

- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.
- The potential for resistance by the person under arrest, or for interference by other people present.
- The availability of assistance from other Department employees and law enforcement.
- Any injury or disability the person to be handcuffed might be experiencing.

### **Restraint of Detainees**

Situations may arise where it may be reasonable to restrain an individual 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 assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

Restraint devices shall not be used as a threat or punishment. However, officers may inform non-compliant persons that restraints may be used to ensure officer safety.

### **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 and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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

### **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.

It is the policy of the Siskiyou County Probation Department that all arrestees shall be handcuffed. Any exception to this policy must be approved by a Deputy Chief, the Assistant Chief or the Chief Probation Officer.

In most situations handcuffs should be applied with the hands behind the person's back. Handcuffs shall be double locked to prevent tightening. In the event that handcuffs are

not double locked immediately due to a lack of compliance from the arrestee, the officer must articulate in their arrest report why they did not immediately double-lock the handcuffs. At the first safe opportunity, the handcuffs should then be double-locked.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual 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.

### **Use of Restraints on Non-Probationers**

Non-probationers may be handcuffed only when in the course of duty there is probable cause to affect an arrest of a non-probationer and/or officer safety indicates that it would be prudent to restrain the non-probationer. A non-probationer may also be detained using handcuffs, for the sake of officer safety, if they are obstructing an officer from carrying out their duties, whether or not they are subsequently arrested for 148 PC.

### **Application of Auxiliary Restraint Devices**

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

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

## **516 - Policy Statement on Taking Work Home:**

Until county personnel policies exist in which taking work home is allowed, no member of the Department is allowed to take home files, complete reports or any other work from their home.

The exception to working from home is answering necessary phone calls and checking/sending emails as necessary to perform the duties of a probation officer.

## **520 - Policy Statement on Filing Paperwork in Case Files:**

It is the responsibility of the officer assigned to any given case to file all miscellaneous paperwork relative to the case in the appropriate case file. “Miscellaneous paperwork,” as a general rule, refers to all paperwork located on the left side of a file, including, but not limited to, monthly report forms, progress reports, information reports, and Court ordered assignments. Clerical typically retains a file while it is going through Court and is thus responsible for making sure documents are filed and put away, and minute orders are received and put away. Once a case is assigned to an officer for supervision, then it is the officer’s responsibility to maintain the influx of paperwork related to their case. The “left side/right side” general rule is just that, a “general rule.” Certain exceptions apply, such as AFDC paperwork which is maintained in a separate folder on the left side of juvenile placement files, the paperwork of which is often dealt with by a juvenile unit clerical worker.

The Department will continue to make every effort to scan and electronically maintain as much paperwork as possible to assist officers.

If an officer finds that they are too busy to keep up with filing their own paperwork, they may ask their Supervisor for direction. This should only be done in rare instances.

## **527 Threats/Danger to Employees and Others**

### **Purpose and Scope**

Employee 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.

Employees shall utilize reasonable methods to minimize, reduce, or avoid danger to themselves or others. They are encouraged to seek assistance from other employees or outside agencies as appropriate. Employees 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.

### **Threats to the Employee**

Employees shall notify their supervisor if, as a result of employment with the Department, the employee is assaulted, attacked or threatened, or any member of the employee'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. Serious threats and assaults shall be reported to law enforcement. The employee shall cooperate with the Department to develop a long-range plan to minimize and/or eliminate the danger.

### **Threats to Others**

When any employee in the course of their duties becomes aware of a serious threat against the life, safety or property of another person, that employee shall immediately report the information to their supervisor.

When an employee 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.

In all cases where the Deputy Probation Officer assists either a juvenile or an adult client in obtaining employment or a work program, the employer shall be advised of any background information that could indicate any potential risk for violence, theft, sexual misconduct, or arson.

## 532 - Client Relationships and Prohibited Associations

### Purpose and Scope

The purpose of this policy is to establish policy and guidelines for client/staff relationships and prohibited associations. This policy applies to all Department members.

### Policy

Members of the Department are highly discouraged from any type of social contact with either adult or juvenile clients of the Department.

Any contact outside the Department or job function is usually not seen in the best interest of the Department.

A professional relationship should be maintained to enhance the rehabilitative efforts of the client/probation officer role.

Under unusual circumstances, social contact may be unavoidable. Under such circumstances, the matter should be discussed with the immediate Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer for policy clarification.

Employees of the Department shall not use any adult or juvenile under the supervision of the Department for the purposes of accomplishing any task that could be viewed as providing personal benefit to the employee, or to their immediate families.

In addition to supervised clientele, employees, outside of work, shall not have regular or continuous associations or dealings with persons whom they know to be under criminal investigation or indictment, who are on felony probation or parole, who are detainees or inmates of correctional institutions, or who have an established reputation in the community or Department for involvement in felonious or other criminal behavior.

If an employee has established an acquaintance or relationship with an individual prior to them falling into one of the above mentioned categories, the employee shall bring the matter to the attention of their immediate Supervisor, who will review the matter with Management and attempt to establish an acceptable solution to any potential conflict.

This policy does not apply where contact is unavoidable because of personal family relationships. Any other exception to this policy must be cleared by the immediate Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer.

Employees shall not knowingly trade, barter, lend, or otherwise engage in any other personal transactions with any probationer, parolee, or inmate of a correctional institution.

## Siskiyou County Probation Department – Policy Manual

Employees shall not, directly or indirectly, give to or receive from any probationer, parolee, or inmate of a correctional institution, or family member thereof, anything in the nature of a gratuity, gift, or promise of a gift.

Employees shall not take or send, either to or from, any detainee or inmate of a correctional institution, any verbal or written message, or any item, except as part of the employee's official duties.

All such correspondence shall be on Department letterhead and utilize a Department address.

Employees shall not visit detainees or inmates of correctional institutions except when conducted as part of their official duties.

This policy does not apply to visiting incarcerated family members. Any other exceptions to this policy must be cleared by the immediate Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer.

Employees shall not manage, hold for safekeeping, sell or attempt to sell, any real or personal property of any probationer, parolee, detainee, or inmate of a correctional facility when not required by State law, County ordinance, or Court order.

## 565 - Canines

### **Purpose and Scope**

The purpose of this policy is to establish policy, guidelines and procedure for the Siskiyou County Probation Canine Program.

### **Preface**

The policies and procedures contained in the Siskiyou County Probation Department's Canine Operations Manual are those of the Siskiyou County Probation Department and not any other agency, organization or trainer.

Situations may arise that are not covered in this manual and a standard of "reasonableness" will be applied when reviewing the "totality of circumstances" in these situations.

### **Policy**

It is the policy of the Siskiyou County Probation Department to authorize and utilize properly trained Canine teams in a dual purpose capacity to enhance level of law enforcement response and increase officer safety in a cost effective manner.

### **Mission**

The mission of the Siskiyou County Probation Department Canine Program is to provide practical and credible detection capability through the employment of trained officer-dog team(s) to aid in the monitoring of probation compliance, and the investigation, apprehension, and prosecution of person, probationers or wards engaged in illegal activities. The primary tasks of the canine team is to locate illegal narcotics, apprehension of suspects/protection of the handler, and locating humans and articles.

### **Program Goals and Objectives**

Provide canine support to Probation Staff in their efforts to conduct search and seizure of probationers by detecting the odor of contraband items, including but not limited to marijuana, heroin, cocaine, methamphetamine and the derivatives of those substances.

Provide canine support to Probation Staff in all divisions of the Department in their efforts to locate and possibly apprehend suspects.

Reduce the amount of Probation Staff time needed to conduct search and seizure activities.

Assist Probation Staff by searching large areas, perimeters, cluttered areas or areas that are difficult to search.

Minimize danger to Probation Staff by alerting them to areas where the canine detects the odor of illegal or contraband items prior to Probation Staff searching that area.

Deter probationers from possessing contraband.

Respond to requests from other agencies, when appropriate, to conduct searches, suspect apprehension, or work special assignments.

Enhance the public's awareness of the Probation Department's role in the legal system and the community by making public appearances and conducting canine demonstrations.

Provide assistance to probation institutions in narcotic detection, apprehension and deterrence.

## **Organization**

The Canine Team is under the supervision of the Canine Supervisor, as designated by the Chief Probation Officer.

## **Canine Team Supervisor Responsibilities**

The Canine Supervisor's duties are:

- Development and training of handlers, including the maintenance of a continuous training program.
- Ensure that canine vehicles and equipment are maintained in good working order and that all necessary repairs or replacements are made.
- Review all Canine Team reports, monthly training logs, activity, and canine care. Reports shall also be shared quarterly with the Community Corrections Partnership (CCP) so long as the Canine Program remains funded by the CCP.
- Prepare annual evaluations of canine handlers.
- Ensure monthly reports are provided to the Crime Analyst on the Canine Team activities and utilization.
- Maintain files on the Canine Teams including: training reports, search reports, demonstration reports, veterinary reports, and damage reports. All reports and documentation to be maintained by the supervisor for the working life of the canine.

## **Canine Handler Qualifications**

Potential Canine Handlers shall:

## Siskiyou County Probation Department – Policy Manual

- Have a reasonable length of service as a Deputy Probation Officer with the County of Siskiyou.
- Be physically fit and physically capable of handling a canine.
- Reside in a location which would allow a reasonable response time to work daily and when called out unexpectedly.
- Devote a minimum of five years to the program with an expectation and possibility for the lifetime of the canine(s) career.
- Be sincere in his/her interest in the canine program and should possess enthusiasm, initiative and a positive attitude toward becoming a successful, dedicated handler.
- Maintain a good practice of organization.
- Maintain a good practice of professional appearance.
- Possess the ability to speak in public.
- Exhibit pride and self-confidence while having the respect of fellow officers.
- Home and family conditions:
  - Fenced yard and appropriate location for a department provided kennel, away from public access and view.
  - Maintain their residence in a manner which does not bring discredit to the Department. Agree to inspection for suitability with reasonable prior notice.
  - Family acceptance.
  - Be armed in good standing.
  - Successfully complete all assigned training
  -
- Be willing to devote the time necessary, in addition to regularly assigned duties to perform canine specific duties including, but not limited to:
  - Call outs.
  - Canine training.
  - Canine demonstrations.
  - Routine care, grooming, medical checkups as required.

### **Canine Handler Selection**

Those interested in becoming a Canine Handler must meet the qualifications criteria and submit a letter of interest. The selection process is at the discretion of the Chief Probation Officer.

## **Canine Handler Responsibilities**

### **Responsibilities of the Canine Team**

The Canine Team operates in support of the Probation Department and local law enforcement by providing effective general and specialized law enforcement services to the community by:

- Providing assistance to law enforcement or other public organizations in any situation where the Canine Team's unique abilities can be effectively utilized.
- Enhancing the public's awareness of the Probation Department's role in the legal system and the community by making public appearances and conducting canine demonstrations.

### **Responsibilities of the Canine Handler**

The Canine Handler is responsible to perform his/her duties as required or directed by law, department rule, policy or procedure, or by order of the supervisor.

The Canine Handler's duties and responsibilities include but are not limited to the following:

- Remaining alert to and avoiding unsafe situations with the canine. Handlers should never allow their canines into an unsafe situation where person(s) or the canine could be unnecessarily injured. This includes the handler's residence, vehicle(s), or any such place where the canine may be present.
- Maintaining command and control over their assigned canine at all times.
- Never allowing any other person to purposely agitate, tease, or distract a Probation canine, except during training and with the permission of the assigned canine handler. Handlers will immediately notify their immediate supervisor of such incidents.
- Maintain required standards of proficiency for assigned canine through continual training, study, and research.
- Maintain a 24-hour a day call-out service with the approval of a supervisor.
- Prepare incident reports and any accompanying documentation.
- Prepare and update an affidavit for court testimony.
- Care for and maintain assigned canine in the handler's home at the Probation Department's expense.
- Maintain his/her service and training equipment in a clean and orderly manner, and in a manner that conforms to departmental specifications.

- Ensure that canine vehicles and all related equipment are in good working order and that necessary repairs or replacements are made.
- The procurement of equipment, food and supplies necessary for effective canine service, maintenance and training.
- The coordination of public relations appearances and demonstrations.
- Promptly preparing and submitting all reports and statistics.

## **Canine Training**

Upon selection of a new canine team, the handler will complete a handler development course, covering, but not limited to, canine handling, basic care, liability, health care and legal scope of canine use.

The canine and handler will complete a basic narcotics detection course and obtain certification as a narcotics detection team.

If the selected canine has been trained by a certified instructor in handler protection and suspect apprehension, the canine handler will also complete a basic handler course that includes obedience, canine deployment and handler protection.

## **Ongoing Training**

Training is crucial to the effectiveness of canine teams and ensures the field readiness of the handlers and their canines.

Canine teams will be regularly evaluated on their performance.

The Canine Supervisor or their designee shall approve all training.

Handlers should attend all training sessions.

Handlers shall report any injury and/or bite occurring during training to the Canine Supervisor and file appropriate reports concerning the injury.

The following ongoing detection training is recommended for all canine teams:

- Monthly - training and evaluation with detection team trainer.
- Daily - 15-20 minutes while on duty.
- As needed to correct specific problems.
- Obedience training should be done on a daily basis and also incorporated into detection training.
- Handler protection training should be conducted monthly for canine teams that have been trained in handler protection.

## **Training Records**

The canine team handler shall be responsible for completing training reports for all detection and handler protection training.

All training reports shall be submitted to the Canine Supervisor and clerk who shall maintain a training file for each canine team.

Copies of any certificates earned by the canine team as well as team evaluations shall be entered into the training file.

The handler shall be responsible for maintaining a training log for the canine team as well as an up to date Affidavit of Expertise for the canine team.

## **Use of Training Assistants (Agitators)**

Sworn peace officers or Probation Department staff who have been trained as agitators may be used as decoys or agitators during handler protection or suspect apprehension training. Proof of prior training shall be submitted to the Canine Supervisor and lodged in the Canine Officer's canine file.

Civilian employees of a company or kennel providing contracted training sessions may be used as decoys or agitators.

Probation Department staff acting as agitators will complete an agitator-training course as approved by the Canine Supervisor prior to acting as an agitator or decoy.

Any off-duty Canine Training must be approved by the Chief Probation Officer or his/her designee.

## **Possession of Narcotics for Training**

The Canine Supervisor and the Deputy Probation Officers assigned as canine handlers are authorized to possess narcotics for the purpose of narcotic detection training pursuant to Health and Safety Code section 11367.5 (b).

Narcotics for training purposes shall be obtained pursuant to Health and Safety Code section 11367.5 (a).

The canine handlers, under the direction of the Canine Supervisor, will maintain custody and control of all controlled substances pursuant to Health and Safety Code sections 11367.5 (b) and (c).

Upon acquiring training narcotics the canine handlers and Canine Supervisor will weigh and if necessary repackage the narcotics in the desired amounts and packaging. Each package will be weighed and the weight and date will be recorded in the Narcotics

## Siskiyou County Probation Department – Policy Manual

Logbook. In addition, a presumptive narcotics test will be performed on all training narcotics.

The Narcotics Logbook will be maintained and secured with the training narcotics by the canine handlers and the Canine Supervisor.

The Narcotics samples shall be inspected, weighed and tested quarterly. The results will be kept in the Narcotics Logbook.

The Narcotics Logbook shall contain the following information:

- Type of Narcotic.
- Date removed from storage locker.
- Weight of narcotic when removed from the storage locker.
- Results of a presumptive narcotics test.
- Date returned to storage locker.
- Weight of narcotic when returned to the storage locker.
- Results of a presumptive narcotics test.
- Signatures of Canine Handler and Canine Supervisor.

Narcotics not being used for training will be stored in a locked metal cabinet in a locked storage room or office under the control of the Canine Handler or the Canine Supervisor.

Only the canine handlers and the Canine Supervisor will have access to the locked metal cabinet that contains the training narcotics.

Narcotics being used regularly for training purposes will be stored and transported in a secured box in the canine vehicles or in a locked metal cabinet in the office.

Narcotics being used regularly for training purposes will be made available to the Canine Supervisor at any time for inspection.

In the event that training narcotics are spilled, the handler will attempt to have the spill witnessed by another individual. In the event of a spill the handler will attempt to photograph the spill. The handler will submit a Special Incident Report documenting the spill or loss to the Canine Supervisor. Notification of the loss will be made by the Canine Supervisor to the dispensing agency pursuant to Health and Safety code section 11367.5 (c)(3).

In the event that training narcotics are lost or stolen, the handler will immediately notify the Canine Supervisor, and, if appropriate, the appropriate law enforcement agency in order to file a police report.

Training narcotics should be replaced at least annually to ensure the efficacy of the narcotics for training purposes.

Narcotics no longer needed for training or narcotics being rotated out of training will be returned to the dispensing agency pursuant to Health and Safety Code Section 11367.5 (c) (4) or upon the request of the dispensing agency transported to a certified agency as directed.

## **Utilization of the Canine Team**

### **Operational Handling**

The narcotic detection canine team may be used under the following circumstances:

To sniff for the presence of the odor of illegal narcotics.

If certified, to protect the handler, canine, or others where the suspect poses a reasonably apparent threat of harm to the safety of the handler, canine, officers or the public.

In any situation where the canine team's unique abilities will aid in fulfilling the Probation Department's mission or ensuring community safety.

### **Restrictions**

No search of persons.

No person shall handle or train a probation canine without proper certification and / or departmental approval.

The canine handler shall not allow anyone to tease or antagonize a probation canine.

Prisoners will not be transported in the canine vehicle.

The canine will not be used in conjunction with off-duty employment.

### **General Handling**

The canine will be kept under the control of the handler in all areas to which the public has access.

The canine shall not be left unattended in a manner in which they may have contact with the public.

The canine team shall not be involved in any non-probation, non-law enforcement or other outside activities unless previously authorized by the department.

When the canine is left unattended in the canine vehicle, the canine vehicle will be secured and available temperature controls and tamper sensors will be activated as needed to maintain a safe environment for the canine.

The canine handler shall not work with the canine after the handler has consumed any alcoholic beverages.

### **Deployment of the Canine Team in the Field**

All requests for the assistance of the canine team shall be handled in accordance with department policy and procedure and by criteria established by the canine supervisor in conjunction with the canine handlers.

The Canine Supervisor shall make the final decision regarding the assignment of the canine teams to specific probation operations.

The decision to deploy the canine while in the field in a specific operation or situation will remain solely with the handler.

### **Canine Tactics**

The tactics and manner in which a Probation canine is to be utilized in an operation is determined by the handler, within the canine's ability and department policy.

If a question of tactics arises, the Canine Supervisor should be notified before proceeding further.

The handler has the final decision in deployment and type of tactics regarding the canine.

### **Requests for Canine Assistance**

The Canine Supervisor, or their designee, is responsible to approve requests from outside agencies for the assistance of the canine team.

Any Probation Department staff, Law Enforcement agency, the District Attorney's Office, or other public agency can request the assistance of the canine teams.

The requesting party should be able to provide the handler with the following information regarding the search:

- Date
- Time

- Location
- Reason

During normal working hours, the standard Field Itinerary Protocol will be followed, and the Canine Supervisor will also be notified.

The canine handler shall advise the Canine Supervisor, or designee, of search warrants, assistance to outside agencies, any after hour callouts, and unusual circumstances.

### **Search Procedures - Field**

Once the area to be sniffed is secured, the canine handler shall conduct a pre-sniff safety check of the area to be sniffed for potential hazards to the canine.

The area will be secured so that no one enters the area during the canine sniff.

If possible, the area to be sniffed by the canine should not be hand searched prior to the canine sniff being conducted.

The canine handler will, in all situations, make the final determination if the canine is to be deployed.

The canine handler will advise the case agent for the sniff of the locations where the canine detected the odor of narcotics or if the canine did not detect the odor of narcotics. Upon completion of the canine sniff, the area can be hand searched.

The canine handler will normally not be responsible for collecting evidence.

The canine handler, if needed, may assist in the securing of the area to be sniffed while the canine remains in the vehicle.

### **Search Procedures - Institutions**

Members of management, the juvenile hall superintendent, and the officer in charge may initiate requests for institutional searches.

Members of Management and Institutional Supervisors of other institutions may also make such requests.

The officer in charge shall advise the Canine Handler of the area or areas to be searched.

One or more institutional staff will be assigned to search areas where the canine detects the odor of narcotics.

Areas subject to sniff in a custodial facility include all areas where probationers, wards, or inmates potentially have access.

Areas **not** subject to canine sniff are those areas designated as belonging exclusively to an employee or employees in accordance with Government Code Section 3309.

The canine handler will advise the officer in charge of the areas where the canine has detected the odor of narcotics or if the canine does not detect the odor of narcotics.

The canine handler is not responsible for the collection of evidence.

### **Apprehension Guidelines**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or threatening to commit any serious offense and any of the following conditions exist:

There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any peace officer, any deputy probation officer or the handler.

The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of any peace officer, a deputy probation officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or threatening to commit a serious offense, mere flight from a pursuing peace officer or deputy probation officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of the canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Canine Supervisor. Absent a change in circumstances that present an imminent threat to deputy probation officers and/or any peace officer, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable. If the canine has apprehended the suspect with a secure bite, the handler should promptly command the canine to release the suspect.

## **Preparation for Deployment**

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

- The nature and seriousness of the suspected offense.
- Whether violence or weapons were used or are anticipated.
- The degree of resistance or threatened resistance, if any, the suspect has shown.
- The suspect's known or perceived age.
- The potential for injury to deputy probation officers or the public caused by the suspect if the canine is not utilized.
- Any potential danger to the public, peace officer and/or deputy probation officers at the scene if the canine is released.
- The potential for the suspect to escape or flee if the canine is not utilized.
- As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

## **Warnings and Announcements**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning.

If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard.

If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the Canine Supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the the warning was given and, if none was given, the reason or reasons why.

### **Reporting Deployments, Bites and Injuries**

Whenever a canine deployment results in a bite or causes injury to an intended suspect, the following should occur:

A supervisor shall be promptly notified and the injuries documented in a canine use report.

The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment.

The deployment and injuries should also be included in any related incident or arrest report.

When an unintended bite or injury caused by a canine, whether on- or off-duty, the following shall occur:

Shall be promptly reported to the canine coordinator.

Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, the following shall occur:

- A supervisor shall be notified
- Both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party.
- Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

## **Non-Apprehension Guidelines**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

Absent a change in circumstances that present an immediate threat to deputy probation officers, any other peace officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

Once the individual has been located, the canine should be placed in a down-stay or otherwise secured as soon as it becomes reasonably practicable.

## **Article Detection**

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

## **Narcotics Detection**

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

- The search of vehicles, buildings, bags and other articles.
- Assisting in the search for narcotics during a search warrant service.
- Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

## **Public Relations**

When scheduling allows, the canine will be available for public demonstrations upon the request of public and non-profit organizations.

The canine may be available for other public relations activities as approved by the Canine Supervisor.

All canine personnel assigned to public relations duties shall prepare themselves, their canines, and their equipment in such a manner as to present a professional image.

## **Reports and Statistics**

All canine team activities shall be documented, and those reports shall be submitted to the Canine Supervisor. The unit clerk shall maintain a record of all canine team activities and a copy of all canine reports submitted by the canine teams.

The canine team handler shall submit monthly statistics on sniffs to the Canine Supervisor on the Probation Field Services Activities Monthly Summary Report form.

The canine team handler shall maintain a record of all sniffs and training in which the canine team participates.

The canine team handler will complete and submit the following reports:

- Canine Investigative Report for all sniffs and training in which the canine team participates.
- For all narcotics sniffs conducted by the canine team. If the canine team is capable of conducting evidence searches and an evidence search is conducted a Canine Investigative Report shall be submitted.
- Canine Training Report for all training done by the canine team.
- For all training given or received in narcotics detection, obedience, or handler protection. This includes daily, weekly, and monthly training or re-certification.
- Canine Demonstration Report for all demonstrations given by the canine team.
- For all public relations activities conducted by the canine team.
- Canine Health Report for all veterinary visits by the canine team.
- For all veterinary visits by the canine team.
- Canine Damaged Property Report for any damage caused by the canine team while conducting a narcotics sniff or canine training.
- For any damage that results from a canine sniff.
- Any damage noted by the canine handler or probation staff should be brought to the attention of the owner or resident prior to leaving the scene.
- All damage should be photographed, if possible.

## Siskiyou County Probation Department – Policy Manual

- All witnesses should be included in the Canine Damaged Property Report, including pertinent identifying information, address, and telephone number.
- Provide the Canine Supervisor with a copy of the Damaged Property Report as soon as possible to be routed through the chain of command.
- Refer any claim requests to the Canine Supervisor who will coordinate the matter with County Risk Management.
- Special Incident Report for any injury incurred during a canine deployment, training or other times.
- For any situation where a person, animal, or canine team member is injured in the course of the canine team's operations.
- Any first aid administered and emergency medical assistance should be documented in the Special Incident Report.
- If first aid or emergency medical services are refused by the injured party, the refusal should be noted in the Special Incident Report. If possible, obtain the signature of the party refusing treatment.
- If possible the injury should be photographed.
- All witnesses should be included in the Special Incident Report with pertinent identifying information, address, telephone number, and statement as to what occurred.
- The Canine Supervisor should be immediately notified of the injury. If the Canine Supervisor is not available a Special Supervision Division Supervising Probation Officer or the Division Director should be notified.
- Refer any claim requests to the Canine Supervisor who will coordinate the matter with County Risk Management.

### **Equipment**

#### **Food**

Food, vitamins, supplements, and/or other nutritional needs will be provided at department expense. The handler will either purchase food and nutritional supplies and the cost will be reimbursed to the handler or the Probation Department will directly purchase food and nutritional supplies.

#### **Equipment**

Canine team equipment needs will be provided at Probation Department expense with supervisor approval.

## **Donations**

Donations to the Probation Department Canine Unit will be handled in accordance with County of Siskiyou policy.

## **Responsibilities**

The canine handler is responsible for the care and condition of all equipment issued to the canine team. The handler is responsible for the care and control of the canine.

Equipment is to be inspected regularly and kept in good working condition. The handler is responsible to notify the Canine Supervisor of any equipment that needs to be repaired or replaced.

The Canine Supervisor shall inspect all equipment to ensure that it is in working order and to maintain an inventory of issued equipment.

## **Vehicle**

The canine vehicle will be equipped as follows: 1.

- Air conditioning.
- K9 decals affixed to the exterior of the vehicle.
- A temperature alarm and thermostat will be mounted in the vehicle allowing the interior temperature to be monitored by the handler via portable control device.
- All emergency lighting/equipment as required by law.

A properly equipped vehicle will be assigned to the handler, and shall be used by him/her as follows:

- Only in the performance of his/her duties or other Probation related functions such as training, public relations programs, transportation to the veterinarian, obtaining canine supplies, court appearances and 24-hour-call-outs.
- The handler shall be responsible for the proper maintenance of his/her vehicle at the Department's expense.
- The handler is also responsible for keeping his/her assigned vehicle clean and monitoring the vehicle's fluid levels and tire pressure.
- The vehicle may be stored at the handler's residence during off-duty hours. It will be locked and parked in a secure area.
- All other regulations pertaining to departmental vehicles shall apply to vehicles assigned to the handler.

## **Canine Care**

### **Licensing**

The canine is the property of the County of Siskiyou Probation Department and will be licensed to the County of Siskiyou per procedure set forth by the Siskiyou County Animal shelter.

### **Daily Care and Feeding**

The canine handler shall be responsible for the daily care of the canine to include, but not be limited to, feeding the canine and maintaining the kennel in a clean and sanitary condition.

The canine handler shall be compensated according to the Siskiyou County Probation & Juvenile Peace Officers' Association MOU.

### **Kenneling**

#### **Home Kenneling**

The canine shall be kept at the home of the handler in a departmentally approved kennel.

The kennel shall be kept in a clean, sanitary, and safe condition at all times.

The canine shall be kept under the control of the handler while off-duty.

Generally, the canine must be kenneled while not in the presence of the handler and may not be allowed to roam at will. Exceptions may be made at the discretion of the handler.

The canine may be allowed to "socialize" within the family home.

If the handler is to be away from home less than 24 hours and the canine remains home, the handler may designate an appropriate individual to provide routine care of the canine. The Canine Supervisor should approve the caretaker and the care that will be provided while the handler is away. The caretaker will be provided with the appropriate phone numbers to use in case of emergencies or to contact the Canine Supervisor. Any care beyond 24 hours of routine care needed by the canine should be handled and/or approved by the Canine Supervisor or designee.

#### **Out of Home Kenneling**

The kennel must be approved by the Canine Supervisor.

The Probation Department will pay kenneling costs during Canine Handler out of town training.

The Canine Handler will pay kenneling costs during personal time away from work.

## **Unattended Canine**

Generally, probation canines will not be left unattended. When not under the immediate control of the handler, the canine is to be secured in a departmentally approved enclosure.

If it becomes necessary to leave the canine unattended outside of vehicle for a short period of time, the handler must do the following:

If the canine must be secured outside, ensure that the canine has sufficient shade, especially during warm weather.

Ensure that the canine cannot injure itself or others.

Ensure that the canine has water.

Check on the canine at least every 30 minutes.

If the canine is secured in a room or office, notice must be posted that the canine is in the room.

## **Injuries**

### **Injuries to the Canine:**

- If the canine becomes sick or injured, the handler will provide first aid and seek veterinary care as needed for the canine.
- The handler will notify the Canine Supervisor of the illness or injury, the treatment being done, and, if the canine is unfit for duty, when the canine will be able to return to duty. The handler will keep the Canine Supervisor apprised of the condition of the canine.
- The handler will complete a Special Incident Report, as needed, for injuries to the canine.
- The Probation Department will request any person who intentionally assaults or injures a canine be prosecuted under Section 600 of the California Penal Code and to seek reimbursement for the cost of treatment or replacement of the canine.

### **Injuries to Handler:**

- All probation officers shall consider the following course of action in the event that the handler is injured and unable to command his/her canine. If the handler is incapacitated, his/her canine in all probability will stand guard and prevent anyone from approaching.
- Do not rush to the handler or canine.

## Siskiyou County Probation Department – Policy Manual

- Call to the handler. If he/she can, he/she will give the necessary command to the canine.
- If the handler does not respond, see if another agency's canine handler is available to assist
- If no other handler is available, position the canine vehicle near the canine with all windows rolled up and either rear door open. Use an authoritative voice, call the canine by name and command to "load up" (get in car). Secure the canine in the vehicle.
- Request the assistance of another probation officer and/or police officer immediately.
- Notify the Canine Supervisor immediately.
- After the canine is secured, the Canine Supervisor and/or partner Probation Officer will transport the dog to the designated person who will assume control of the canine.
- In the event the canine is also injured, contact the veterinarian and advise him/her of the emergency. Request the assistance of another probation officer and/or peace officer to transport the canine to the veterinarian. Veterinarian information will be posted on the visor of the canine vehicle.

Non-handlers should only command the canine in emergency situations when the handler is not present, and only if proper commands are known.

The canine and handler train and work together. The canine's attitude and demeanor will change if the handler is hurt or in danger.

### **Veterinary Services**

The canine handler will obtain veterinary services from a veterinarian approved of and contracted by the Probation Department to provide veterinary services. The Probation Department will pay all veterinary costs.

In the case of injury due to gross negligence, canine handler may be subject to disciplinary action and responsible for associated expenses.

The canine handler is responsible for obtaining both preventative care and treatment of any illness or injury to the canine from an appropriate veterinarian.

The canine handler will be responsible to provide transportation of the canine to the veterinarian for treatment or preventative care.

The canine handler may obtain emergency medical care for the canine at the nearest emergency animal clinic or hospital. The canine handler shall notify the Canine

Supervisor as soon, as is practical of the need for emergency medical treatment for the canine.

The canine handler should email the Canine Supervisor and each time the canine is taken to the veterinarian so the Supervisor can approve any related costs.

### **Retirement of Canine**

The determination of the suitability for continued service of a Probation canine shall be made by the Canine Supervisor with input from the canine handler and veterinarian. Some factors to be considered will be:

- The present performance level of the canine.
- The canine's health.
- The length of time the canine can be expected to remain in service.
- Other factors not enumerated here may need to be considered in the decision to retire a Probation canine.
- Canine retirement procedure:

When a Probation canine is retired from service, the currently assigned canine handler will be given the opportunity to assume ownership of the canine if approved by the Board of Supervisors. If the present handler does not desire to assume ownership of the canine the previous handler, if there was a previous handler, will be given an opportunity to assume ownership. If there is no previous handler or the previous handler does not desire to assume ownership every effort will be made to find a suitable home for the retiring canine.

The transfer of ownership of the canine does not include equipment other than the kennel that was installed at the handler's residence by the Probation Department.

Upon assuming ownership of the canine, the new owner will sign a waiver of liability with the Probation Department and the County of Siskiyou stating that the canine is now the sole responsibility of the new owner and that the new owner assumes all liability for the canine from that point forward.

The Probation Department and County of Siskiyou will have no responsibility for the care and maintenance of the canine once ownership has been transferred from the Probation Department.

## **566 - Canine-Departmental Relations**

### **Purpose and Scope**

The purpose of this policy is to establish policy and guidelines for the Siskiyou County Probation Department Canine Team and staff relations.

### **Policy**

It is the policy of the Siskiyou County Probation Department to authorize and utilize properly trained Canine teams in a dual purpose capacity to enhance level of law enforcement response and increase officer safety in a cost effective manner. As such, the preservation of the canine is paramount, and policy is necessary to ensure proper canine and staff relations.

### **Preface**

The policies and procedures contained in the Siskiyou County Probation Department Canine Relations policy are those of the Siskiyou County Probation Department and not any other agency, organization or trainer.

Situations may arise that are not covered in this policy and a standard of "reasonableness" will be applied when reviewing the "totality of circumstances" in these situations.

### **Mission**

The mission of the Siskiyou County Probation Department Canine Program is to provide practical and credible detection capability through the employment of trained officer-dog team(s) to aid in the monitoring of probation compliance, and the investigation, apprehension, and prosecution of person, probationers or wards engaged in illegal activities. The primary task of the canine team is to locate illegal narcotics, apprehension of suspects/protection of the handler, and locating humans and articles.

### **Canine Contact**

Due to the special relationship that is inherent in a canine team, the specialized training, and unique work environment that canine teams operate in, Siskiyou County Probation Department canine handlers have a very important responsibility for the care, training, and proper deployment of their canine partners. In most cases, it is only the Probation Department canine handler who can and must control the actions of their canines.

The handler is responsible to perform his/her duties as required or directed by law, department rule, policy or procedure, or by order of the Chief Probation Officer.

It is a violation of policy for any person to purposely agitate, tease, or distract a Probation Department Canine, without the permission of the assigned canine handler.

Only the assigned Probation Department canine handler shall attempt to command their canine, with the exception of canine staff for training purposes.

The canine shall not be fed by anyone other than the handler or caregiver in absence of the handler.

Aggressive moves toward the handler should not be made as the natural instinct of the canine may perceive such actions as aggressive and cause the canine to act in a manner to protect the handler.

Do not step between canine handler and Probation Department Canine.

Safety and control of the canine are priority responsibilities for the handler.

### **Handler Injury**

All probation officers shall consider the following course of action in the event that the handler is injured and unable to command his/her canine. If the handler is incapacitated, his/her canine in all probability will stand guard and prevent anyone from approaching:

Do not rush to the handler or canine.

Call to the handler. If he/she can, he/she will give necessary command to the canine.

If the handler does not respond, see if another agency's canine handler is available to assist, if not, position the canine vehicle near the canine will all windows up and either rear door open. Using as authoritative voice, call the canine by name and command to "LOAD" (get in car). Secure the canine in the vehicle.

Request the assistance of another probation officer and/or police officer immediately.

Notify the Canine Supervisor immediately.

After the canine is secured, the Canine Supervisor and/or Probation Officer will transport the dog to the designated person who will assume control of the canine.

In the event the canine is also injured, contact the veterinarian and advise him/ her of the emergency. Request the assistance of another Probation Officer and/ or peace officer to transport the canine to the veterinarian. Veterinarian clinic information will be posted on the visor of the Canine vehicle.

Non-handlers should only command the canine in emergency situations when the handler is not present, and only if proper commands are known.

## Siskiyou County Probation Department – Policy Manual

The canine and handler train together and work together. The canine's attitude and demeanor will change if the handler is hurt or in danger.

## 603 - Motor Vehicles

### Purpose and Scope

The purpose of this policy is to establish Department guidelines for the use, maintenance of county vehicles in accordance to County Policy.

### Policy

The Department maintains a fleet of automobiles that are normally assigned to a particular officer. Employees who need to use another vehicle not assigned to them should make every effort to notify the officer assigned to that vehicle prior to using it. If the vehicle's assigned officer is unavailable or on vacation, approval should be sought from a Deputy Chief, the Assistant Chief, or the Chief Probation Officer except in the case of an emergency.

Vehicles shall be driven in a lawful and reasonable manner. Vehicles should not be driven in excess of the speed limit, except in the case of an emergency. The use of seatbelts is mandatory while operating County vehicles as per state law

Smoking in County vehicles is prohibited (County Policy 2.6).

Any damage or malfunction of a vehicle shall be immediately reported to the Administration of the Department. An accident form provided by the County shall be used in all accident incidents. It is the responsibility of the officer assigned to a vehicle to ensure that said form is in the vehicle at all times.

County vehicles are not to be utilized for personal transportation, or for conducting personal business. There are, however, exceptions to this policy, such as when an employee is out in the field during the lunch hour it is acceptable to stop somewhere in order to purchase lunch, or cashing a County Per Diem check at the bank, or if an employee is on placement visits or at overnight training, meal stops and personal transportation after hours are obviously allowable. Other exceptions may be made from time to time with the approval of a Deputy Chief, the Assistant Chief, or the Chief Probation Officer.

County vehicles shall not be taken home overnight without the prior approval of a Deputy Chief, the Assistant Chief, or the Chief Probation Officer. This policy does not apply to the Chief Probation Officer. The Chief Probation Officer has the discretion to allow other members of his/her Command Staff take home County vehicles if appropriate.

Keys to County vehicles shall not be taken home.

## Siskiyou County Probation Department – Policy Manual

Gasoline should be purchased at the County yard if at all possible. Each car has a key which is used to operate the pumps at the County yard. Each car also has a Voyager card for use during out-of-county travel. The procedures for charging the gas are as follows:

At the County yard, gas should be charged to the appropriate cost center for the type of work being performed by the officer driving the vehicle, despite the vehicles normal assignment.

When using the Voyager card, the gas must be charged to the cost center actually assigned to the card, which is tied directly to the car. The officer or employee must then write the appropriate cost center for the type of work being performed on the receipt so that the Fiscal Department can disperse the actual charges accordingly.

The cost centers are as follows

032 - Charlie's Place

033 - Probation

If the employee is using a vehicle in conjunction with a grant assignment, the employee shall write on the receipt which grant the gasoline should be charged to (JJCPA, JPF, etc.) so that the gasoline can be charged appropriately.

All departmental vehicles shall be serviced at the County yard. It is each deputy's responsibility to ensure that the vehicle assigned to them is serviced in accordance with the mileage labels attached to the windshield.

All vehicles should be kept as clean as possible, both interior and exterior, at all times. The person operating the vehicle will be responsible for picking up any litter and debris immediately after using the car. In times where the Department's budget is not in a position to contract with a local car wash, every effort will be made to utilize community service workers to wash Department vehicles. Those employees failing to keep these vehicles serviced and clean may lose the privilege of operating them.

An employee shall not alter, add to, or modify a County vehicle without the express prior permission of the Chief Probation Officer. This includes, among other things, the installation of radios, CB radios, or tape decks.

All County vehicles shall be locked when not in use. The last person driving the vehicle will be held responsible for the vehicle being locked. Extra keys should be kept in the designated vehicle key box. Extra keys should not be kept in an office without prior approval from a Deputy Chief, the Assistant Chief, or the Chief Probation Officer.

County vehicles will not be used to tow or push other vehicles unless authorized by a Deputy Chief, the Assistant Chief, or the Chief Probation Officer, except in the case of

an emergency. The pushing of a County vehicle by another vehicle is equally discouraged, except in emergency situations.

Should a County vehicle become disabled, a Deputy Chief, Assistant Chief, or Chief Probation Officer should be contacted immediately. If none of the above can be contacted, then the County yard should be notified of the location and disability of the vehicle. The County yard will then make arrangements to retrieve or repair the vehicle.

Only employees, employees of adjunct agencies, and clients shall be transported in a County vehicle. In some cases, parents of juveniles might also need to be transported. Employees are not to transport members of their immediate family in a County vehicle at any time. The only exception to this policy is true emergency situations. Any other exception to this policy must be cleared, prior to any transportation, by a Deputy Chief, the Assistant Chief, or the Chief Probation Officer. Any potential occupant that does not meet this criteria must have specific County Administrator approval prior to transport and a release of liability must be signed and forwarded to that office.

County vehicles shall not be taken out of the County or State without prior approval from a Deputy Chief, the Assistant Chief Probation Officer, or the Chief Probation Officer.

All accidents in a County vehicle, major or minor, as well as all citations, shall be reported to the Chief Probation Officer as soon as possible. Any damage to a County vehicle, to any extent, will also be reported. An employee involved in an accident shall not discuss the accident with anybody other than the appropriate law enforcement investigator and the Chief Probation Officer, or another member of the Management team in their absence.

Any County vehicle stopped by law enforcement shall be reported to the Chief Probation Officer, or another member of Management in their absence, as soon as possible, but no later than twenty-four (24) hours after having been stopped.

Each year the County offers the choice of having studded tires mounted on County vehicles. Officers who drive their vehicles frequently on potentially treacherous roads are encouraged to have studded tires installed. Vehicles which rarely leave the immediate area are discouraged from having studded tires installed as it creates a burden on the County Yard to place them on vehicles rarely or minimally used. Studded tires are required by law to be removed by April 1st of each year.

## **615 - Policy Statement on Media and Public Relations:**

The Chief Probation Officer, or their designee, are designated as the official spokesperson(s) for the Department, and will represent the Department on the following matters:

- Department policy and procedure.
- Official Department positions on issues and internal investigations.
- Disciplinary actions.
- Any past, current, or pending legal actions regarding the Department.
- All Personnel matters.
- Other matters as determined.

All contact with the press (print media, radio, television, or newspapers), other agencies, associations or groups regarding matters of Department policy or procedure shall be made by the Spokesperson(s) of the Department.

No employee of this Department will furnish information to the press about the functions of the Department, its procedures, or the particulars of any case being handled in any fashion by the Department.

Non case-specific, legal questions, such as whether a certain charge constitutes a strike, or which charges mandate that an offender serve 85% of their time, may be answered.

All press contacts, public appearances, etc., at which an employee is not representing themselves as a private citizen, but rather as an employee of the Department, will be reviewed for approval by the Chief Probation Officer prior to the release of any data, or before making any public appearance. All persons requesting such information or assistance are to be referred to the Chief Probation Officer, or their designee.

Any adverse or potentially scandalous comments directed towards the Department by any person shall be immediately reported to the Chief Probation Officer.

Finally, it should be noted that when in public every member of the department represents the Siskiyou County Probation Department and should always do so professionally and appropriately.

## 606 - Cellular/Smart Phones

### Purpose and Scope

The purpose of this policy is to establish policy and guidelines for the use of Departmental issues cellular/smart phones. This policy applies to all Department members who are issued a cellular/smart phone.

### Policy

Each Deputy Probation Officer and clinical staff will be issued a cellularphone. These phones are for work-related use only, except in the case of an emergency and the following:

Phones may be utilized for personal calls to their family when an officer is on overnight travel or training, or when an officer has to work late in the field.

These calls must be a reasonable length of time and shall not exceed the data or minutes on the phone.

Any violation(s) of this policy may result in the loss of cellular phone use, reimbursement for costs, or other disciplinary action as deemed appropriate by Management.

Deputy Probation Officers issued smart phones will follow all county and IT policies associated with the use of electronic devices. Any employee exceeding the data limit on their phone may be responsible for the cost of the overage, if it is found that the overage could have been avoided.

If cellular phones are lost or damaged, the employee will be responsible for reporting the loss or damage to their supervisor immediately. Failure to report the loss or damage will result in discipline.

Supervisors will be responsible for ensuring that IT is contacted as well as the cell phone provider to lock the phone to protect any confidential data on the phone.

If the cellular phone is lost or damaged due to employee negligence, the employee will be responsible for the cost of replacing the phone. Negligence is defined as failure to exercise the care that a reasonably prudent person would exercise in like circumstances.

## **700 - Policy Statement on County Property, Equipment, and Supplies:**

In general, all Department issued equipment and supplies are the property of the County. Equipment such as badges, identification cards, pepper spray, keys, etc., will be issued to each Deputy Probation Officer. Communal or shared property, such as breathalyzers, digital cameras, laptop computers, etc., shall be kept in the office of a Supervisor, the Assistant Chief, or Chief Probation Officer, unless arrangements are made to allow certain equipment, such as police radios, to be stationed in a deputy's office.

All equipment and supplies remains the property of the Department, and may be utilized only for official business. The use of equipment shall be consistent with the necessary responsibilities and functions relative to the job. Under no circumstances will any equipment, supplies, or other County owned property be utilized for personal reasons by any member of the Department, without prior approval, unless otherwise authorized in this policy manual (i.e. cell phone when out of town at overnight training, firearm for practicing off-hours, etc.).

The Department accepts no responsibility or liability for personal equipment used by the employee for job-related needs.

If an employee is in need of any type of equipment or supplies, they should first discuss the matter with their immediate Supervisor. If the request seems appropriate, the immediate Supervisor shall then forward the request to the Fiscal Department. The fiscal unit employee assigned to order supplies will then make sure that there is money in the appropriate budget category to purchase said equipment or supplies. The Chief Probation Officer will have final approval of all such purchases.

## **715 - Policy Statement on Radio Communications:**

Each County vehicle is equipped with a two-way police radio. There are also hand-held (HT) units available for officers to carry in the field. This radio communication is normally on the frequency of the Siskiyou County Sheriff's Office, although many local police department frequencies are also available. Training will be provided to new employees on the use of said equipment. Use of these radios should be kept to a minimum to avoid interfering with the function of law enforcement agencies. The Sheriff's Department dispatches for probation. Only appropriate radio language is permitted. Except in rare and extreme circumstances, do not use the radio while it is in use by other departments.

When alone and transporting a member of the opposite sex, officer's must call in their beginning and ending mileage. Officers are highly encouraged to call in mileage to dispatch on the police radio. In lieu of using the radio, it is also acceptable to call the mileage in directly to the probation department on a cellular phone.

## **725 - Policy Statement on Identification Cards and Badges:**

Each Deputy Probation Officer, Supervisor, Assistant Chief, and Chief Probation Officer will be issued a wallet badge upon successful completion of PC 832. Most officers will also be issued a belt badge for use in the field. The badge(s) are the property of the Siskiyou County Probation Department and shall be returned to the Department upon termination of employment.

If any badge is lost or stolen, it shall be immediately reported to the immediate Supervisor, the Assistant Chief, or the Chief Probation Officer. A written report regarding the circumstances of the loss shall be submitted to the local law enforcement agency in the area that the badge was believed to have been lost or stolen. Replacement of the lost or stolen badge will be the responsibility of the officer.

Wallet badges must be carried with the Department ID card in the case.

Badge and ID cards provide authentication of the officer's authority as a Probation Officer. The badge will be provided whenever an officer is identifying themselves as a Peace Officer.

As a general rule, badges should be covered while outside of the office unless the situation warrants ready identification as a Peace Officer. (See PO-910 - Firearms Policy for specifics regarding belt badges for armed personnel).

Badges will be for official use only. Any unauthorized use may result in discipline. Official use means the badge will be used only for work related activities. It should never be used to identify staff as a Peace Officer for any personal reason.

## **795 - Policy Statement on Return of Department-Issued Equipment:**

All Department-issued equipment will be returned at a time designated by the Chief Probation Officer whenever an employee terminates employment with the Department.

If Department-issued equipment has been lost or damaged, arrangements will be made during the separation process to reimburse the County for said equipment.

The Chief Probation Officer, or their designee, reserves the right to have any employee return equipment at their discretion, at any time, if it has been determined that the equipment has been abused, misused, neglected, or it is otherwise determined that the employee no longer needs to be issued said equipment.

## 810 - Policy Statement on Travel

Whenever an employee is granted permission to travel where it involves a hotel, registration fees, and/or per diem, a Request for Travel Authorization must be filled out in order to be processed in time for registration to be paid, reservations to be made, and per diem checks issued by the County when applicable.

All probation staff, as well as all full-time juvenile hall staff who have successfully completed their probationary period, are issued County credit cards. The County discourages per diem being paid up-front for those employees who have been issued a credit card (See County Travel Policy, Section V). Therefore, the standard procedure for purchasing meals while traveling if you have been issued a County credit card is as follows:

You can use your County credit card for all meals while traveling. Receipts for meals must be turned in with the Business Travel Expense Record upon your return to the Department, and the rate for any applicable meals on any given day cannot be exceeded. Otherwise, the employee will be responsible for reimbursing the County any excess for each day limits are exceeded.

You can use cash or your personal credit card for all meals while traveling, and then request per diem reimbursement for applicable meals on the Business Travel Expense Record upon your return to the Department at the rates reflected in Section IV below. Receipts are not necessary.

All juvenile hall staff who have not been issued a County credit card shall request per diem prior to traveling if the amount requested is in excess of \$50.00

For those employees who do not have County credit cards, the Request for Travel Authorization form must be accompanied by a Travel Advance Form to request per diem if the per diem request is in excess of \$50.00. These forms should be filled out and delivered to the Fiscal Department, preferably at least two weeks prior to travel, although always as early as possible.

In times where the County requires either CAO or Board approval to travel, a Request for Travel Authorization (RTA) must be prepared with all pertinent travel plans, accompanied by an agenda or other statement or statement by the Department Head indicating the benefit to the Department or County, prior to any travel which will require lodging, per diem in excess of \$50.00 for those employees without a credit card, or prepaid registration fees. For those who do not have a credit card, this form must be accompanied by a Travel Advance Form to request per diem if the per diem request is in excess of \$50.00. These forms should be filled out and delivered to the Fiscal Department, preferably at least two weeks prior to travel, although always as early as possible.

## Siskiyou County Probation Department – Policy Manual

Per diem is paid by the County for out-of-county travel at the following rates, and pursuant to the following times:

A. Breakfast	Department before 6:00 a.m.	\$9.00
B. Lunch	Department before 11:00 a.m.	\$10.00
C. Dinner	Return after 6:00 p.m.	\$20.00

If meals are provided at a training or conference, and the employee eats said meal, then the employee shall not also put in for per diem. If the meal is not a mandatory part of the training, the employee can leave the training or conference and eat on their own, which would then be subject to a per diem request. If the employee is staying at a hotel where breakfast is included, the employee may eat the supplied breakfast and thereby not put in for breakfast per diem. However, hotel “continental breakfasts” are frequently inadequate, and hence it is acceptable to eat breakfast on one’s own.

If an employee is traveling or going to a training which requires overnight lodging, it is the employee’s responsibility to make hotel reservations on their Cal-Card. It is equally the employee’s responsibility to cancel the reservations if travel plans change. Any costs incurred due to negligence on the employee’s part shall be charged to the employee.

Receipts from use of the Cal-Card must be turned in to the Fiscal Department, accompanied by the Business Travel Expense Record, within ten (10) days after return.

Receipts must be provided for the following:

- All lodging expenses paid at actual cost
- Parking in excess of \$5.00 per day
- Registration Fees (if not prepaid)
- Work-related telephone calls in excess of \$2.50 per trip (unless call is made on Department cellular phone)
- Personal calls to an employee’s home up to \$4.00 per day (unless call is made on Department cellular phone)
- Fax charges for County-related business in excess of \$2.50 per trip
- Taxi/bus fare in excess of \$5.00 per event
- Air Travel (use ticket stub or electronic itinerary)
- Other common carrier (use ticket stub)
- Commuter bus fare (i.e. airport shuttle)
- Captive meals

## Siskiyou County Probation Department – Policy Manual

- Valet parking
- Bridge tolls

Non-reimbursable personal expenses:

- Gratuities
- Personal telephone calls over \$4.00
- Alcoholic beverages
- Entertainment (including related transportation costs)
- Violations of legal requirements
- Cleaning
- Fines
- Bails
- In-room movies
- Laundering
- Barbering

The County Travel Expense Policy for County Officers and Employees was revised on 8/10/10. The policies listed above do not cover all of the policies contained in the County Policy, but rather highlight the applicable to our Department. Each employee should be familiar with the entire County Policy, which can be found on the County Intranet under Administrative Policies. A hard copy will also be found in each Policy Manual binder within the Department.

Car rental

## **806 - On the Job Injuries and Worker's Compensation**

### **Purpose and Scope**

The purpose of this policy is to establish policy and procedure for handling on the job injuries.

### **Policy**

In the case of an emergency which requires immediate medical attention, 911 emergency assistance shall be called, and the employee shall be taken to the nearest hospital or emergency facility.

If the employee requires medical treatment, but does not require emergency transportation, the Supervisor, or the Assistant Chief Probation Officer or Chief Probation Office in their absence, shall identify a staff member to transport the employee to an appropriate medical facility.

### **Employee Responsibility**

When a job-related injury occurs, the Employee's responsibility is as follows:

They must report it to their Supervisor immediately. In the absence of their Supervisor, they will report it to another Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer. If unable to do so immediately, it must be reported within twenty-four (24) hours, or no later than the next County business day.

The Supervisor and the employee will determine whether the injury requires medical treatment. If it is unnecessary, the Supervisor and the employee will sign a statement to that effect.

The employee shall be given an "Employee's Claim for Worker's Compensation Benefits" form within twenty-four (24) hours of the employee's request, or within one working day of the Supervisor or Manager's knowledge of the injury.

### **Supervisor Responsibility**

When a job-related injury occurs, the Supervisor's responsibility is as follows:

Upon being advised of an employee injury, the Supervisor shall fill out the "Date of Knowledge of Injury" and "Date Claim Form Was Provided to Employee" sections of the form and give the form to the employee. The Supervisor will make a copy and retain it.

The Supervisor will make sure the employee fills out the top part of the form with the injury information and the date the form was returned to the County Department.

If the form is not filled out immediately, the Supervisor must give the employee a deadline to return it, which cannot exceed twenty-four (24) hours. Upon receipt of the “Employee’s Claim for Worker’s Compensation Benefits” form, plus the normal injury report form, the Supervisor will date stamp said forms, and complete the remaining information in the employer’s section at the bottom. The forms must be date stamped on the date they were received. A copy shall be given to the employee. If unable to do this immediately, the Supervisor will give the employee a “temporary” copy of the uncompleted form.

## **Department Responsibility**

When a job-related injury occurs, the Department’s responsibility is as follows:

Upon being advised of an employee injury, the Chief Probation Officer, or their designee, shall complete the “Employer’s Report of Occupational Injury or Illness” form and submit it to the CAO’s office immediately. This is done regardless of whether the claim appears to be valid. The form must be signed by the Department Head or their designee.

If the employee received medical treatment and/or the loss of any work time, the employee must present a physician’s release to return to work. The Chief Probation Officer, or their designee, will notify by phone, email, or memo, the CAO’s office when the employee returns to work. A copy of the physician’s release must go to the CAO’s office on the day the employee returns to work.

If a claim is not personally given to the injured employee in person because the employee is not available, the form must be sent to the injured employee’s address of record by certified mail, return receipt requested.

Lost time will be charged to sick leave until the CAO’s office notifies the Department and the Auditor that a combination of Worker’s Compensation and sick leave (or other paid leave) is to be used.

### **815 - Policy Statement on Out-Of-County/State Travel:**

No county vehicle may be taken out of the county or state without the prior approval of the Chief Probation Officer, Assistant Chief Probation Officer, Deputy Chief Probation Officer or Supervising Probation Officer.

## 820 - Staff in Need of Mental Health Assistance

### Purpose and Scope

The purpose of this policy is to establish policy and guidelines to address staff in need of mental health assistance.

### Policy

When a staff member appears in need of assistance with their own mental health issues, use the following guidelines:

If the condition is acute (suicidal, violent, etc.), and the employee is an imminent threat of risk to the health or safety of themselves or others, immediately call 911.

If the condition is serious but not necessarily acute, call the Siskiyou County Behavioral Health Department and have the Crisis Worker evaluate the employee. NOTE: Do not accept a telephonic assessment.

If the employee's condition is not acute and he/she is already under the care of a provider for Mental Health Services, help that person make arrangements for service even if it means transporting the staff to the service provider.

In the event that a referral of a staff member is made to either the Behavioral Health Crisis Team, or the Employee's Assistance Program, by anybody other than the Chief Probation Officer, Administration should be notified as soon as possible via the chain-of-command.

It is up to the Supervisor, the Assistant Chief Probation Officer, or the Chief Probation Officer dealing with the employee to ensure them that confidentiality will be assured.

### Employee Assistance Program

Supervisors and Managers should refer staff to the Employee Assistance Program when it appears that an employee is in need of assistance. The types of issues that the Employee Assistance Program can address include, but are not limited to, the following:

- Marital and/or family problems
- Alcohol abuse
- Drug dependency
- Credit concerns
- Stress issues
- Emotional problems

## Siskiyou County Probation Department – Policy Manual

- Illness/Death of a loved one

## **828 - Work Assignments and Transfer Requests**

### **Purpose and Scope**

The purpose of this policy is to establish guidelines for work assignments and transfer requests.

### **Policy**

Work assignments are made to meet the needs of the Department and are subject to the approval of the Chief Probation Officer or their designee. Assignment and Reassignment decisions will be made by the Management Team, who will consider the following, and make a decision which is in the best interest of the Department:

- Workload trends
- Existing vacancies
- Current dynamics in the Department
- An employee's skills or special abilities
- Physical abilities or limitations
- An employee's development and cross-training
- Departmental seniority
- An employee's time in their current assignment

### **Transfer Requests**

In most cases, employees will be required to remain in a position for a minimum of two years before a transfer request will be considered. There may be occasions when exceptions are made to this general standard, based on Departmental need or an individual's personal situation.

Employees who are interested in other assignments, or who are interested in being moved from their current assignment, must submit said request in writing to their immediate supervisor, who will then follow the chain-of-command through 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. In a small department one reassignment tends to mean at least one other reassignment, and hence final decisions will be made according to what is in the best interest of the Department.

## Siskiyou County Probation Department – Policy Manual

The Chief Probation Officer, or their designee, retains the right to reassign any employee, at any time, whether or not they have submitted a transfer request, if the situation warrants such a move. Reassignments are not subject to any formal appeal.

## 842 - Personal Appearance Standards

### General Policy

It is the policy of the Siskiyou County Probation Department that each employees dress, grooming, and personal hygiene should be appropriate to the work situation. While various duties and functions in the Department may require some degree of flexibility in the standards of dress, the primary concern is the appropriateness of the clothing to the job function. There is an assumption that as employees of the Department and Officers of the Court, sound judgment and common sense will prevail and that the clothing worn will reflect our role in the Criminal Justice System.

Employees are expected at all times during work hours to present a professional, businesslike image to our co-workers, our clientele, as well as the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the probation department. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

The County's Personnel Policies address "Personal Appearance and Demeanor" (Section 8.3) as follows: *Discretion in style of dress and behavior is essential to the efficient operation of the County. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Employees are expected to use good judgment in choice of work clothes and remember to conduct themselves at all times in a way that best represents the County. Work clothes, including uniforms, should be clean and in good repair.* Phrases such as "appropriate business attire" and "use good judgment" are certainly open to subjective interpretation. Considering the fact that probation officers are Officers of the Court, however, certain general guidelines need to apply.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Repeated violations may warrant further discipline.

### Personal Appearance for Office and Field Work

While there is no specific office attire dress code, all personnel, sworn and non-sworn, shall wear clothing appropriate for conducting business in a professional atmosphere. Probation officers shall wear attire that quickly transitions to Court attire for unanticipated court appearances.

Considering probation officers also do field work, which can on occasion lead to uncooperative arrests, certain safety guidelines should also be followed. Specifically, an officer shall not wear open-toed shoes, nor open-back shoes. Shoes with back- straps are allowable.

## **Personal Appearance for Court**

Whenever an officer is attending Court, they should dress in appropriate Court attire. The Local Rules of the Siskiyou County Superior Court, Section 2.05, Appendix 1, addresses Courtroom decorum, including, among other etiquettes, proper and professional conduct and attire. This document can be found on the Siskiyou County Superior Court website: (Local Court Rules).

Proper Courtroom attire would include:

A coat, tie and dress shoes for men, and a dress, suit, blouse (with or without jacket), slacks, skirt and dress shoes for women. Jeans of any color shall not be worn in Court.

With the exception of the jacket, officers should adhere to this standard when conducting Informal Citation Hearings at the Department.

## **853 - Employee Speech, Expression and Social Networking**

### **Purpose and Scope**

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### **Applicability**

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

### **Policy**

A. Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this 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 employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

### **Safety**

Employees should consider carefully 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 the Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any

employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

## **Prohibited Speech, Expression And Conduct**

To meet the Department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Siskiyou County Probation or its employees.

Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Siskiyou County Probation and tends to compromise or damage the mission, function, reputation or professionalism of the Siskiyou County Probation or its employees. Examples may include:

- Statements that indicate disregard for the law or the state or U.S. Constitution.
- Expression that demonstrates support for criminal activity.
- Participating in sexually explicit photographs or videos for compensation or distribution.

Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Siskiyou County Probation.

Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.

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 Siskiyou County Probation on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer.

Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:

When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

## **Unauthorized Endorsements and Advertisements**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Siskiyou County Probation or identify themselves in any way that could be reasonably perceived as representing the Siskiyou County Probation in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206; Government Code § 3302):

- Endorse, support, oppose or contradict any political campaign or initiative.
- Endorse, support, oppose or contradict any social issue, cause or religion.
- Endorse, support or oppose any product, service, company or other commercial entity.
- Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/ her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this [department/office], the employee shall give

a specific disclaiming statement that any such speech or expression is not representative of the Siskiyou County Probation.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **Privacy Expectation**

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) 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 user name 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).

### **Training**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

### **Considerations**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief Probation Officer or authorized designee should consider include:

Whether the speech or conduct would negatively affect the efficiency of delivering public services.

Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

Whether the speech or conduct would reflect unfavorably upon the Department.

## Siskiyou County Probation Department – Policy Manual

Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

Whether similar speech or conduct has been previously authorized.

Whether the speech or conduct may be protected and outweighs any interest of the Department.

## 905 - Policy Statement on Use of Force for Field Officers:

### Purpose

The purpose of this policy is to provide field officers, or officers who find themselves in precarious field situations, with general guidelines for the reasonable use of force in the performance of their duties. Please note that there are specific policies regarding the use of force in the Corrections Center contained in the Charlie Byrd Youth Corrections Center Policies and Procedure Manual. There are also specific policies regarding armed Deputy Probation Officer's contained in Section PO-910 of this manual.

### Authority

California Penal Code Section 835a states, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, to overcome resistance, or to render mutual aid to any other law enforcement agency. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

### Definitions

**Force:** defined as the use of hands, other parts of the body, mechanical restraints, chemical devices, firearms, or other methods to restrain, subdue, or arrest a person.

**Reasonable Force:** The use of force to achieve a legitimate objective, where the type and amount of force are consistent with the situation and the objective to be achieved; and where alternatives to force are unavailable or ineffective; and where the force used is the minimum necessary to control the situation, given the facts and circumstances perceived by the officer at the time of the event, to effectively and safely bring an incident under control.

**Lethal Force:** force that has the substantial risk of causing death.

It is the policy of the Siskiyou County Probation Department that force is to be used only in the circumstances of justifiable self-protection, the protection of other persons, during the course of a lawful arrest, or during the transportation of persons in custody to maintain their compliance or prevent their escape.

Lethal force should only be used if there is an imminent threat of death or great bodily injury to an officer or another person, given the facts and circumstances perceived by the officer at the time of the event.

## Procedures and Guidelines

The use of effective verbal skills to control behavior should be used whenever and wherever possible. The ability to reason with clients in a respectful manner may avert problems and prevent escalation of a situation.

Whenever possible, a verbal command should precede any physical intervention, unless the situation is imminently life threatening, time does not allow it, or the officer's judgment of the situation indicates otherwise. Verbal commands should be clear, respectful, and delivered with appropriate tone and authority.

Before escalating to the use of force, officers should consider available alternatives and select that which employs the least amount of force necessary to accomplish the lawful objective without jeopardizing the officer's safety or the safety of others, which may include withdrawing from the situation and securing law enforcement assistance.

The following options are available to officers depending on the level of force that is reasonable and necessary to counter a perceived threat. The list is not exhaustive, and not all officers will necessarily be equipped with each option. Nothing in this section is intended to limit an officer's reasonable response to a perceived threat. The listing of these options is not to imply that they are necessarily to be used in the order listed, but rather serve as a general progression in the escalation of force:

- Withdrawal from the situation.
- Staff presence.
- Verbal communication and commands.
- Soft Defensive control tactics/Control techniques (i.e. control holds).
- Oleoresin Capsicum (OC) pepper-spray deployment.
- Hard Defensive control tactics (i.e. Takedowns, fighting).
- Mechanical restraints (i.e. handcuffs, shackles).
- Firearm
- The following are examples, but not an exhaustive list, of factors that should be considered in the application of reasonable force:
  - Relative size, strength, and skill level of the officer.
  - Relative size, strength, and history of violence of the offender.
  - If and how the offender is armed.
  - Nature of the crime committed by the offender.
  - Number of officers compared to offenders.

- Mental alertness, physical fatigue, or injury of officer.
- Offender's mental status.
- Offender's recent use of drugs or alcohol.
- Potential for injury to citizens, officers, and offenders.
- Other exigent circumstances.
- The use of force shall never be used for punishment, retaliation, or disciplinary purposes.

### **Reporting Procedure for Use of Force:**

Circumstances surrounding a routine arrest need not be reported to a Supervisor, except for the fact that an arrest was made pursuant to PO- 900. "Routine arrests" are defined as those where nothing more than verbal commands and compliant handcuffing are effected.

In any arrest where significant physical contact is made, including control holds, taking an offender to the ground, or in any case where an offender in any manner resists arrest significantly, the Deputy Probation Officer who effected the arrest shall report the incident verbally to their immediate Supervisor, or to the Assistant Chief or Chief Probation Officer in their absence.

In any arrest which includes any of the circumstances outlined in Section VI-B of this policy where an injury, of any type or severity, occurs to either the Deputy Probation Officer, the offender, or any other person affected by the situation, the Deputy Probation Officer shall, in addition to notifying the immediate Supervisor verbally, prepare an Incident Report outlining the circumstances of the arrest, and submit said report to their immediate Supervisor as soon as is reasonably possible.

In any arrest or incident where OC spray is deployed, a written Incident Report shall be submitted to the immediate Supervisor as soon as possible after the incident detailing the circumstances of the deployment.

In any arrest or incident where an armed officer draws their weapon and points it at an offender or other person, a written Incident Report shall be submitted to the immediate Supervisor as soon as possible after the incident detailing the circumstances of the situation which led to drawing and pointing the firearm. (Please see the Firearms Policy, PO-910, for further information). It is the intent to this policy to document any incident where a situation has risen to the level where the threat to use deadly force has become warranted. Incident Reports are not necessary under the following circumstances:

- When clearing a scene or house for officer safety reasons.
- When securing a scene.

## Siskiyou County Probation Department – Policy Manual

- When executing a search warrant.

As an addendum to this policy you will find the Use of Force Wheel, which is a useful tool for understanding various levels of force. Not all force options in the wheel are necessarily available. The wheel is not meant to be a policy, but rather a tool to enhance one's understanding of the need to use reasonable levels of force.

## 910 – Firearms

### General Policy

It is the intent of this policy to authorize the carrying of a firearm only for probation officers as determined and approved by the Chief Probation Officer, and with the consent of the probation officer involved.

The possession and/or use of firearms carries with it serious legal and moral responsibilities. Any probation officer granted authorization to carry a firearm will regard it as a defensive weapon to be used for the protection of life, and only when the safety of innocent persons has been given prime consideration.

It is the policy of the Siskiyou County Probation Department to resort to the discharge of a firearm only under legal authority, and then only under the following conditions:

When the officer has a reasonable belief that the use of deadly force is necessary for self-defense or to defend any other person from immediate, serious bodily harm or death.

### Public Safety

The need for the preservation of public safety compels probation officers to use extreme caution in the use of firearms. When firearms are used, the peril of injury or death to bystanders is always present.

If clear and present danger of death or serious bodily injury to another person or to the probation officer does not exist, other means, including later apprehension, will become the alternative.

**Staff Safety:** The fact that a probation officer is armed will not be the primary determinant of whether or not the officer responds to a given situation, or whether the officer should remain at the scene of a potentially dangerous situation. These decisions, along with when and under what conditions an officer should become involved in cooperative efforts with a law enforcement agency, will be based on safety and tactical judgments exclusive of the firearm. A probation officer is not expected to engage in activities that are unreasonably hazardous simply because the officer is armed with a firearm.

If a probation officer has prior knowledge of a serious threat from an individual on their caseload and an arrest and/or dangerous situation is anticipated, the appropriate law enforcement agency shall be contacted for assistance

## **Authorization**

No probation officer of the Siskiyou County Probation Department is permitted to carry any firearm on their person while on duty, or to have any firearm in the office or job location, or in their vehicle while on official business, except with the prior and specifically expressed approval of the Chief Probation Officer.

Probation officers desiring to be armed will make their request in writing. The request should include justification for the need to carry a firearm given their current job assignment. The request will be given to their immediate Supervisor for review and comments, and then forwarded through the chain of command with the recommendations and comments to the Chief Probation Officer.

There will be no “situational” arming. Officers may request authorization, and if granted, will remain armed unless authorization is removed or revoked, in accordance with the provisions in this policy.

When permission is granted by the Chief Probation Officer for an officer to be armed, the authorization will be in writing and subject to periodic review by the Supervising Probation Officer, the Assistant Chief Probation Officer, or the Chief Probation Officer.

Authorized probation officers will be required to countersign the authorization document, acknowledging that they understand and accept the authorization, and that they understand and accept the departmental policy regarding firearms and shooting.

Authorizations to carry a firearm will remain in effect until such time as said authorization is discontinued or revoked by the Chief Probation Officer.

Such authorization is subject to the following conditions:

The officer shall choose to request to be armed. The department will not order a staff member to be armed.

The probation officer shall adhere to all departmental policies and procedures regarding the carrying and use of firearms. Officers failing to comply with these regulations and limitations may be subject to disciplinary action, up to and including termination.

The probation officer shall successfully complete a psychological evaluation to determine mental fitness to carry a firearm.

The probation officer shall successfully complete all department required firearms training prior to being armed while on duty.

Any discharge of a firearm will be investigated by the department. The improper use of a firearm may result in departmental sanctions, as well as criminal and/or civil action.

## Siskiyou County Probation Department – Policy Manual

The Chief Probation Officer may, at any time, for any reason and without cause, revoke the authorization to carry a firearm. The probation officer shall be immediately informed of the revocation. A copy of the written determination shall be delivered to the employee within five (5) working days.

The authority to revoke the authorization is also delegated to the following classifications for good cause:

- Range Master
- Department Firearms Instructor
- Assistant Chief Probation Officer

If a revocation of authorization to carry a firearm has been made by a subordinate to the Chief Probation Officer, the person ordering the revocation shall immediately submit a written report to the Chief Probation Officer, via the chain of command, indicating the circumstances which led to the revocation.

A copy of the report shall be given to the officer within one (1) working day following submission of the report.

The officer may make a written request for reinstatement of authorization to carry a firearm to the Chief Probation Officer, via the chain of command, clearly stating the reasons why the authorization should be reinstated.

Those persons listed in Section PO-910-II-F may take an officer's firearm for any of the following reasons:

Failure to re-qualify in the required time frame and/or failure to achieve a minimum score.

In the case of failing to qualify in the required time frame, this is at the discretion of the Department Range Masters. Armed officers are expected to qualify quarterly pursuant Department Firearms Instructor's training schedule.

In the case of failing to achieve a minimum score, the firearm need not necessarily be taken from the officer. The officer may be allowed to keep their firearm in order to practice on or off-duty, however they shall not carry their firearm in the line of duty until such time as they do re-qualify.

Demonstrated inability to safely handle the firearm on the range, in a field situation, or in the office.

Violation(s) of the departmental firearms and/or body armor policies.

Failure to attend required classroom training and/or range course without prior permission, or complete said training/course to the satisfaction of the instructor.

Reassignment of an officer to an assignment where arming is not authorized by the Chief Probation Officer.

Medical, psychological, stress, health-related conditions, or the use of alcohol, or any medications which adversely affects the officer's motor skills, reflexes, or judgment while on duty, that, in the supervisor's opinion, could create a safety hazard.

Termination of employment and/or disciplinary action.

### **Authority to Carry and Use Firearms While on Duty**

The "peace officer" status of probation officers is established in Section

830.5 of the California Penal Code:

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

(a) A...probation officer, or deputy probation officer..." (emphasis added)

The probation officer's use of the peace officer powers is limited by the statute:

"Except as otherwise provided in this subdivision, the authority of these...probation officers shall extend only as follows:

- To enforce conditions of probation by any person in this state on parole or probation.
- To the escape of any inmate or ward from a state or local institution.
- To the transportation of such persons.
- To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.
- To the rendering of mutual aid to any other law enforcement agency.

Probation officer's authority to carry and use firearms shall be consistent with these provisions of the Penal Code and shall be limited by the terms and conditions specified by these policies. Nothing in these policies shall be considered or construed as conferring on the probation officer authority beyond that granted by the Penal Code.

Probation Officers authorized to carry firearms are required, pursuant to Section 830.5(d) of the Penal Code, to meet the training requirements of Section 832 of the Penal Code, and to qualify with the firearm at least quarterly. Nothing in these policies shall be construed to modify these requirements of the Penal Code. Probation officers authorized to carry firearms shall comply with the requirements of the Penal Code and these policies.

### **Authorization to Carry Firearms on and off Duty**

Probation officers may only carry firearms on duty when authorized pursuant to and in accordance with these departmental policies.

Probation officers who are authorized to carry firearms on duty may carry their firearm while en-route to and from work.

Although probation officers have the “status” of peace officer at all times, they only have the “authority” of a peace officer while they are on-duty. For purposes of this policy, “on-duty” includes normal working hours, including alternate work hours approved by a Supervisor, or those times when an officer is called into service.

The California Attorney General has addressed the issue of the right of the Chief Probation Officer to regulate the carrying of a firearm by an off-duty probation officer. In 72 Ops. Cal. Atty Gen. 167 (1989), the Attorney General concluded that a Chief Probation Officer’s authority to regulate the carrying of a firearm by probation officers was limited to employment related situations. Therefore, according to the Attorney General, a Chief Probation Officer may not prohibit deputies from carrying concealed weapons while off-duty.

The California Attorney General has also addressed the issue of the right of a probation officer to carry a concealed weapon off-duty without a concealed weapons permit. In 72 Op. Atty. Gen. 176, the Attorney General concluded that because probation officers have the “status” of peace officer at all times, they can, pursuant to Section 12027 of the Penal Code, carry concealed weapons without a permit while off-duty.

Probation officers are thus exempt from the proscriptions of Section 12025 of the Penal Code prohibiting the carrying of concealed weapons without a permit.

Any officer of the Siskiyou County Probation Department who is authorized to be armed, and who does not reside in the State of California, must comply with any applicable concealed weapons permit regulations in their residing State. That said, the Law Enforcement Safety Act of 2004 (H.R. 218) amended title 18 of the United States Code in order to allow qualified current and retired law enforcement to carry a concealed weapon in all 50 States without a concealed weapons permit. In order to carry a concealed weapon in another State, an officer must be authorized to carry on duty, they

must be currently qualified, and they must have in their possession their Department issued badge and photo identification card.

A probation officer authorized to be armed cannot carry their department issued firearm while off-duty without the express prior written permission of the Chief Probation Officer. The only exception to this policy is as follows:

A department issued firearm may be used during off-duty hours in order to practice shooting. If an officer chooses to practice with their department issued firearm off-duty, they will assume all risk and liability for doing so.

Any probation officer carrying a personal firearm off-duty, or a department issued firearm without written authorization pursuant to these policies, shall be deemed to be acting outside the scope and course of their employment and to be acting completely independently from the County. The County assumes no responsibility or liability for the actions of such probation officers. Any liability arising from such possession or use of a firearm shall be the sole, individual liability of the individual probation officer.

### **Restrictions for Carrying Firearms**

Probation officers authorized to carry a firearm and use a weapon while on duty, or on call, will be subject to the following conditions:

Any Deputy Probation Officer authorized to be armed while on duty shall have in their possession, whenever carrying a firearm, a Siskiyou County Probation Department badge, handcuffs, pepper spray, and a department identification card.

All on-duty armed officers shall wear their Department issued body armor whenever they are armed outside of the office while on duty.

Probation officers who have been authorized to carry a firearm are prohibited from consuming alcoholic beverages or any controlled substance without a prescription while on duty, including any meal period and any break periods. This prohibition also applies to the dinner hour when subsequent probationer and/or public contact is planned or reasonably anticipated.

In any case where an armed officer is being prescribed medication from a licensed physician, they shall inform the physician that they are authorized to be armed, and shall obtain from the doctor a certificate stating that the medication will not impair their faculties while armed.

Probation officers shall not carry a firearm while in a condition that affects their motor skills, vision, reflexes, or judgment, from alcohol, medications, or any other substance, and/or a condition arising from any medical or psychological issue which might affect

their motor skills, vision, reflexes, or judgment. It is the responsibility of the probation officer to notify their Supervisor if any of these conditions exist.

Probation officers who report for duty in an injured or physical condition causing inability to properly use a firearm, i.e., broken hand, eye injury causing impaired vision, etc., shall not carry a firearm until such condition has been remedied.

Probation officers shall not carry a firearm while on disciplinary or investigative suspension.

Probation officers shall not carry a firearm while on extended leave without pay, or other period of unpaid absence from the Department.

Probation officers shall not carry a firearm when ordered by the Chief Probation Officer, Assistant Chief Probation Officer, Supervising Deputy Probation Officer, Range Master, or the Department Firearms Instructor not to carry a firearm.

### **Authorized Firearms, Ammunition and Holsters**

Probation officers authorized to carry firearms shall carry and use only the firearms, ammunition, holsters, and/or holster purses issued or approved by the Department unless specifically otherwise authorized in writing by the Chief Probation Officer, or the Assistant Chief Probation Officer in the Chief's absence.

The following firearms are approved department issued models:

- Glock 17 Gen 4.
- Glock 43.

All firearms, except "in lieu of" firearms, will be registered to the Probation Department. The Department will maintain records indicating to whom the firearm is issued, and the make, model and serial number.

The firearm shall be fully loaded and chambered at all times with Department issued ammunition while on duty.

If an authorized officer is practicing off-duty with their Department issued firearm, they must use their own personal ammunition.

The Department will issue holsters to all authorized probation officers. The Department shall issue the Officer an approved holster, which shall only be worn secured to a belt (no paddle). If an officer chooses to purchase their own holster (i.e. more concealable, shoulder-holster, purse-holster, fanny-pack-holster, etc.), it must be approved by the Chief Probation Officer in writing prior to using it on duty.

The firearm, holster and ammunition issued by the Department will not be altered in any manner, except for previously approved personalized grips or grip adapters, or adjustments made by the Department Range Master.

All safety devices on the firearm provided by the manufacturer will be intact and functioning at all times.

Only in immediate, life-threatening situations will an officer be permitted to use another probation officer's or another law enforcement officer's firearm. The only exception to this policy is when it is appropriate to shoot a different firearm at the range.

Probation officers who are authorized to carry and utilize a firearm while on duty may carry a firearm "In Lieu Of" the Department issued firearm while on duty only under the following conditions:

Permission in writing has been requested and granted from the Chief Probation Officer to carry an "In Lieu Of" firearm.

An "In Lieu Of" firearm shall meet the following criteria:

- The firearm shall be at least a .380 caliber, semi-automatic.
- The design and manufacture shall be current and reputable.
- The firearm shall carry at least five (5) rounds.
- The firearm shall be certified as safe by the Sheriff's Department Range Master or the Department Firearms Instructor.
- The ammunition used must be commercially manufactured and designed for that firearm and be approved by the Sheriff's Department Range Master or the Department Firearms Instructor. The ammunition may not be altered in any manner.
- The ammunition used shall not be Teflon, armor-piercing, tracer, exploding or incendiary design. Reloaded ammunition of any type may not be used.
- Reloaded ammunition may be used in either a Department issued or "In Lieu Of" firearm while practicing off-duty.

The carrying of a second firearm is prohibited, unless expressly approved in writing by the Chief Probation Officer under specified terms and conditions. In such case, all criteria specified for an "In Lieu Of" firearm are to be met.

### **Required Firearms Training and Qualifications**

It shall be the responsibility of the Chief Probation Officer, or the designated Firearms Training Manager, to ensure that the following minimum standards of firearms training are provided to appropriate members of the probation department:

## Siskiyou County Probation Department – Policy Manual

All personnel authorized by the Chief Probation Officer to carry and use firearms on duty shall have successfully completed an approved course on firearms pursuant to Section 832 of the California Penal Code, and a Department training course on the Department firearms and shooting policy.

Additional Training will be provided prior to an officer being authorized to carry a weapon on duty. Such training might include:

- An approved 40-hour firearms academy.
- One-on-one range training with the Department Firearms Instructor until familiarization and competency has been satisfactorily established.
- The approved firearms training and qualifications must be satisfactorily completed prior to approval for the officer to carry a firearm on duty.
- The Department Range Master, will provide a firing range program for use by probation department personnel and certify each officer.

It is the responsibility of the Chief Probation Officer, or the designated Firearms Training Manager, to monitor all legislative and policy changes relating to the use of firearms by peace officers, and shall arrange and/or provide necessary updated training in a timely manner.

All probation officers authorized to use a firearm on duty by the Chief Probation Officer must be certified as currently qualified to do so by the Department Range Master.

All qualification courses will be designed by the Range Master or the Department Firearms Instructor, and will be approved by the Chief Probation Officer.

The minimum qualifying score on any qualification range will be 80% of the total rounds fired. Staff shall comply with the Department Range Master's policies and directions.

Probation officers will be allowed three attempts to qualify on qualification day. Failure to qualify will result in the revocation of the officer's authorization to carry a firearm while on duty. Any further qualification attempts must be approved by the Chief Probation Officer and coordinated through the Range Master.

The designated Firearms Training Manager shall administer a firearms qualification program that ensures reasonable competency among all officers authorized by the Chief Probation Officer to carry weapons on duty. The program shall be uniform with the Sheriff's Department training program, at least to the extent that it addresses the use of a semi-automatic hand gun.

Probation officers shall qualify with their Department-issued firearm and/or approved "In Lieu Of" firearm each quarter during regular working hours, or during other hours deemed appropriate by the Sheriff's Department Range Master or Department Firearms

Instructor (i.e., a night shoot). Requests for special qualifications outside of normal range times may be approved by the Chief Probation Officer, or the designated Firearms Training Manager, and scheduled accordingly.

Permission to be qualified by any certified instructor other than the Department Range Master, or their designee, must be granted from the Chief Probation Officer, or the designated Firearms Training Manager, prior to any arrangements being made.

Probation officers not qualified with a particular weapon are not authorized to use that weapon unless or until they become qualified with it.

The Chief Probation Officer, or the designated Firearms Training Manager, shall keep and maintain records of all armed officer's training, including their quarterly qualifications.

An officer may, with their Supervisor's permission and approval, be authorized additional on-duty hours for practice to improve proficiency in the use of a firearm. Arrangements will be made for additional firearms practice with the Department Range Master.

The Department Range Master has the authority to confiscate and/or take control of the firearm of any officer who exhibits inappropriate behavior while on the range.

## **Firearms Safety and Storage**

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

Every firearm handled shall be treated as a loaded firearm until the handler has personally inspected the weapon to determine it is unloaded.

Firearms shall not be dry-fired, cleaned, repaired, exhibited, loaded or unloaded in any place or in any manner which could result in an accidental discharge.

Firearms shall not be carelessly handled at any time.

Any un-holstered firearm that is brought into the Probation Department facility shall first be unloaded.

Probation officers shall not use any firearm with which they have not qualified, except under the supervision of the Range Master or the Department Firearms Instructor.

It is at the discretion of the individual officer whether or not they carry their firearm with the "safety" on. In the case of imminent danger, having the "safety" on can actually be dangerous and add time to a critical shoot.

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

When not being carried or worn, the firearm and ammunition shall be stored in a safe and secure place that is not visible or accessible to unauthorized persons. In addition, when a firearm carried in a purse is not in the possession of the officer, it is to be locked and secured accordingly.

Firearms are not to be kept in any office overnight, unless in an approved gun locker or safe. If an officer chooses to leave their firearm at work, it must be locked in a gun locker or gun cabinet.

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

When a firearm is taken to an officer's residence, it should be kept in a safe and secure place where it is inaccessible to other individuals, particularly children.

If an on-duty, armed officer does not wish to carry their firearm into a residence or public building, the firearm may be stored temporarily in a locked automobile trunk, or a locked glove compartment with the doors of the vehicle locked. Care should be taken that the officer is not observed by the public placing the firearm in the trunk or glove compartment.

Under no circumstances shall a firearm, ammunition, or any other item which threatens the security of a State correctional facility be left in any unattended vehicle on institutional grounds. At such facilities, the above weapons, ammunition and items must be checked into a specific area designated by facility staff for safekeeping and temporary storage. If the facility lacks a locked storage area, the officer may temporarily lock the weapon, ammunition or item in their vehicle trunk, or locked glove box with the automobile doors locked.

Any accidental discharge of a firearm resulting from failure to comply with the above regulations shall be considered an act of negligence, and subject to disciplinary action.

### **Firearms Care and Maintenance**

All cleaning necessary to maintain the firearm in good working order is the responsibility of the officer to whom the firearm is assigned.

The firearm may be inspected each time the officer qualifies on the range, or more frequently if the Chief Probation Officer, the Assistant Chief Probation Officer, the Supervising Deputy Probation Officer, the designated Firearms Training Manager, or the Range Master deems it necessary.

All repairs and servicing of departmental firearms will be performed by, or under the direction of, the Sheriff's Department Range Master. The only exception will be the normal cleaning of firearms.

Any officer whose firearm has been dropped, or any officer who has a question regarding the safety condition or proper functioning of the firearm, shall have the firearm inspected by the Sheriff's Department Armorer.

## **Carrying the Firearm**

The authorized and approved firearm must be encased in a suitable holster, approved firearm purse, or approved firearm fanny-pack. Armed officers will be issued fully accessorized duty-belts. It is at the discretion of the officer whether or not they choose to wear a regular belt or their duty belt, as well as whether to carry concealed or fully exposed. Whenever a firearm is exposed, however, a visible badge must be displayed in close proximity to the firearm.

Any probation staff authorized to be armed shall have in their possession, whenever carrying a firearm, a Siskiyou County Probation Department badge, handcuffs, pepper spray, and a department identification card.

The firearm shall be fully loaded with a round chambered when it is being carried on duty.

Additional Department-issued ammunition may be carried by the probation officer.

Probation officers are not authorized to carry the Department-issued firearm while off-duty except in the following situations:

From their place of residence while en route to and from work.

When required to travel overnight in the course of employment if they establish the need to be armed, and receive permission from their Supervisor, or the Assistant Chief/Chief in their absence.

When practicing or becoming familiar with the weapon.

A probation officer shall not carry a firearm when boarding an aircraft unless specific written approval is given by the Chief Probation Officer. If and when permission is granted, the officer shall comply with all regulations set forth by the Federal Aviation Administration and appropriate local jurisdictions.

Probation officers shall not voluntarily surrender their firearm to any person other than their Supervisor, another Management employee of the Siskiyou County Probation Department, the Range Master, an instructor or gunsmith authorized by the Department, a law enforcement officer who is in command of a crime scene, or officers in charge of a

secure detention facility, or any other facility where firearms must be secured prior to entering.

A stolen or lost firearm will be reported immediately to the law enforcement agency having jurisdiction, and the officer's immediate Supervisor, or the Assistant Chief/Chief Probation officer in their absence.

### **General Display and Use of Firearms / Prohibitions**

A probation officer authorized to carry a firearm shall not display or brandish as a threat any firearm unless its actual use in the situation would be proper pursuant to these policies.

The firing of warning shots presents a danger to both the officer and innocent persons and is therefore prohibited.

Firing at the driver of a moving vehicle, or from a moving vehicle, is prohibited except when necessary because of an imminent threat of death or serious bodily injury to the probation officer or another person. When on foot and attempting to stop a moving vehicle, officers shall exercise caution and position themselves in such a location that any evasive movement of the vehicle will not put them or any other person in jeopardy.

Firearms may only be used against a resisting or fleeing felon if the officer has reason to believe that they are an immediate and deadly threat to the officer or others, or if there is a substantial risk that the fleeing felon will cause death or serious bodily injury to others if apprehension is delayed.

Firearms are not designed or intended to be used as clubs and should never be used to strike another person, except as a last resort in a life threatening situation.

No distinction shall be made relative to the age of the intended target of deadly force. Sound judgment, self-defense and imminent danger of serious threat shall be the only policy guidelines for employing deadly force.

### **Unholstering and Use of a Firearm**

Probation officers are authorized to draw their weapon from its holster under the following conditions:

When the circumstances surrounding the incident create a reasonable belief that there may be a clear and present danger, and that it may be necessary to use the firearm in conformance with this policy.

In making said determination, it will not be necessary for a probation officer to wait until an individual is actually being assaulted or otherwise under attack before the firearm can be drawn. Rather, if the officer determines that there is, or will be, a potential clear

## Siskiyou County Probation Department – Policy Manual

and present danger to life, a firearm may be drawn in preparation for that danger. If, however, that danger fails to materialize or is otherwise controlled, the firearm will be immediately holstered.

When conducting a search, or “clearing” a dwelling, until such time as the dwelling has been secured.

When an officer is requested to provide back-up by a law enforcement agency in a dangerous or life-threatening situation.

For maintenance and/or inspection. The probation officer shall ensure that the firearm is empty of ammunition prior to cleaning and/or inspection.

For training purposes.

The improper un-holstering and/or display of a firearm will result in Departmental sanctions, including disciplinary action, and may result in civil or criminal sanctions being taken.

When determining if there is reasonable belief that a clear and present danger exists, the officer shall consider and give relative weight to the following factors:

Whether there has been a display of a weapon, or any article that can be used as a weapon, by an individual in a threatening manner that is an immediate threat of death, near death, or critical bodily harm.

Whether the suspect is known to the probation officer to have a record and/or history of violent behavior.

Whether the probation officer has information from a reliable source (i.e. spouse, law enforcement official, employer, landlord, etc.) that an individual is or may be armed and/or dangerous.

Whether an individual is making credible threats, acting abnormally or dangerously, or has already injured or killed another person.

Whether there are auditory/visual indications at the scene of potential danger (i.e. sounds of gunshots, screaming/cries, sounds and/or signs of an altercation in progress).

Whether, in an officer’s judgment and assessment, there is an observed behavior which places a life in danger, and the drawing of a weapon will render the situation less dangerous.

In addition to the reasonable belief that a clear and present danger exists, before un-holstering or otherwise displaying a firearm, the officer will consider the following:

Whether there are other, more reasonable alternatives available. Before escalating to the use of firearms, probation officers should assess all available alternatives, including disengagement.

Whether the firearm can be tactically utilized (e.g. whether there are crowds, small children, hostages, etc.).

Whether the un-holstering or use of a firearm will escalate, rather than control, the situation?

## **Discharging a Firearm**

A probation officer shall discharge their firearm only when the officer is compelled to do so by existing circumstances. The officer shall not discharge a firearm in the course and scope of employment except as permitted in these policies. The improper use of a firearm will result in Departmental sanctions, including disciplinary action, and may result in civil or criminal sanctions being taken.

It is the policy of the Department that probation officers shall exhaust all reasonable means of self-protection and the protection of others in the officer's presence, including disengagement, before resorting to the use of a firearm. The escalation of force should always be used, when safe and practicable, as follows:

- Withdrawal from the situation
- Officer presence
- Verbal Communications and Commands
- Soft Defensive Control Tactics/Control techniques (non-impact pressure and control holds)
- Oleoresin Capsicum (OC) pepper spray deployment
- Hard Defensive Control Tactics (takedowns, wrestling, fighting)
- Mechanical restraints (handcuffs, shackles)
- Firearm / Lethal Force

Probation officers are authorized to discharge firearms in the line of duty under the following circumstances:

- When there is a clear and present danger to the life of the probation officer and the probation officer has a reasonable belief that the use of deadly force is necessary to prevent serious bodily injury or death to the probation officer.
- When there is a clear and present danger to the life of another person and the probation officer has a reasonable belief that the use of deadly force is necessary to prevent serious bodily injury or death to another person.

Firearms may be discharged on an approved range, or during other approved firearms training, practice or qualifications when supervised by the Range Master or other Departmental-approved training instructor(s).

Justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the probation officer at the time the probation officer decides to shoot. Facts unknown to the probation officer, and which could not reasonably have been expected to be known by the probation officer, cannot be considered in later determining whether the shooting is justified.

### **Required Reporting of the Unholstering, Drawing, Displaying, or Pointing of a Firearm**

Whenever a probation officer points a firearm at any person, they shall as soon as practically possible give a verbal report of said pointing to their immediate Supervisor, who shall then immediately notify the Chief Probation Officer via the chain of command. The following un-holstering scenarios need not be reported:

- Any un-holstering on a supervised range.
- Any un-holstering at an approved training.
- Any un-holstering while clearing a scene or during an unannounced search until the location is secure.
- Any un-holstering to either clean a firearm or lock it in a gun safe, trunk, glove box, or other approved storage area.

A written Incident Report by the probation officer shall be submitted to their immediate Supervisor prior to the end of the next working day, and shall immediately be forwarded to the Chief Probation Officer via the chain of command. The written Incident Report should include at the minimum the following:

- A synopsis of the incident.
- The officer's rationale for drawing and pointing their weapon, and the extent of force used to control the situation.
- Departments assisting and/or responding, if applicable, including the names and telephone numbers of any other law enforcement personnel and/or other participating agencies.

The Chief Probation Officer shall assess the written Incident Report in order to determine if the pointing of the firearm was appropriate and warranted pursuant to these policies, and whether any further action should be taken.

## **Required Protocol and Reporting Following the Discharge of a Firearm**

Whenever a probation officer intentionally or accidentally discharges a firearm in the course of their employment, except on a supervised range or in an approved training exercise, the probation officer, as soon as safety permits, shall immediately do the following:

- Assess the situation and determine the condition of any injured person. If there are injured persons, the probation officer shall render first aid, if appropriate, and summon emergency aid.
- Notify the local law enforcement agency with jurisdiction.
- Secure the scene of the incident to the best of the officer's ability until law enforcement arrives.
- Notify their immediate Supervisor, or, in their absence, the next in the Management chain of command.

Upon notification that a firearm has been discharged, the Supervisor shall immediately notify the Assistant Chief and Chief Probation Officer. The Supervisor, or the next in the Management chain of command in their absence, shall then proceed directly to the scene of the incident. At the scene, and in cooperation with the local law enforcement jurisdiction, the Supervisor will conduct a complete investigation of the circumstances surrounding the incident, including taking the involved officer's firearm (if it has not already been taken by law enforcement) for purposes of examination, and until such time as the investigation has been completed and reviewed by the Assistant Chief and Chief Probation Officer. Absent a voluntary statement from any involved officers, the investigating officer should not attempt to ask any involved officers any questions beyond those necessary to determine public safety information, as the involved officers have certain specific protections afforded by the Peace Officer Bill of Rights, such as the right to representation.

Upon request, the probation officer will surrender their weapon to the Supervisor upon their arrival, if it has not already been requested by the law enforcement Supervisor at the scene.

Upon request by the Supervisor, Assistant Chief or Chief Probation Officer, the involved officer shall submit to the collection of a blood and/or urine sample to be tested for the presence of drugs and/or alcohol.

Remain at the scene until dismissed by the local law enforcement agency and/or the Department representative, unless it is unsafe to do so, or the probation officer is injured and in need of medical treatment.

Cooperate fully with any official investigation related to the incident.

Protect the weapon and the scene for examination and investigation, not altering it in any way, nor touching or moving any spent ammunition casings, and submit the weapon to the appropriate investigator upon request.

The law enforcement Supervisor at the scene shall be responsible for any and all evidence.

The probation officer who discharged the firearm shall not discuss the incident with anyone except persons directly involved in the investigation. Probation Officers shall not comment to the media, the general public, or others not directly involved in the investigation.

Except in the case of injury or unusual circumstances approved by the Supervisor, or the Assistant Chief/Chief in their absence, the involved probation officer will submit a written report to their Supervisor no later than the end of their shift, or the following day with the Chief Probation Officer's approval. The report shall include:

Preliminary synopsis. A description of the incident, including what determining factors led to the use of the firearm, how many times the firearm was discharged, and the consequences of the firing (e.g. injuries sustained by the officer, probationer, and/or other persons).

Parties involved. If attainable, the complete names, addresses and telephone numbers of all persons present during the incident, noting their status as employees of the Department or another agency, probationers, parolees, etc.

Death, injury, and/or property damage. Names, addresses and telephone numbers of any person(s) killed or injured. Description of any property damage and names and addresses of owner(s).

Other Departments assisting and/or responding. Names, telephone numbers and Departments of law enforcement personnel and other participating agencies, including paramedics, ambulances, hospitals, doctors, etc.

### **Departmental Follow-up of a Shooting Involving Injury or Death**

Whenever a Supervisor, Assistant Chief, or Chief Probation Officer is notified of the discharge of a firearm by a probation officer, the person notified, or their designee, shall respond to the scene of the incident, and observe the following protocol:

With due consideration for the preservation of life and the arrest of the suspect, it shall be the responsibility of the probation personnel responding to preserve all the evidence

## Siskiyou County Probation Department – Policy Manual

until properly relieved by local law enforcement officers or other appropriate investigative personnel.

Probation personnel responding to the scene shall cooperate with the local law enforcement officer's investigation.

The crime scene should be protected, witnesses identified, and any statements offered by witnesses documented.

If appropriate, the probation officer who discharged the weapon may be relieved of their firearm in a discreet manner when safe and reasonable. The firearm should be rendered safe and should be secured. The probation personnel responding should avoid touching the firearm, especially the metal parts, as much as possible.

All information gathered by the responding probation personnel should be given as soon as possible to the local law enforcement officers or other appropriate investigative personnel.

If necessary, additional probation department personnel should be called to the scene to assist.

If there has been a death or injury as a result of the discharge of a firearm, a member of the Probation Department should be assigned to remain with the probation officer involved in the shooting and to provide aid and assistance. The person assigned should refrain from inquiring about the facts of the incident.

If the probation officer involved in the shooting needs transportation, a member of the Probation Department should be assigned to provide transportation. The probation officer involved should avoid driving.

The Supervisor, Assistant Chief, or Chief Probation Officer responding to the scene shall write a report regarding the results of their investigation, which shall include at a minimum the following:

The nature of the incident, the nature of the circumstances that led to the use of the firearm, e.g., witness statement(s), evidence at scene, number of shots fired, etc.

A summary of the procedures followed.

Actions taken, e.g., administrative recommendation.

If the officer involved in the shooting is not able to prepare the necessary reports due to injury, the responding Management personnel will fulfill the requirements outlined in Section XV-D.

The Supervisor's report outlined in this Section shall be routed through the chain of command to the Chief Probation Officer as soon as is practicable.

### **Relinquishment of Firearm**

Whenever there is an intentional or accidental discharge of a firearm by an officer, the officer, after the scene is secure, is to surrender their firearm in one of the following manners:

To the Supervising officer in charge of the investigation, if requested.

To the probation Supervisor or probation Management official responding to the scene, who will immediately deliver it to the appropriate law enforcement agency to complete the investigation associated with the discharge.

The Probation Department will request an inspection of the firearm by a person of competent authority to determine its mechanical and/or functional condition, in addition to any other physical examination that may be necessary as part of the investigation.

During the period of time that an officer's firearm is being examined and/or tested, arrangements may be made for the temporary issuance of another firearm if authorized by the Chief Probation Officer, or their designee.

The probation officer must qualify with the newly issued firearm prior to carrying it on duty.

When testing of the officer's firearm is completed, it will be returned to the officer, and the temporarily issued firearm shall then be promptly returned to the Department.

### **Special Leave**

When the discharge of a firearm by a probation officer results in injury or death to another person, the officer shall be immediately relieved of field duties and either reassigned to other duties within their classification, or placed on special leave, without loss of pay or benefits, until authorized to return to duty by the Chief Probation Officer. Neither action implies improper conduct by the officer.

If placed on paid special leave, the officer must remain available for official Departmental interviews. The probation officer shall not discuss the incident with anyone except the law enforcement agency handling the investigation, the District Attorney's Office, County Counsel, Departmental personnel assigned to the investigation, the officer's private attorney, the officer's union representative, the officer's psychologist or counselor, the officer's chosen cleric, and the officer's immediate family.

Special leave shall not be granted when an investigation has been concluded and the absence from duty is a result of disciplinary action.

## **Psychological Services**

Any officer involved in an incident involving the discharge of a firearm, even if the discharge of the firearm was by another officer, which results in the injury or death of another person, shall be required to undergo a debriefing with a Department designated psychologist/ psychiatrist as soon as can be arranged.

The purpose of the debriefing will be to allow the officer to express their feelings and to deal with the moral, ethical, and/or psychological after- effects of the incident. The debriefing shall not be related to any Departmental investigation of the incident. The debriefing session will remain protected by the privileged physician-patient relationship.

Prior to returning to active field duty with a firearm, a psychological evaluation shall be conducted, and the psychologist/psychiatrist must indicate in writing that the officer is “psychologically fit” to return to field duty with a firearm.

## **Officer Involved Shooting / Subsequent Investigations**

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

A Criminal Investigation of the incident by the agency having jurisdiction where the incident occurred. This agency may relinquish its criminal investigation to an outside agency with the approval of the Chief Probation Officer.

A Criminal Investigation of the involved officer(s) conducted by an outside agency.

A Civil Investigation to determine potential liability conducted by the involved officer’s agency.

An Administrative Investigation conducted by the involved officer’s agency, to determine if there were any violations of Department policy.

Upon arrival at the scene of an officer-involved shooting the first uninvolved Supervisor, Assistant Chief, or Chief of the Probation Department should do the following:

Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

Attempt to obtain a brief overview of the situation from any non- shooter officer(s).

In the event that there are no non-shooter officers, the Supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

## Siskiyou County Probation Department – Policy Manual

Absent a voluntary statement from any officer(s), the initial on scene Supervisor should not attempt to order any officer to provide any information other than public safety information.

Provide all available information to the Chief Probation Officer, or the Assistant Chief Probation Officer in their absence (If feasible, sensitive information should be communicated over secure networks).

Take command of and secure the incident scene with additional personnel until relieved by a lead officer from the appropriate jurisdictional agency.

As soon as practical, shooter officer(s) should be transported to the Probation Department (separately if feasible) for further direction.

Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a Supervisor.

An uninvolved officer or Sheriff's Department Chaplain will be assigned to sit with the involved officer(s).

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

- Chief Probation Officer.
- Assistant Chief Probation Officer.
- District Attorney's Office.
- Sheriff's Department Chaplain or other Peer Support Personnel.
- Chief Deputy Coroner (if applicable).
- Officer's Representative

Following an officer-involved shooting, outside inquiries shall be directed to the Chief Probation Officer only, or their designee.

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

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

## Siskiyou County Probation Department – Policy Manual

Once involved officer(s) have arrived at the Department, the Supervising Deputy Probation Officer should confirm to each officer that the incident is not to be discussed except with authorized personnel or representatives.

The following shall be considered for the involved officer(s):

- Any request for legal representation will be accommodated.
- Discussions with licensed attorney's will be considered privileged as attorney-client communications.
- Discussions with Departmental representatives will be privileged only as to the discussion of non-criminal information (Government Code Section 3303(i)).

A psychotherapist shall be provided by the Department to each involved officer upon request.

Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the officer is or is not fit for return to duty.

Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g. blood, fingerprints, etc.) until investigators or lab personnel can properly retrieve it.

Investigators shall make reasonable accommodations to the officer's physical and emotional needs (Government Code Section 3303(d)).

Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting and it shall be the responsibility of the Supervising Deputy Probation Officer to make schedule adjustments to accommodate such leave.

It shall be the policy of the Department to utilize the Siskiyou County District Attorney's Office to conduct an independent Criminal Investigation into the circumstances of any officer-involved shooting involving injury or death. At the discretion of the District Attorney's Office, Sheriff's Department Detectives may also be asked to participate in the investigation.

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

All personnel involved in the incident shall cooperate fully with all facets of a Criminal Investigation.

## Siskiyou County Probation Department – Policy Manual

If requested, any involved officer will be afforded the opportunity to consult with a representative of his or her choosing, or an attorney, prior to speaking with criminal investigators.

Any voluntary statement provided by the officer will be made available for inclusion in the Administrative or other related Investigations.

Absent consent from the involved officer, or as required by law, no administratively coerced statement(s) will be provided to any criminal investigators.

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

While the involved officer(s) may write the report, it is generally recommended that such reports be completed by assigned investigators from the law enforcement agency with jurisdiction, who should interview involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by involved suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

In addition to all other investigations associated with an officer-involved shooting, the Department will conduct an internal Administrative investigation in order to determine conformance with Department policy. This investigation will be considered a confidential peace officer personnel file.

Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol and/or 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.

If an 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.

If a further interview of the officer is deemed necessary to determine Department policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall

be provided a copy of his or her prior statements before proceeding with any subsequent interviews (Government Code Section 3303g).

If an 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.

Although the interview should not be unreasonably delayed, care should be taken to ensure that the officer(s) physical, emotional and psychological needs have been addressed before commencing the interview.

If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code Section 3303(i)).

Administrative interviews should be tape recorded by the Department (the officer may also tape the interview – Government Code Section 3303(g)).

The officer shall be informed of all constitutional “Miranda” rights (Government Code Section 3303(h) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code Section 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally, which is accomplished by reading them their Lybarger admonishment.

The administrative interview shall be considered part of the officer’s confidential personnel file.

The completed administrative investigation shall be submitted to the Chief Probation Officer who will determine compliance with the Department’s Policies.

A member of the Department may also be assigned by the Chief Probation Officer to work exclusively under the direction of Siskiyou County Counsel to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose.

The civil investigation is not intended to interfere with any other investigation, but shall be given reasonable access to all other investigations.

### **Lost or Stolen Firearms**

A probation officer shall immediately file a report with local law enforcement upon discovery that their firearm is missing.

## Siskiyou County Probation Department – Policy Manual

A probation officer shall immediately report a lost or stolen firearm to their immediate Supervisor, who will, in turn, notify the Chief Probation Officer via the chain of command.

The probation officer will file a written report with the Supervisor no later than the close of the same working day. The written report shall be submitted to the Chief Probation Officer via the chain of command.

The probation officer shall reimburse the Department in the event that a firearm and related equipment is lost through the negligence of the probation officer.

## 915 – Search and Seizure

### Policy Statement on Search and Seizure:

During the course of their specific job performance, Deputy Probation Officers may have occasion to conduct a search of the client's person or their property, and subsequently seize contraband. All searches must be conducted in a manner consistent with the law, Departmental policies and procedures, and specific Court orders.

If, in the officer's judgment, initiation or completion of a search will jeopardize the officer's safety, or the safety of others, the search will not be initiated or, if already initiated, will be terminated. If such a situation arises in the field, the officer shall leave the location and return at a later time with appropriate assistance.

Deputy Probation Officers should generally conduct searches with the probationer and/or a family member present. In rare cases, however, exigent circumstances might warrant a search without either present, in these rare instances the Deputy Probation Officer must obtain approval from a supervisor or manager prior to searching an unoccupied home/dwelling of a probationer.

In any search, care must be taken not to damage, destroy, or dishevel the probationer's property.

Given the high risk of acquiring infection(s) (including HIV) through exposures which occur during searches and evidence handling, the following guidelines should be used to help reduce the risk of exposure:

Use great caution in searching an individual's clothing. It is recommended that gloves be worn.

Always maintain a safe distance between yourself and the subject being searched.

Wear protective gloves if exposure to blood is likely to be encountered.

It is advisable to carry a flashlight when doing searches, even in the daytime, in order to search hidden areas. Whenever possible, use flashlights and/or mirrors to search behind and beneath car seats, beds, etc.

When searching a purse, it is best to carefully empty the contents by turning it upside down over a table.

Use puncture-proof containers to store sharp instruments, and clearly marked plastic bags to store other possible contaminated items.

If staff should sustain an injury, particularly a puncture wound, while conducting a search, report the injury immediately to a Supervisor.

## Siskiyou County Probation Department – Policy Manual

See PO-950, Communicable Diseases, for more specific information regarding exposure to infections.

## 920 – Forced Entry

### Policy Statement on Forced Entry:

The use of forced entry to enter a residence or other dwelling to accomplish an arrest or detention will not be routinely done. However, there may be occasions when this tactic is the only reasonable alternative available. In situations where the safety of the probationer or others is in immediate jeopardy and circumstances require immediate arrest or detention, forced entry is permitted. Situations that may require forced entry include, but are not necessarily limited to, the following:

The probationer's own life is in danger as the result of a suicide attempt or accidental drug overdose.

The probationer's activities are such that their safety, or the safety of another, is in immediate jeopardy.

If an arrest or detention is not immediately accomplished, the safety of others, including the probationer, will be jeopardized.

If the probationer is believed to be in the process of destroying evidence.

Before forced entry can be accomplished, Section 844 PC requires that the Deputy Probation Officer must knock, demand entrance, and explain the purpose before entering the residence by force. This requirement can be waived if knocking and noticing will increase the danger of the risk of evidence being destroyed.

If the need to force entry is anticipated, prior approval of a Supervisor, the Assistant Chief, or the Chief Probation Officer is to be obtained, and other law enforcement agencies more accustomed to such practices are to be asked to assist.

## 925 – Handcuffs

### Policy Statement on Handcuffs:

Handcuffs are a temporary restraining device, and they shall only be used for placing a person in custody under arrest, or while transporting a probationer or an arrestee who is lawfully detained in custody. No Deputy Probation Officer shall use handcuffs, nor detain or arrest anybody, until they have successfully completed PC 832 training.

Nothing in this Section shall prohibit any off-duty officer from exercising their right to affect a Citizen's Arrest pursuant to Section 837 of the California Penal Code. Any such arrest opens the off-duty officer up to the civil responsibilities and liabilities outlined in Section 847 of the California Penal Code.

Handcuffs shall be used during a probationer's arrest and while transporting an arrestee unless there is a compelling reason for not using handcuffs, and there is no apparent compromise to safety. The policy of this Department is to always transport an arrestee handcuffed.

Non-probationers may be handcuffed only when in the course of duty there is probable cause to affect an arrest of a non-probationer and/or officer safety indicates that it would be prudent to restrain the non-probationer. A non-probationer may also be detained using handcuffs, for the sake of officer safety, if they are obstructing an officer from carrying out their duties, whether or not they are subsequently arrested for 148 PC.

Handcuffs shall not be used as a restraint device in any other situation, nor shall they be used as a threat or punishment.

When persons are restrained with handcuffs, their safety is the responsibility of the officer utilizing the handcuffs. Handcuffs can prevent a danger both to the arrestee and the person deploying them. When using handcuffs, the following guidelines must be considered:

- The potential safety hazards to the person deploying the handcuffs, the handcuffed person, and others.
- The emotional state of the person in custody or under arrest.
- The potential for resistance by the person under arrest, or for interference by other people present.
- The availability of assistance from other Department employees and law enforcement.
- Any injury or disability the person to be handcuffed might be experiencing.

## 930 – Transporting in Custody

### Policy Statement on Transporting In-Custody Clients:

As part of the job of a Deputy Probation Officer, probation staff frequently has the responsibility of transporting probationers who have been taken into custody, and who need to be transported to the jail, juvenile hall, juvenile placement, or the Probation Department. Probation staff should carefully plan the circumstances of the transportation, including an assessment of potential problems when dealing with unstable or dangerous probationers, securing an appropriate County vehicle, and acquiring assistance if needed.

If at all possible, officers should avoid transporting members of the opposite sex while by themselves. If an officer must do such a transport, the policy of the Department is that they will call in their location, beginning mileage, and ending mileage to either Sheriff's Dispatch using the police radio, or the Probation Department using a cellular phone. Any unscheduled stop while en route must also be called in.

Persons under arrest and being transported while in custody shall be handcuffed and searched for weapons and contraband prior to being placed in the vehicle. As a general rule, handcuffing shall be behind the back. If the officer has good reason to handcuff somebody in front, such as being on an unusually long transport, and they are in a caged vehicle, they may do so. Prior to placing the arrestee in the vehicle, the back seat should be searched thoroughly. Once the vehicle has been searched, the arrestee shall be placed in the back seat of the vehicle, on the right hand side, with the seat belt properly fastened.

Pursuant to AB1900 (2010), women who are pregnant shall not be shackled by the wrists, ankles, or both during any transport, except that the least restrictive restraints possible may be used when deemed necessary for the inmate, consistent with the legitimate security needs of the inmate, the staff, and the public.

Whenever possible, a caged vehicle shall be used for in-custody transportation. If one is not available, a non-caged vehicle may be used; however, another probation staff should sit in the back next to the arrestee.

From time to time, a Deputy Probation Officer may be asked to transport a minor to a foster home, a group home, a camp, or the California Department of Corrections and Rehabilitation, Division of Juvenile Justice, or an adult to a treatment center. Likewise, a Deputy Probation Officer may provide transportation back from such placements and institutions. If such situations should arise, it is the policy of this Department to always transport such clients in the following manner:

If transporting to or from a secure facility such as a camp, DJJ, or prison, the inmate shall be handcuffed and shackled.

## Siskiyou County Probation Department – Policy Manual

If transporting to or from a non-secure facility such as a foster home, group home, or residential treatment program, the inmate shall not be handcuffed or shackled.

It should be noted here that this policy applies only to transports to and from placements and institutions. Routine transports such as giving a minor a ride from their home to school, Court, or a counseling session, or transporting an adult to work, do not require handcuffing, unless the officer feels that for officer safety reasons it is appropriate.

Staff shall never use their own personal vehicle, or any non-County vehicle, to transport in-custody clients.

## **935 – Use of Body Armor**

### Policy Statement on Use of Body Armor:

All Probation officers authorized by the Department to carry a firearm in the line of duty shall, when armed, wear department-issued body armor whenever they leave the office while on duty.

While not mandatory per this policy, armed officers are highly encouraged to wear body armor at all times while on duty, whether armed or not.

Unarmed officers are encouraged to wear Department-issued body armor when doing searches or effecting potentially dangerous arrests.

While not mandatory per this policy, unarmed officers are encouraged to wear body armor at all times while on duty

Any exception to the above must be previously approved by a Supervisor, the Assistant Chief, or the Chief Probation Officer.

The body armor of the Probation Department will be issued at Departmental cost to all armed officers, and to any other officer who demonstrates the need for the protection provided by body armor. Officers shall only use department-issued body armor. No “in lieu of” body armor will be approved unless specifically authorized in writing by the Chief Probation Officer, or their designee.

## **940 – Use of Oleoresin Capsicum (OC) Pepper Spray**

Policy Statement on Use of Oleoresin Capsicum (OC) Pepper Spray:

All Deputy Probation Officers will be issued OC pepper spray upon successful completion of an approved PC 832 Chemical Agents Course, or an 8-hour Chemical Agents & OC Pepper Spray Defense Course, or a comparable course approved by the Department's Training Manager.

Once trained and authorized to carry OC spray, an officer may carry Department issued OC spray while on duty.

The maintenance of the OC pepper spray canister is the responsibility of the individual officer to whom it has been issued. Officers should periodically spray their canisters to assure they are working properly. It is up to each officer to inform the Equipment Manager when their canister needs replacement.

OC pepper spray canisters should be kept in a safe place at all times. While not being worn on a belt, the canisters should be kept in a drawer, a purse, or a gear bag, out of view of the public

Generally speaking, OC will be used only after making reasonable efforts to verbally diffuse a situation by persuading voluntary compliance. In most cases, a clear verbal warning that OC will be deployed if the subject does not comply is appropriate. OC may be used without warning during those occasions where the safety of staff is threatened and momentary delay would likely result in violence or injury.

OC should only be used at a level which is appropriate to control an aggressive or violent individual(s). It shall never be used indiscriminately, or in response to simple threats of violence.

OC may be used on aggressive dogs, or other animals, only if the officer is in fear of immediate attack.

Caution should be taken prior to deploying OC spray on resisting persons who are engaged physically with other officers, or who are not isolated from bystanders. Except for in the case of a true emergency, all reasonable efforts should be made to avoid spraying other individuals who are not the aggressor.

All field officers who carry OC spray must carry water in their County vehicles to be used in the decontamination process.

After successfully deploying OC spray on the aggressor, the following aftercare steps should be taken:

## Siskiyou County Probation Department – Policy Manual

Immediately after the OC spray takes effect on the aggressor, secure the subject by handcuffing them behind their back.

Tell the person to calm down, to relax, and to try and breathe normally. Assure the person that the effects will go away in a short period of time.

Advise the individual that you will accelerate the diminished effects by flushing their face and contaminated areas with cool water. Do not rub the skin, but blot the skin with a soft towel. The use of warm water will open pores of the skin and increase discomfort. Only after approximately one hour should warm water and soap be used.

Extreme care should be taken when applying OC on individuals known to have emphysema or asthmatic conditions, as OC may cause severe, temporary effects on individuals with these conditions.

If the individual appears to be suffering unusually bad, or if they have persistent trouble breathing, the officer should either radio in for medical help, or transport the individual to the emergency room of the nearest hospital.

After any incident where an individual is sprayed successfully with OC, the Officer's immediate Supervisor must be notified as soon as possible. The Supervisor will then notify the Chief Probation Officer or the Assistant Chief in their absence. A written Incident Report must also be submitted to the Chief Probation Officer within 24 hours of the incident. The report must include the following:

- A clear and factual justification for why OC was used.
- A description of how the OC was utilized and the results obtained from using it.
- A complete description of the aftercare procedures employed, including treatment.

The Chief Probation Officer may revoke the authorization to carry Department issued OC spray at any time, without cause.

The Assistant Chief Probation Officer, or Supervising Deputy Probation Officer, may revoke the authorization to carry Department issued OC spray for good cause. If the

Assistant Chief or Supervising Deputy chooses to exercise said revocation, they shall immediately submit a written report to the Chief Probation Officer, via the chain-of-command, indicating the circumstances which led to the revocation.

A copy of the report shall be given to the officer within one (1) working day following submission of the report.

## Siskiyou County Probation Department – Policy Manual

The officer may make a written request for reinstatement of authorization to carry OC spray to the Chief Probation Officer, via the chain-of-command, stating the reasons why the authorization should be reinstated.

## **945 – Threats/Danger to Employees and Others; Duty to Warn**

Employee safety is a paramount concern. It should be clearly understood that employees are not expected, during the performance of their duties, to place themselves in any situation which presents an unreasonable degree of danger to their lives or health.

Employees shall utilize methods to minimize, avoid, or reduce danger to themselves or others. They are encouraged to seek assistance from other employees or outside agencies as appropriate. Employees are to plan and apply reasonable care and caution in all potentially dangerous situations, and use sound judgment in balancing the requirements of job performance and safety issues.

Employees shall notify the immediate Supervisor if, as a result of employment with the Department, the employee is assaulted, attacked, or threatened, or any member of an employee'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. Serious threats and assaults shall be reported to law enforcement. The employee shall cooperate with the Department to develop long-term plans to minimize or eliminate the danger.

When any employee, in the course of their duties, becomes aware of a serious threat against the life, safety, or property of others, or of a threat being made by a ward or probationer against another, that person shall immediately report the information to their direct Supervisor.

When any employee becomes aware of such a threat, any potential victim shall be given immediate and adequate notice of the impending danger.

Any time a ward of the Court is placed outside of the home, the Deputy Probation Officer will, in all cases, advise of the pertinent prior record and history of said ward to the placement facility. This includes acts of violence, history of thefts, sexual misconduct, arson, and any other factors or behaviors which could pose a threat to other persons.

In all cases where the Deputy Probation Officer assists either a juvenile or an adult client in obtaining employment or a work program, the employer shall be advised of any background information that could indicate any potential risk for violence, theft, sexual misconduct, or arson.

## **950 – Communicable Diseases**

Policy Statement on Communicable Diseases:

General Policy Regarding Universal Precautions/Communicable Disease Training.

All staff in the Probation Department are required to attend Universal Precautions/Communicable Disease Training if directed to by the Department's Training Manager.

### **Hepatitis B Vaccinations**

All employees who have been identified as having a high risk exposure to Hepatitis shall be offered the Hepatitis vaccination, which consists of three injections and a follow up visit.

### **Blood Borne Pathogens**

Blood and other bodily fluid exposures could infect personnel with the Hepatitis B Virus (HBV), or the Human Immunodeficiency Virus (HIV). This section addresses various levels of potential exposure to communicable diseases. The following sections address policies and procedures to be followed if contamination should occur:

When an employee incurs an injury that may expose them to the AIDS virus or Hepatitis B, the actions listed below must be taken by the employee and their Supervisor. Potential exposure includes, but is not limited to, cuts, bites, needle puncture(s), or any injury which may have the blood or bodily fluids of another person suspected of having HIV disease, or a person identified as "at high risk" of acquiring the disease (i.e. homosexuals, intravenous drug users, prostitutes).

A deep stick with a needle or other contaminated sharp object constitutes a high risk of blood exposure. Moderate risk exposures include superficial exposure on mucous membrane (e.g. eyes or mouth) or on broken skin or heavy contamination with blood on hands where small skin breaks cannot be excluded. Low risk exposure for HIV includes contamination of apparently unbroken skin other than on the hands. Risk of exposure through contact with vomit, feces, urine, tears, sweat, or saliva where no blood is visibly present is negligible.

### **Universal Precautions**

Whenever blood is present, it should be considered contaminated. Therefore, the use of latex gloves in the presence of blood is always recommended. Cleaning of blood from environmental surfaces (i.e. tables, walls, floors, vehicle interior) should be done using a freshly mixed solution of one-part household bleach to ten-part's water. Gloves and cleaning materials should be properly disposed of in a tightly tied plastic bag.

## **Instructions for Employees if Exposed to Blood**

Thoroughly wash exposed area with soap and water. If the employee has a puncture wound, it should be made to bleed.

The employee shall go immediately to the nearest emergency room, as time is critical if there is a need for prophylactic treatment. The emergency room physician should be told the nature of the exposure, and it should also be explained that such exposure counts as an injury at work under Worker's Compensation.

If there was blood or broken skin or mucous membranes, or a puncture wound, and the emergency room physician determines that the employee is at risk for infection, then the physician will:

- Discuss the incident and possible risks.
- Draw blood for HIV baseline and Hepatitis B antibody tests.
- If indicated, will give the employee Gamma Globulin to prevent Hepatitis B.
- Discuss AZT prophylaxis/treatment.
- If elected to take AZT, the employee will be given a prescription for it.
- The employee will be told where and when to return for follow-up HIV antibody testing
- The employee will notify their immediate Supervisor, or the Assistant Chief or Chief Probation Officer, of the situation, as soon as possible.

The employee shall, as soon as practical, complete an Incident Report, and submit said report to their immediate Supervisor. This report shall be forwarded through the chain-of-command to the Chief Probation Officer as soon as possible. The report shall include, but not be limited to:

- Names of witnesses to the incident.
- Names of persons involved in the incident.
- Written statements from any detainees and/or staff who were present.
- Narrative of the incident.

The Supervisor shall conduct a complete investigation of the incident. In cases where an assault on a staff has occurred and the person refuses to submit voluntarily to testing, the Supervisor shall screen the case with the appropriate District Attorney. A Copy of the Incident Report will be forwarded to the District Attorney's Office. The assigned Deputy District Attorney will handle the situation by cooperating with securing a Court order, by helping make arrangements to have the person tested, and by helping to obtain the results of the test.

The Department will forward a copy of the Incident Report to the Public Health Department immediately, along with any request and/or Court order to have the person(s) involved tested for HIV in accordance with Section 1524.1 PC.

If the employee or their spouse/significant other have any questions, they should contact the Public Health Department. On-the-job exposure will be paid for by Worker's Compensation provided the appropriate Incident Report is completed and routed through the proper channels.

### **AIDS Exposure to Minor**

Any minor who is in custody and who may have been exposed to the AIDS virus (HIV) through bites, needle puncture(s), cuts or any injury which may have resulted in a direct contact between the minor's blood and the blood or body fluids of another minor suspected of having AIDS, or any minor identified as "at high risk" of acquiring disease (i.e. homosexuals, IV drug users, prostitutes), may request that the other minor be tested for HIV pursuant to Section 7512(a) of the California Penal Code.

Whenever incidents occur which result in such "exposure," staff must inform the minor of their right to request an HIV test of the other detainee.

To respond to such incidents and to initiate such a request, the following actions must be taken:

Staff must conduct an investigation and prepare an Incident Report outlining in detail the circumstances surrounding the "exposure." Minor and witness statements should be secured and attached to the Incident Report. When appropriate, Worker's Compensation forms must also be completed. All this information must be forwarded to the Supervising Probation Officer, or the Assistant Chief in their absence, within one working day.

Along with all reports identified above, staff should submit a brief written request for HIV testing from the detainee who has been "exposed." When minors are unable to prepare their own statements, staff may assist in the process. Parents and/or guardians must be notified.

Upon receipt of the above, the Supervising Probation Officer or Assistant Chief Probation Officer shall forward the minor's request to test the other detainee to the Public Health Department, or to the appropriate agency who would be doing the testing, along with a copy of all other reports submitted.

The Public Health Department, or the appropriate Health Care agency, will then review the minor's request and determine whether there is a reasonable basis to order HIV testing, and advise the Department on how to proceed.

## Siskiyou County Probation Department – Policy Manual

Any minor who tests positive for HIV, or any minor who has been determined to be “exposed” to another minor who tests positive for HIV shall be provided with, or at least offered counseling through an appropriate agency.

If a minor subject to the above testing agrees to voluntarily submit to said testing, consent forms must be obtained. Permission of the parent or guardian should also be sought, and in all cases where the minor is not a ward of the Court.

If the minor does not voluntarily submit to testing, the matter shall be referred to the District Attorney’s Office by way of a Declaration and Request for Testing pursuant to Section 1524.1 of the California Penal Code. The matter shall be calendared for a court hearing on the matter. The Court shall then decide whether to make an order to test. If said order is made, the Court shall also determine on record the specific individual(s) to whom the results are to be released.

## 960 – Field Work

### Policy Statement on Field Work:

Field work is an essential function of a Probation Officer, particularly those with a caseload. When conducting field work officer safety is the number one priority. This is one of the most dangerous and unpredictable aspects of the job. No Officer shall conduct any field work alone. All field work will be conducted with another officer, this is not limited to another Probation Officer, you may utilize other agencies (sheriff's, local police, parole etc.). Special circumstances and situations may arise in which it is appropriate for an officer to conduct field work (i.e., placement visits, school visits, place of employment checks etc) alone; a supervisor or manager will authorize as needed.

When conducting field work locations will be regularly updated through dispatch.

When conducting high risk searches, warrant services and nighttime operations it is expected that radio communication will be increased, particularly when working with other agencies, this is to ensure that everyone is receiving all necessary information, particularly when it applies to making entry into homes and apprehending suspects.

When conducting field work if the probationer takes flight you are authorized to pursue until it is unsafe to do so.

## 965 – Electronic Systems

### Policy Statement on Electronic Systems:

The Siskiyou County Probation Department has the following policies for the protection of information:

- Access control to the building through keypads
- Information handling protection and destruction
- Encryption
- Password
- Physical and Environmental Security Privacy-Personal Information
- Securing visible sensitive and confidential information
- The principle of least level of privilege is implemented for law enforcement personnel (example: each employee granted the most restrictive set of privileges needed for the performance of duties).
- Computer security patches, hot fixes, service packs, updates, patches.
- Regular maintenance at a minimum, weekly antivirus scans of computer equipment.
- Timely updates of all maintenance patches, configurations, or applications. Appropriate risk assessment procedures shall be in place in instances due to patch failure or system compatibility.
- Testing must be conducted prior to implementation of all application, system patches, service pack updates or hot fixes.
- Backups must be performed in a secure manner.

The Siskiyou County Probation Department shall employ a formal sanctions process for personnel failing to comply with established information security policies and procedures. When an incident occurs the incident response plan will be followed.

Any electronic and computerized systems that the Siskiyou County Probation Department has authorized access to (i.e. case management systems, CLETS, electronic monitoring systems, jail management system, PsNet, etc.) and all files are only to be accessed for assigned work/duties. Any usage or accessing of electronic systems or files for personal use is prohibited and a violation of policy and could result in discipline.

Sanctions for misuse include, but are not limited to the following:

- Each suspected incident of unauthorized or improper use of CLETS equipment or criminal justice information, or of failure to take physical security measures to protect CLETS equipment or criminal justice information, will be investigated through internal investigation and referred to the District Attorney for additional instigation if criminal misconduct is found.
- Violations will result in disciplinary action which may include the employee's loss of use or limitations on use of equipment, disciplinary or adverse action, criminal penalties, and/or financial liability for the cost of improper use.

### **Incident Response Plan**

- This section of policy discusses the steps taken during an incident of misuse, computer failure to secure confidential information etc.
- The person who discovers the incident will contact their immediate supervisor or manager. If the incident requires IT to address a security breach they must also be immediately notified

After notification the person discovering the incident will document all steps taken and persons notified, as well as address the following:

- Time
- Nature of incident
- Equipment/persons involved
- Location
- How the incident was detected
- When the event was first noticed that supported the idea that the incident occurred
- The supervisor/manger will notify the Chief Probation Officer of the incident

IT and Management will resolve any security issues immediately to ensure that there is no longer a threat to confidential information.

All evidence will be preserved and a list of witnesses prepared by the supervisor or manager

If the incident involved misuse, sanctions and steps will be taken as outlined previously in the policy

After all information is secure there will be an after-action meeting to discuss the incident and plans to prevent it from occurring again in the future.

## 970 – Taser

### **Purpose and Scope**

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

### **Policy**

The TASER device is intended to control a violent or potentially violent subject, while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device should result in fewer serious injuries to custody staff and inmates.

Staff members who have completed department-approved training may be issued a TASER device for use during the current assignment. Staff members who have been issued a TASER device shall only use the device consistent with this policy and the Use of Force Policy.

Staff shall only use the TASER device and cartridges that have been issued by the Department. The device may be carried as part of a DPO's equipment.

The TASER device shall be maintained in a secure storage location

Each TASER device shall be clearly and uniquely numbered.

Each TASER will be issued to a DPO, the TASER number will be logged and maintained with all other records of issued equipment.

Whenever practicable, DPO's should carry two or more TASER device cartridges on their person at all times when carrying a TASER device.

DPO's shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order at all times. DPO's carrying a TASER device should perform a spark test on the unit prior to every shift.

DPO's should not hold both a firearm and the TASER device at the same time.

The TASER device should be marked with a distinctive color or marking to distinguish it from firearms or any other device.

### **Verbal and Visual Warnings**

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

Provide the subject with a reasonable opportunity to voluntarily comply.

Provide other DPO's, Law Enforcement Officers and other subjects with a warning that a TASER device may be deployed.

If, after a verbal warning, a subject is unwilling to voluntarily comply with a DPO's lawful orders and it appears both reasonable and feasible under the circumstances, the DPO may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

### **Use of the Taser Device**

As with any other equipment, the TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device.

Although the TASER device is generally effective in controlling most individuals, DPO's should be aware that the device may not achieve the intended results and be prepared with other options.

### **Application of the Taser Device**

Authorized personnel may use the TASER device when circumstances perceived by the DPO at the time indicate that such application is objectively reasonable to control a subject in any of the following circumstances:

The subject is violent or is physically resisting.

The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to have the potential to harm DPO's, him/herself or others.

### **Special Deployment Considerations**

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

- Subjects who are known to be pregnant.
- Elderly subjects

- Subjects with obviously low body mass.
- Subjects who are handcuffed or otherwise restrained.
- Subjects who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- Subjects whose position or activity may result in collateral injury (e.g., falls from height).

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

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

### **Targeting Considerations**

Reasonable efforts should be made to target lower center mass and avoid intentionally targeting the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the DPO to limit the application of the TASER device probes to a precise target area, DPO should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is released to the care of qualified medical personnel.

### **Multiple Applications of the Taser Device**

DPO's should apply a TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the DPO reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of a subject and if circumstances allow, the DPO should consider certain factors before additional applications of the device, including:

- Whether the probes are making proper contact.
- Whether the subject has the ability and has been given a reasonable opportunity to comply.
- Whether verbal commands, other options or tactics may be more effective

DPO's should generally not intentionally apply more than one TASER device at a time against a single subject.

## **Documentation**

All TASER device discharges shall be documented in the related incident report and on the TASER device report form. Notification shall be made to a supervisor in compliance with the department Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing of a TASER device will also be documented on the TASER device report form. Any report documenting the discharge of a TASER device cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard TASER device memory will be downloaded through the data port by the Assistant Chief Probation Officer or the Chief Probation Officer and saved with the related incident report. Photographs of probe sites should be taken, confetti tags should be collected and the expended cartridge along with both probes and wire should be submitted into evidence for future reference by the deputy collecting the cartridge. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "biohazard" if the probes penetrated the subject's skin.

- The DPO should include the following in the arrest/crime report:
- Identification of all personnel firing TASER devices.
- Identification of all witnesses.
- Medical care provided to the subject.
- Observations of the subject's physical and physiological actions.
- Any known or suspected drug use, intoxication or other medical problems.

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

## **Taser® Cam™**

The TASER is equipped with TASER Cam, which is an audio-video recording device integrated into the power supply. The TASER Cam is activated anytime the safety is in the off position. The safety should not be in the off position unless the DPO intends to use the device and the guidelines established in this policy are met. Anytime the TASER Cam is activated, the video and audio data should be downloaded in accordance with department evidence procedures and referenced in any related report.

All video and audio not booked as evidence will be retained for the period required by established records retention schedules.

### **Taser Cam™**

The TASER is equipped with TASER Cam, which is an audio-video recording device integrated into the power supply. The TASER Cam is activated anytime the safety is in the off position. The safety should not be in the off position unless the deputy intends to use the device and the guidelines established in this policy are met. Anytime the TASER Cam is activated, the video and audio data should be downloaded in accordance with department evidence procedures and referenced in any related report. All video and audio not booked as evidence will be kept for a minimum of one year, at which time they will be erased or destroyed.

### **Medical Treatment**

Absent extenuating circumstances or unavailability, only qualified medical personnel should remove TASER device probes from a subject's body. Used TASER device probes shall be considered a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken accordingly.

All subjects who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to continued processing or housing. Additionally, any subject who falls under any of the following categories should, as soon as practicable, be examined by qualified medical personnel:

- The subject is suspected of being under the influence of controlled substances and/or alcohol.
- The subject may be pregnant.
- The subject reasonably appears to be in need of medical attention.
- The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face and neck).
- The subject requests medical treatment.
- Subjects 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 DPO's/Law Enforcement Officers to be brought under control, may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared.

- Any subject exhibiting signs of distress or who is exposed to multiple or prolonged applications (e.g., more than 15 seconds) shall be promptly examined by qualified medical personnel or medically evaluated.
- If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports.
- If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

## **Training**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried a TASER device as a part of their assignment for a period of six months or more shall be recertified by the department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of a DPO's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for TASER devices will be documented in the DPO's training file.

Management should receive TASER device training as appropriate for the investigations they conduct and review.

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

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

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

The Training Manager should ensure that all training includes:

- Review of this policy.
- A review of the Use of Force Policy.
- Target area considerations, including techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- Handcuffing a subject during the application of a TASER device and transitioning to other force options.

- Restraint techniques that do not impair respiration following the application of a TASER device.
- De-escalation techniques.

## **Testing**

All training delivered to the staff should include testing to document that the employee understands the subject matter presented.

## **980 - Criminal Justice Information Disposal, Storage and Protection**

### **Purpose**

To establish standards for the handling, disposal and storage of confidential and sensitive CJI and/or PII. All information classified as confidential, personal and/or protected information must be properly stored, transmitted, transported and disposed of in a manner to protect it from unauthorized access or disclosure, alteration or misuse. Regardless of its form or method of dissemination (i.e., hard copy, fax, etc) CJI requires protection throughout its lifetime.

### **Destruction of Materials**

Printed material may be placed in confidential destroy boxes and subsequently destroyed by a contracted vendor. Some units have their own confetti shredders that they may use. “Strip cut” shredders are not to be used for destruction, the crosscut shredders shall be used.

Electronic records on decommissioned servers or other storage devices are to be securely erased using DOD approved methods or the physical media destroyed. Electronic media may be reused; however, the media should be securely released first where practical.

#### **CD/DVD media**

Break/destroy prior to disposal

#### **Hard Drives**

Erase the drive using DOD approved methods

Use the vendor provided utility for built-in “secure erase” function

Break/destroy the hard drive (drill several holes through platters, shred, smash to a point where platters and PCB’s are broken)

Tapes

Erase using DOD approved methods (degauss)

Destroy (shred)

#### **Flash Drives**

Break Destroy the device

Electronic media may be placed in confidential destroy boxes where a vendor destroys them for us.

Transportation of Records, printed material, electronic media, or containers with CJI may only be handled or transported by approved persons who have been finger print background checked

### **Storage of Records**

Printed material, electronic media, or containers with CJI may only be stored at approved locations staffed by persons who have been finger print background checked.