

Fresno County Probation Department

NEW JJC Policy Manual

MISSION STATEMENT

The primary purpose of the Fresno County Juvenile Justice Campus is to provide secure detention for youth identified as presenting a threat to the community. The Juvenile Justice Campus Institution shall provide structure and programs that ensure the safety of each detained youth, the staff, and guests to the facilities.

In order to encourage law abiding behavior and individual accountability, the youth, while detained, shall be provided the services designed to: address physical, emotional, and spiritual needs; enhance self-esteem; promote academic development; and improve decision-making ability. The mission will be achieved with an efficient operation of the facility while ensuring the legal and proper care of the youth while utilizing trauma-informed, culturally responsive and gender-responsive approaches (15 CCR 1324).

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Chapter 1 - Role and Authority

Authority and Reporting of Legal Actions (Title 15, § 1340)

100.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Fresno County Probation Department shall operate and maintain a secure detention facility in this state (Welfare and Institutions Code § 850). In addition to the authority vested by state law, the Juvenile Justice Campus operates in accordance with these laws, constitutional mandates, regulations, and local ordinances, including the federal Juvenile Justice Delinquency and Prevention Act in accordance with the Custody Manual Policy (Welfare and Institutions Code § 850).

100.2 POLICY

It is the policy of this Department that the secure detention facility will be maintained by all lawful means as a safe and supportive homelike environment (Welfare and Institutions Code § 851) for the detention of juvenile offenders suspected of violating the law or who have been adjudicated as delinquent for committing a crime as prescribed by law.

100.3 LEGAL FOUNDATION

Juvenile Justice Campus staff members at every level must have an understanding and true appreciation of their authority and limitations in operating a secure detention facility. The Fresno County Probation Department recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement, detention, and probation staff members with the authority to maintain lawful custody of youth suspected of criminal activity to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

The Juvenile Justice Campus shall be under the management and control of the Chief Probation Officer (Welfare and Institutions Code § 852).

100.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the County Counsel and legal specialists can benefit the Department:

- (a) Analyze and alert the Juvenile Justice Campus executive and management team to Juvenile Justice Campus-related case law
- (b) Serve as a legal consultant in the construction and review of new Juvenile Justice Campus policies and procedures
- (c) Serve as a legal consultant on issues related to but not limited to:
 1. Use of force
 2. Faith-based requests
 3. Complaints and grievances

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4. Allegations of abuse in the Juvenile Justice Campus
 - (d) Serve as legal counsel in legal matters brought against this Department and the Chief Probation Officer

100.4.1 LEGAL LIAISON

The Chief Probation Officer will designate or appoint one or more staff members to act as a liaison between the Department and the County Counsel's office as needed. The legal liaison will provide a facility and policies orientation to representatives of the County Counsel's office as needed.

The legal liaison will arrange for regularly scheduled meetings to provide an ongoing status report of facility issues to the legal counsel as needed. The legal liaison will maintain an open relationship with legal counsel to move quickly on emerging facility issues that could have significant legal implications for the Department.

100.5 REPORTING OF LEGAL ACTIONS

For each facility the Department operates, the Chief Probation Officer shall ensure a notification letter is submitted to the Board of State and Community Corrections briefly describing each legal action pertaining to conditions of confinement filed against persons or legal entities responsible for Juvenile Justice Campus operations (15 CCR 1340).

100.6 ISSUED DATE

- 04/17/2023

Juvenile Detention Manual (Title 15, § 1324)

101.1 PURPOSE AND SCOPE

The manual of the Fresno County Probation Department is hereby established and shall also be referred to as the Juvenile Detention Manual, or the manual. The manual is a statement of the current policies, rules, procedures and guidelines of this Department.

All prior and existing manuals, orders, and regulations that conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual. Ongoing memorandums will be sent out through e-mail by JJC Administration when updates occur, as the transition occurs between the old manual and this manual.

Unless otherwise expressly stated, the provisions of this manual shall be considered guidelines. It is recognized that work in the custody environment is not always predictable, and circumstances may arise that warrant departure from these guidelines. This manual should be viewed from an objective standard, taking into consideration the sound discretion entrusted to staff members of this Department under the circumstances reasonably known to or perceived by them at the time of any incident (15 CCR 1324).

101.1.1 DEFINITIONS

The following words and terms shall have these assigned meanings:

Department - The Fresno County Probation Department.

Juvenile Detention Manual - The Fresno County Probation Department Custody Manual.

Employee - Any person who is employed by the Department. This does not include contractors, volunteers, or other non-employees. Employee is a more restrictive term than staff member. Some laws/regulations apply only to employees, while some apply to all staff members. For this reason, exercise caution when changing these terms in policy.

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

Officers - All persons, regardless of rank, who are employees and who are selected, appointed, and trained in accordance with state law as officers of the Fresno County Probation Department.

On-duty employee - Status during the period when the person is actually engaged in the performance of assigned duties.

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

Post orders - A description of all regular daily activities, including but not limited to safety checks, head counts, meals, sick call, recreation, clothing exchange, mail distribution, and response to emergencies, such as fires, natural disasters, and criminal acts to be performed for a specific post or post assignment.

Rank - The job classification held by an officer.

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Shall or will - Is used to express something that is mandatory; "may" is permissive.

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

Staff member or member - Any person employed or appointed by the Fresno County Probation Department, including:

- (a) Full- and part-time employees.
- (b) Sworn officers.
- (c) Non-sworn employees.
- (d) Volunteers.
- (e) Contractors.
- (f) Student interns.

Supervisory staff member - A staff member whose primary duties may include but are not limited to scheduling and evaluating subordinate staff members, providing on-the-job training, making recommendations for promotion, hiring, and discharge of subordinate staff members, recommending disciplinary action, and overseeing subordinate staff member work. Supervisory staff members may be included in the youth-to-supervision staff member ratio when performing duties of direct youth supervision.

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

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

Youth - Any person who is in the custody of the Juvenile Justice Campus. This person may be a minor under the age of 18 or a person over 18 years of age. This includes persons whose cases are under the jurisdiction of the Juvenile Delinquency Court and persons whose cases are under the jurisdiction of the Adult Criminal Superior Court.

101.2 POLICY

The manual of the Fresno County Probation Department is hereby established and shall be referred to as the Juvenile Detention Manual. All staff members shall conform to the provisions of this manual.

101.2.1 DISCLAIMER

The provisions contained in the Juvenile Detention Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies in this manual are for the internal use of the Fresno County Probation Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the county, its officials,

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or staff members. Violations of any provision of any policy in this manual shall only form the basis for Department administrative action, training, or discipline. The Fresno County Probation Department reserves the right to revise any policy content, in whole or in part.

101.3 RESPONSIBILITIES

The Chief Probation Officer shall be considered the ultimate authority for the provisions of this manual and shall continue to issue departmental directives that shall modify the provisions to which they pertain. Departmental directives shall remain in effect until they are permanently incorporated into the manual (See Temporary Departmental Orders policy).

The Deputy Chief shall ensure that the Custody Manual is reviewed at least every two years and updated as necessary, and that staff members are trained to ensure that the policies in the manual are current and reflect the mission of the Fresno County Probation Department (15 CCR 1324). The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to the facility changes.

101.4 POLICY AND PROCEDURES MANUAL

In this Juvenile Detention Manual, the Chief Probation Officer shall develop, publish, and implement a manual of written procedures that address, at a minimum, all regulations that are applicable to the Juvenile Justice Campus. The Juvenile Detention Manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated as necessary. The Juvenile Detention Manual shall be made available to all employees, reviewed by all employees, and shall be administratively reviewed at a minimum every two years, and updated as necessary. Records relating to the standards and requirements set forth in these regulations shall be accessible to the Board of State and Community Corrections upon request.

This Custody Manual shall include the following (15 CCR 1324):

- (a) Table of organization, including channels of communications and a description of job classifications
- (b) Responsibility of the probation department, purposes of programs, relationship to the juvenile court, the Juvenile Justice/Delinquency Prevention Commission or Probation Committee, probation staff members, school personnel, and other agencies that are involved in Juvenile Justice Campus programs (see the Organizational Structure and Responsibility Policy)
- (c) Responsibilities of all employees
- (d) Initial orientation and training program for all employees
- (e) Initial orientation, including safety and security issues and anti-discrimination policies, for support staff members, contract employees, employees, school personnel, behavioral/mental health and medical personnel, program providers, and volunteers
- (f) Maintenance of record-keeping, statistics, and communication system to ensure the following: (see the Records Maintenance and Release Policy and the Records Policy):

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1. Efficient operation of the Juvenile Justice Camps
 2. Legal and proper care of youth
 3. Maintenance of individual youth's records
 4. Supply of information to the juvenile court and those authorized by the court or by state law
 5. Release of information regarding youth
- (g) Ethical responsibilities
1. Using or disclosing one's status as a staff member of the Fresno County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity
 2. The wrongful or unlawful exercise of authority on the part of any staff member for malicious purpose, personal gain, willful deceit, or any other improper purpose
 3. The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of staff member duties (lawful subpoena fees and authorized work permits excepted). Acceptance of fees, gifts, or money contrary to the rules of this Department and/or state laws
 4. Offer or acceptance of a bribe or gratuity
 5. Misappropriation or misuse of public funds, property, personnel, or services
 6. Any other failure to abide by the standards of ethical conduct
- (h) Trauma-informed approaches
- (i) Culturally responsive approaches
- (j) Gender-responsive approaches
- (k) A nondiscrimination provision that provides that all youth within the Juvenile Justice Campus shall have fair and equal access to all available services, placement, care, treatment, and benefits. The provision also shall provide that no youth shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status, economic status, cultural group, including classification decisions based solely on any of the above mentioned categories, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful :
1. The support and contractor staff member orientation programs will include instruction on safety and security issues and nondiscrimination policies.
 2. The constitutional rights of youth regarding discrimination are protected during all periods of custody. These protections extend to administrative decisions (e.g., classification, access to programs, availability of services). This policy is intended to guide all staff members toward nondiscriminatory administrative

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decisions and to detail a complaint and discrimination investigation process (15 CCR 1324).

- (l) Storage and maintenance requirements for any chemical agents, related security devices, and weapons and ammunition, where applicable
- (m) The Chief Probation Officer or the authorized designee shall establish procedures for collecting Medi-Cal eligibility information and enrollment of eligible youth
- (n) Establishment of a policy that prohibits all forms of sexual abuse, sexual assault, and sexual harassment. The policy shall include an approach to preventing, detecting, and responding to such conduct and any retaliation for reporting such conduct, as well as a provision for reporting such conduct by youth, staff members, or third parties

101.4.1 COMMAND STAFF MEMBERS

The command staff members should consist of the following:

- (a) Chief Probation Officer
- (b) Deputy Chief
- (c) Assistant Deputy Chief
- (d) Supervising Juvenile Correctional Officer

101.4.2 OTHER PERSONNEL

Line and youth supervision staff members have a unique view of how policies and procedures influence the operation of the facility and, therefore, are expected to bring to the attention of their supervisors any issues that might be addressed in a new or revised policy (15 CCR 1324).

101.5 DISTRIBUTION OF MANUAL

An electronic version of the Juvenile Detention Manual will be made available to every staff member on the Department internal and external network for viewing and printing (15 CCR 1324).

No changes shall be made to the Juvenile Detention Manual without authorization from the Chief Probation Officer or authorized designee.

Every staff member shall be required to review and acknowledge all policies and procedures that have been released. Staff members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

101.6 MANUAL ACCEPTANCE

All staff members are required to read and obtain necessary clarification of this Department's policies and procedures.

101.7 REVISIONS TO POLICIES

All staff members are responsible for keeping abreast of all Juvenile Detention Manual revisions (15 CCR 1324). All changes to the Juvenile Detention Manual will be posted on the network for review and acknowledgment by staff once they have been released. Each staff member shall acknowledge the online acknowledgment, review the revisions, and seek clarification as

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needed. The Chief Probation Officer or the authorized designee may require staff members to acknowledge implemented specified policies and procedures on annual basis. Each staff member will be required to sign an acknowledgment indicating they have read, understood, and agree to follow the policies and procedures they have read.

Supervisors will ensure that staff members under their command are familiar with and understand all revisions.

101.8 CONFLICTS BETWEEN LAW AND DEPARTMENT PROCEDURES

If staff members become aware that material contained in the Juvenile Detention Manual or notifying correspondence are in conflict with the law shall notify the Chief Probation Officer or JJC Administration through the appropriate reporting channels of the apparent conflict. The Chief Probation Officer or the authorized designee will determine what remedial action is appropriate and implement accordingly.

101.9 CONTRADICTORY COURT ORDERS

Any staff member who is directed by the court to perform in a manner that seems inconsistent with Department policies or procedures through their chain of command shall attempt to make the court aware of the conflict. If an immediate response to the court directive is not required, staff members shall seek direction from their immediate supervisor. If the matter requires immediate response, staff members will comply with the direction of the court, then advise their supervisor of the action as soon as possible.

101.10 REFERENCES

See Juvenile Detention Manual Procedure for additional guidance.

101.11 ISSUED DATE

- 08/19/2020

101.11.1 ISSUED DATE

- 04/17/2023

Annual Facility Inspection (Title 15, § 1313)

102.1 PURPOSE AND SCOPE

Annual facility inspections are the collections of data designed to assist administrators, managers, and supervisors in the management of the facility by establishing a systematic inspection and review of its operation. This policy provides guidelines for conducting the annual facility inspection and for obtaining the required inspections from local government agencies.

102.2 POLICY

This Department will use a formal annual inspection process of its facility to ensure that practices and operations comply with statutes, regulations, policies and procedures, and best practice standards. Inspections will be used to help identify the need for new or revised policies and procedures, administrative needs, funding requirements, evaluation of service providers, and changes in laws and regulations.

102.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief is responsible for collecting performance indicators and other relevant data necessary for an annual inspection of all facilities. The Deputy Chief will ensure that annual inspections are conducted as outlined below for each facility type.

Annual inspections may be used in preparation for inspections by outside entities, such as a government inspection authority, a professional organization, or an accreditation body. In this case, the self-inspection will serve as a pre-inspection review that will prepare the facility for the outside or third-party evaluator.

102.3.1 INSPECTION AND EVALUATION OF BUILDING AND GROUNDS

On an annual basis, or as otherwise required by law the Deputy Chief shall obtain a documented inspection and evaluation from the following (15 CCR 1313):

- (a) The county building inspector or a person designated by the Board of Supervisors to approve building safety.
- (b) The fire authority having jurisdiction, including a fire clearance as required by Health and Safety Code § 13146.1 (a) and (b) (see the Fire Safety Plan Policy).
- (c) The local health officer, inspection in accordance with Health and Safety Code § 101045.
- (d) The county superintendent of schools on the adequacy of educational services and facilities as required in the Youth Educational Services Policy and 15 CCR 1370.
- (e) The juvenile court as required by Welfare and Institutions Code § 209.
- (f) The Juvenile Justice Commission as required in Welfare and Institutions Code § 229 or the Probation Commission as required by Welfare and Institutions Code § 240.

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Annual Facility Inspection (Title 15, § 1313)

102.3.2 NONCOMPLIANCE REPORTING

The Deputy Chief shall report as requested by the Board of State and Community Corrections the reasons for the noncompliance with the minimum standards or the corrective measures taken within the time prescribed in the notice of noncompliance as described in Welfare and Institutions Code § 209.

102.4 INSPECTION AREAS

The annual inspection should include the following areas in the assessment process:

- (a) **Pre-assessment briefing** - The pre-assessment briefing should begin with a meeting of the Deputy Chief, key program staff members, and service providers. The individual conducting the assessment will need to advise key staff members on what areas the individual will be inspecting so the appropriate materials can be brought up to date and provided to the assessment team.
- (b) **Policy review** - A review of all Juvenile Justice Campus policies and procedures should be conducted to ensure that those policies are up to date and accurately reflect the requirements and activities related to the Juvenile Justice Campus operation.
- (c) **Record review** - A review of the records that support Juvenile Justice Campus activities, medical records, food services, and the facility's financial records should be conducted to ensure that contractual benchmarks are being met and any discrepancies are documented and reported as part of the assessment report in an effort to mitigate harm from improper access to or release of records.
- (d) **Benchmark review** - A review of the Department-stated goals and objectives should be discussed with the Deputy Chief, program managers, and other key providers of programs. This will provide the opportunity to identify any areas that require correction or additional resources or that reflect a successful performance that should be acknowledged and possibly replicated.
- (e) **On-site inspections** - The assessment team should inspect the facility to verify that activities in the facility align with goals and objectives and comply with policies and procedures. Any discrepancies, as well as exceptional efforts on the part of management and staff members, should be reported as part of the Juvenile Justice Campus assessment. An inspection checklist should be used to guide the inspection process and to ensure consistency. It is important that the Juvenile Justice Campus assessments be viewed as a credible measurement instrument because many issues identified in the assessment may require funding.
- (f) **Develop an action plan** - After the fact-finding described in the previous sections has been accomplished, notes, records, and recommendations should be analyzed, and an action plan developed to initiate any needed correction. Documenting successful practices is important to determine if they can be replicated in other areas.
- (g) **Reporting** - The results of the inspection should be compiled into a report and should include recommendations and action plans necessary to ensure continuous improvement in the operation and management of the Juvenile Justice Campus system. The completed report and any analysis and documentation required to justify

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Annual Facility Inspection (Title 15, § 1313)

costs, policy revisions, or any other administrative requirements should be submitted to the Chief Probation Officer.

- (h) **Monitor progress** - The Deputy Chief should ensure that approved recommendations are being instituted by the responsible program providers.

102.5 FOCAL POINTS FOR INSPECTIONS

Inspections of facilities used for detaining youth pending pre-adjudication and adjudication, held during trial, and held upon a lawful court commitment should include inspection of the policies, procedures, and performance by management and staff members to ensure compliance and timely updates. Inspections should include but are not limited to the following inspection points:

- (a) Staff member training
- (b) Number of staff members
- (c) Policy and procedures manual
- (d) Fire suppression pre-planning
- (e) Incident reports
- (f) Critical incidents (e.g., major injuries, deaths)
- (g) Documented suicide attempts
- (h) In-custody deaths
- (i) Classification plan
- (j) Admissions
- (k) Communicable disease prevention plan
- (l) Youth with mental disorders
- (m) Youth with developmental disabilities
- (n) Use of force and restraint devices
- (o) Contraband control
- (p) Perimeter security (see the Security Review Policy)
- (q) Searches
- (r) Access to telephones
- (s) Access to courts and counsel
- (t) Youth visiting
- (u) Youth mail
- (v) Religious access
- (w) Health care services
- (x) Intake medical screening
- (y) Pest control

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Annual Facility Inspection (Title 15, § 1313)

- (z) Suicide prevention program
- (aa) First-aid kit
- (ab) Meals, frequency of serving
- (ac) Minimum diet
- (ad) Food services plan
- (ae) Food serving and supervision
- (af) Facility sanitation, safety, and maintenance
- (ag) Tools, key, and lock control (see the Security Review Policy)
- (ah) Use of safety and camera rooms and medical isolation areas
- (ai) Plan for youth discipline, including rules and disciplinary penalties, forms of discipline, limitations on discipline, and disciplinary records
- (aj) Standard bedding and linen use
- (ak) Mattresses
- (al) Programming (e.g., education, vocational)
- (am) Clothing and laundry

102.6 ISSUED DATE

- 04/17/2023

Appointment and Qualifications (Title 15, § 1320)

103.1 PURPOSE AND SCOPE

This policy addresses the appointments of the Chief Probation Officer and the Deputy Chief and the qualifications for new staff members.

Section 1320 of Title 15 of the California Code of Regulations, Minimum Standards for Juvenile Facilities, sets forth the requirements for the appointment of the Deputy Chief by the Chief Probation Officer and establishes general qualifications for staff members appointed by the Deputy Chief and assigned to work in juvenile facilities (15 CCR 1320).

103.2 POLICY

It is the policy of the Fresno County Probation Department that the Chief Probation Officer and the Deputy Chief meet the minimum standards for exercising the authority granted by law.

103.3 APPOINTMENT AND QUALIFICATIONS

The Chief Probation Officer of the Fresno County Probation Department, who operates the Juvenile Justice Campus, as a condition of employment, shall be appointed in accordance with the provisions of Government Code § 27770.

- (a) For each juvenile detention facility that the Department operates, the Chief Probation Officer shall appoint a Deputy Chief in charge of its programs and employees pursuant to applicable provisions of law (Welfare and Institutions Code § 854).
- (b) The Chief Probation Officer shall verify that all candidates and new hires meet the minimum qualifications established by the Department and set forth in state law (Government Code § 1029; Government Code § 1031), and also satisfy the Standards and Training for Corrections (STC) minimum selection requirements in accordance with the Recruitment and Selection Policy (15 CCR 1320). The Chief Probation Officer shall:
 1. Recruit and hire employees who possess the requisite knowledge, skills, and abilities appropriate to their job classification and duties in accordance with civil service or merit-based rules.
 2. Require a medical evaluation and physical examination, including a tuberculosis screening test and an evaluation for immunity to contagious illnesses of childhood (i.e., diphtheria, rubeola, rubella, mumps).
 3. Adhere to the minimum standards for the selection and training requirements adopted by the Board of State and Community Corrections pursuant to Penal Code § 6035.
 4. Conduct a background investigation, to include a criminal record check and a psychological exam, on each new staff member in accordance with Government Code § 1031 et seq.
- (c) All contract personnel, volunteers, and other non-employees of the Fresno County Probation Department who may be present at the facility shall have such clearance and qualifications as required by law. Their presence at the facility shall be subject to

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Appointment and Qualifications (Title 15, § 1320)

the approval and control of the Deputy Chief (see the Vendors, Volunteers and Student Internships Policy).

103.4 ISSUED DATE

- 04/17/2023

Organizational Structure and Responsibility

104.1 PURPOSE AND SCOPE

This policy identifies the authority and responsibility of the Fresno County Probation Department and staff members. All officers employed within the State of California are required to meet specific requirements. The organizational structure of the Department is designed to create an efficient means to accomplish its mission and goals, and to provide for the best possible service to the public.

104.2 POLICY

It is the policy of the Fresno County Probation Department that the Chief Probation Officer meets the minimum standards for exercising the authority granted by law. This Department recognizes the power of officers to use discretion in the exercise of the authority granted to them. Officers are encouraged to use sound discretion in performing their duties. This Department does not tolerate abuse of authority.

The Fresno County Probation Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control, and guidance of the Department.

104.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall have charge of the Juvenile Justice Campus (Welfare and Institutions Code § 853). Custody Operations may include Investigations, Medical/Mental Health Services, Educational Services, and Programs, and Transportation. Support Services may include the general management direction and control for Food Services, Facility Infrastructure and Maintenance, Laundry Services, Fleet Services, and Procurement/Warehouse Services.

104.4 OFFICER RESPONSIBILITIES

Officers are authorized to supervise youth as provided in this manual, applicable court orders, and state law (Government Code § 27770 et seq.; Penal Code § 830.5;).

Every officer shall have the powers and authority conferred by law upon peace officers listed in Section 830.5 of the Penal Code (Welfare and Institutions Code § 283; Penal Code § 1202.8; Penal Code § 1203.71; Government Code § 1029 et seq.). In addition, every officer will meet the minimum selection standards set forth in 15 CCR 184 and successfully complete the core training requirements for each applicable classification.

104.5 ARREST AND OTHER POWERS

Officers authorized by the Chief Probation Officer may exercise peace officer powers anywhere in the state while performing official duties. The authority extends only to (Penal Code § 830.5):

- (a) Conditions of any person being supervised by this Department who is on parole, probation, mandatory supervision, or post-release community supervision.
- (b) The escape of any incarcerated person or ward from a state or local institution.

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- (c) The transportation of persons on parole, probation, mandatory supervision, or post-release community supervision.
- (d) Violations of any penal provisions of law discovered while performing the usual or authorized duties of their employment.
- (e) Rendering mutual aid to any other law enforcement agency.

104.6 CHAIN OF COMMAND

To maintain continuity, order, and effectiveness in the Department, a chain of command has been established and should be respected. All staff members should adhere to the chain of command in all official actions. However, nothing shall prohibit a staff member from initiating immediate action outside of the chain of command if it is necessitated by a complaint of discrimination, sexual harassment, gross malfeasance, or a violation of the law (see the Juvenile Detention Manual Policy).

104.6.1 ORGANIZATIONAL CHART

The Deputy Chief shall ensure an organizational chart identifying the chain of command is maintained and updated.

104.6.2 GENERAL AGENCY RESPONSIBILITIES

The Fresno County Probation Department is one of several agencies that comprise the juvenile justice system, and our facilities address an important role of keeping youth safe when they cannot be placed in a non-secure setting. The Fresno County Probation Department serves as an arm of the court in this role with our staff members and providers providing a variety of services, such as mental health services, education, family support, evidence-based practices, and mentoring. The Fresno County Probation Department is in a unique position to assist youth to move toward positive change.

The Juvenile Justice Campus shall not be in, or connected with any jail or prison, and shall not be deemed to be, nor be treated as a penal institution. It shall be a safe and supportive homelike environment (Welfare and Institutions Code § 851).

The role of the Juvenile Justice Commission is to inquire into the administration of juvenile law within Fresno, including inspecting juvenile facilities and programs offered to youth (see the Juvenile Detention Policy) (Welfare and Institutions Code § 225, 229).

104.7 ISSUED DATE

- 04/17/2023

Annual Review and Performance-Based Goals and Objectives

105.1 PURPOSE AND SCOPE

This policy establishes review criteria to measure and evaluate the facility's success in achieving established goals and objectives.

105.2 POLICY

The Fresno County Probation Department is dedicated to continuous improvement in the services provided on behalf of the public and in accordance with applicable laws, regulations, and best practices in the operation of this facility. To this end, the Department should conduct an annual review to evaluate its progress in meeting stated goals and objectives.

105.3 ANNUAL REVIEW

The Deputy Chief should ensure that the juvenile detention management team conducts an annual management review of, at a minimum:

- (a) Statutory, regulatory, and other requirements applicable to the operation of the facility.
- (b) Lawsuits and/or court orders/consent decrees.
- (c) Department policies, procedures, temporary departmental orders, and post orders that guide the operation of the facility.
 1. The review should ensure that policies and procedures for admitting youth into the facility emphasize respectful and humane engagement with youth, reflect that the admission process may be traumatic to youth who may already have experienced trauma, and be trauma-informed, culturally relevant, and responsive to the language and literacy needs of youth (see the Youth Admittance Process Policy).
- (d) Fiscal operations and accounting procedures.
- (e) Personnel issues/actions that include but are not limited to on-the-job injuries, internal affairs investigations, employee grievances, employee discipline, selection, and recruitment.
- (f) Compliance with internal/external inspections of the facility.
- (g) Condition of the physical plant, infrastructure, and maintenance efforts.
- (h) Cleanliness of the facility.
- (i) Youth profiles and trends, such as the Juvenile Detention Profile Survey, that measure:
 1. Youth population (average daily population).
 2. Youth population by gender.
 3. Highest one-day count.
 4. Discharge.

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Annual Review and Performance-Based Goals and Objectives

5. Percentage of male youth.
 6. Percentage of female youth.
 7. Pre-adjudicated youth in detention.
 8. Adjudicated youth in detention.
 9. Medical beds.
 10. Behavioral/mental health beds.
 11. Meal counts (regular, medical, court meals).
 12. Alternative-to-detention youth.
 13. Special needs youth.
 14. Classification issues.
 15. Youth grievances (founded/denied).
 16. Demographics (age, race, gang affiliation).
 17. Court movement.
 18. Certified to stand trial as an adult.
 19. Status of offenders detained.
 20. Youth held pending transport per Interstate Compact.
- (j) Security issues that include:
1. Youth-on-youth assaults.
 2. Youth-on-staff member assaults.
 3. Major disturbances.
 4. Deaths in detention facility (natural/suicide/homicide/accidents).
 5. Suicide attempts.
- (k) Youth programs including:
1. Educational and vocational.
 2. Drug and alcohol programs (e.g., substance abuse education, counseling, support groups, Alcoholics Anonymous, Narcotics Anonymous).
 3. Faith-based services.
 4. Behavior modification programming (e.g., anger management).

105.4 CRITERIA TO MEASURE PERFORMANCE

The following items should be used to measure and evaluate the level of success in achieving the Department's stated goals:

- (a) Fiscal year budget surpluses or successful operations even with budget reductions
- (b) Findings from independent financial audits

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Annual Review and Performance-Based Goals and Objectives

- (c) Youth grievances
- (d) Documentation that Department investigators have completed the required specialized training in conducting sexual abuse investigations (28 CFR 115.334)
- (e) Documented training hours completed by staff members
- (f) Completed audits of the policy and procedures manuals
- (g) Incident reports
- (h) Parent/guardian complaints
- (i) Public complaints
- (j) Use of force incidents

105.5 MANAGEMENT REVIEW PROCESS

The management team may employ several methods to assess performance, including:

- (a) **Performance analysis** - Performance analysis attempts to discover discrepancies between the expected and actual levels of performance. This analysis should focus on whether the practices in this facility are meeting the mission of the Department and whether Department policies and procedures align with statutes, regulations, and court orders.
- (b) **One-to-one interviews** - Scheduled interviews with staff members held in private to encourage candid responses and help identify issues or conditions that should be targeted for review or correction.
- (c) **Questionnaires** - Questionnaires should be used as a group method to solicit suggestions and information about what operations need adjustment or where program resources should be directed.
- (d) **Staff member debriefing** - Staff members should be periodically debriefed, especially after an emergency operation or incident, to identify aspects of facility operations that may need to be addressed by the Deputy Chief and supervisors.
- (e) **Inspection findings** - The Department is subject to a variety of administrative inspections (e.g., by the Board of State and Community Corrections, the Juvenile Justice Commission, command staff members, detention advocates, health inspectors). These annual inspections should be used to identify ongoing issues in the operation of this facility.
- (f) **Security reviews** - The Deputy Chief shall develop policies and procedures to annually review, evaluate, and document the security of the facility. The review and evaluation shall include internal and external security, including but not limited to key control, equipment, and staff member training.

105.6 ISSUED DATE

- 04/17/2023

Administrative Communications

107.1 PURPOSE AND SCOPE

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

107.2 POLICY

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

107.3 EMAILS

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

107.4 CORRESPONDENCE

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

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

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

107.5 SURVEYS

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

107.6 OTHER COMMUNICATIONS

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

107.7 ISSUED DATE

- 04/28/2021

Temporary Departmental Orders

108.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing temporary departmental orders (TDOs).

108.2 POLICY

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

108.3 PROTOCOL

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

The Chief Probation Officer or the authorized designee shall ensure that all Temporary Departmental Orders are disseminated appropriately as set forth in 108.5 below. Temporary Departmental Orders should be numbered consecutively and incorporate the year of issue. All staff members will be notified when a Temporary Departmental Order is rescinded or has been formally adopted into the Policy Manual.

108.4 RESPONSIBILITIES

108.4.1 CHIEF PROBATION OFFICER

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

108.4.2 DIVISION DEPUTY CHIEFS

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

108.5 DISTRIBUTION OF TEMPORARY DEPARTMENTAL ORDERS; ACCEPTANCE BY STAFF MEMBERS

All staff members shall be provided access to the Temporary Departmental Orders. Each staff member shall acknowledge that the staff member has been provided access to, and has had the opportunity to review, the Temporary Departmental Orders, and shall certify that the staff member understands the Temporary Departmental Order. Each staff member shall seek clarification as needed from an appropriate supervisor for any provisions that the staff member does not fully understand.

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Temporary Departmental Orders

The Department will also provide copies of Temporary Departmental Orders to the designated representative of each Bargaining Unit then representing staff members employed by the Department.

108.6 COMPLIANCE WITH MEYERS MILLIAS BROWN ACT (MMBA)

The County will, if required by the MMBA, Government Code section 3500, et seq., notice the designated representative of each Bargaining Unit then representing staff members employed by the Department and offer to meet and confer regarding the Temporary Departmental Order and/or its impacts.

108.7 DURATION OF TEMPORARY DEPARTMENTAL ORDERS

All Temporary Departmental Orders shall have an initial duration of 180 calendar days, unless a shorter duration is prescribed by an Order. Temporary Departmental Orders are subject to extension in successive 30 calendar day increments if in the judgment of the Chief Probation Officer, or the authorized designee, such extension is necessary to ensure compliance with applicable law, including but not limited to negotiations which may be required by the MMBA regarding a successor policy.

108.8 ISSUED DATE

- 09/16/2021

Chief Probation Officer

109.1 PURPOSE AND SCOPE

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

109.2 POLICY

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

109.3 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department, as a condition of employment, shall be appointed and retained pursuant to Government Code § 27770 and Section 21 of the Charter of the County of Fresno, State of California.

109.4 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department shall be appointed and retained by the Regional Juvenile Justice Commission (Government Code § 27770).

109.5 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department shall be appointed and retained pursuant to the provisions of the County Charter (Government Code § 27770).

109.6 CHIEF PROBATION OFFICER REQUIREMENTS

The Chief Probation Officer of this department shall be appointed and retained pursuant to the provisions of the merit or civil service system (Government Code § 27770).

109.7 ISSUED DATE

- 04/28/2021

Oath of Office

110.1 PURPOSE AND SCOPE

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

110.2 POLICY

It is the policy of the Fresno County Probation Department that, when appropriate, department staff 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 staff members to their duties.

110.3 OATH OF OFFICE

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

110.4 MAINTENANCE OF RECORDS

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

110.5 ISSUED DATE

- 04/28/2021

Code of Ethics

111.1 CODE OF ETHICS

I will render professional service to the justice system and the community at large in effecting the social adjustment of the person.

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

I will uphold the law with dignity, displaying an awareness of my responsibility to persons while recognizing the right of the public to be safeguarded from criminal activity.

I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.

I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office. I will never engage in acts of corruption or bribery, nor will I condone such acts by other peace officers and staff members. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.

I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.

I will encourage policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals and objectives of the Fresno County Probation Department.

I recognize my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the Fresno County Probation Department.

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

111.2 ISSUED DATE

- 04/28/2021

Core Values Statement

112.1 CORE VALUES STATEMENT

The Fresno County Probation Department recognizes that its mission is accomplished through the efforts of Department staff members. In order to achieve Department goals, the Department has established the following Core Values as a guide for staff members in their conduct and decisions involving co-workers, the Courts, persons under supervision, and staff members of the community:

- A. Integrity
 - 1. In practice this value looks like
 - (a) Be worthy of trust.
 - (b) Act with honesty and sincerity.
 - (c) Be truthful and dependable.
 - (d) Acknowledge mistakes and errors in judgment.
 - (e) Obey the law and uphold Department policies and procedures.
 - (f) Bring honor to the Department with proper conduct in professional and personal life.
- B. Respect
 - 1. In practice this value looks like:
 - (a) Accept the differences of others.
 - (b) Respect the dignity and privacy of others.
 - (c) Use good manners and speech.
 - (d) Be considerate of others' opinions and feelings.
 - (e) Deal with anger, insults, and disagreements in a constructive way.
 - (f) Avoid participating in gossip and rumors.
 - (g) Be professional and sensitive when providing services.
- C. Leadership
 - 1. In practice this value looks like:
 - (a) Use sound judgment in decisions.
 - (b) Be fair, consistent, and reasonable.
 - (c) Display a positive attitude.
 - (d) Seek to improve skills by expanding knowledge of profession.
 - (e) Lead by example.
- D. Teamwork
 - 1. In practice this value looks like:

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Core Values Statement

- (a) Accomplish Department goals and responsibilities as a staff member of the "Probation team."
 - (b) Cooperate with others in collaborative efforts.
 - (c) Work towards consensus building and gain value from diverse opinions.
 - (d) Consider how decisions affect the safety and well-being of others.
- E. Commitment
- 1. In practice this value looks like:
 - (a) Perform duties with determination and dedication to the mission of the Department.
 - (b) Carry out responsibilities, striving to achieve a standard of excellence.
 - (c) Be reliable and follow through.
 - (d) Be loyal.

112.2 ISSUED DATE

- 04/28/2021

Chapter 2 - Organization and Administration

Report Preparation (Title 15, § 1362)

201.1 PURPOSE AND SCOPE

Report preparation is an essential major of each officer's job. All reports shall be typed unless approved by a supervisor to be handwritten. The purpose of these reports is to document incidents at the facility, refresh the officer's memory, and provide sufficient information for a follow-up investigation and successful prosecution or a disciplinary proceeding. Report writing is the subject of substantial formal and on-the-job training.

201.2 POLICY

It is the policy of the Fresno County Probation Department that staff members shall act with promptness and efficiency in the preparation and processing of all reports.

201.3 REPORTING OF INCIDENTS

A written report of all incidents which result in physical harm, the use of force, serious threat of physical harm, or death of an employee, youth or other person(s) shall be maintained. Such written record shall be prepared by the staff member and submitted to the Deputy Chief by the end of their respective shift, unless additional time is necessary and authorized by the Deputy Chief or the authorized designee (15 CCR 1362).

Staff members shall ensure that reports are sufficiently detailed and free from errors prior to submission. Reports shall be prepared by the staff member assigned to investigate or document an incident, approved by a supervisor as set forth in the report preparation procedures.

It is the responsibility of the assigned staff member to ensure that all the above-listed reports meet this requirement or that supervisory approval has been obtained to delay the report. The supervisor must determine whether the report will be available in time for appropriate action to be taken, such as administrative notifications or resolution, investigative leads, or a youth disciplinary proceeding.

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

201.4 REQUIRED REPORTING

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

201.4.1 CRIMINAL ACTIVITY REPORTING

When a staff member responds to an incident, or as a result of self-initiated activity, and becomes aware of any activity where a crime has occurred, the staff member is required to document the

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activity in an incident report. The fact that a victim does not desire prosecution is not an exception to the documentation requirement.

201.4.2 DEATHS

All deaths shall be investigated and a report completed by a qualified investigator to determine the manner of death and to gather information, including statements of youth and staff members who were in the area when the death occurred.

Reporting of youth deaths will be handled in accordance with the In-Custody Death Reviews Policy.

201.4.3 INJURY OR DAMAGE BY DEPARTMENT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of any staff member. Reports shall be taken involving damage to Department property or equipment.

201.4.4 USE OF FORCE AND USE OF PHYSICAL RESTRAINTS

Reports related to the use of force or physical restraint shall be made in accordance with the Use of Force Policy/Procedures and the Use of Physical Restraints Policy/Procedures.

201.4.5 OTHER REPORTABLE INCIDENTS

Officers shall follow the report preparation guidelines regarding other reportable incidents.

201.5 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all staff members and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. Incomplete reports, unorganized reports, or reports delayed without supervisory approval, as required by 15 CCR 1362, are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

201.5.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

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

201.6 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall return the reporting staff member for correction as soon as practicable. It shall be the responsibility of the originating staff member to ensure that any report returned for correction is processed in a timely manner. It shall be the responsibility of the supervisor rejecting the report to follow up on any report corrections not received in a timely manner.

201.7 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted for filing may be corrected or modified by the authoring staff member only with the knowledge and authorization of the reviewing supervisor. Reviewing supervisors shall not

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alter reports. When modifications are required, these shall be the responsibility of the authoring staff member.

201.8 ELECTRONIC SIGNATURES

The Department has established an electronic signature process for use by all staff members. The system use and design shall follow the Uniform Electronic Transactions Act when applicable (Civil Code § 1633) and shall comply with Fresno County Board of Supervisors Administrative Policy 55 (Electronic Forms, Electronic, and Digital Signatures):

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

201.9 REFERENCES

See Report Preparation Procedures for additional guidance.

201.10 ISSUED DATE

- 04/17/2023

Staffing Plan (Title 15, § 1321)

202.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that adequate personnel are available to meet the operational and programming needs of the Department, and to ensure development of a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff members, visitors, youth, and the public in accordance with the minimum standard for staffing established by the Board of State and Community Corrections (15 CCR 1321).

202.2 POLICY

It is the policy of the Fresno County Probation Department to ensure the safety, security, and efficient operation of this facility by assigning staff members according to a detailed staffing plan.

202.3 STAFFING PLAN REQUIREMENTS

The Deputy Chief or the authorized designee shall ensure that a staffing plan conforming to the type and size of this facility is prepared and maintained as described in this section. The plan shall detail all staff member assignments, including work hours and weekly schedules, and shall account for holidays, vacations, training schedules, military leave, sick time, and other atypical situations (15 CCR 1321).

At a minimum, the staffing plan will include:

- (a) Facility administration and supervision.
- (b) All facility programs, including programming, exercise, and recreation.
- (c) Post positions and assignment descriptions.
- (d) Staff member break relief.
- (e) Staff member-to-youth ratios.
- (f) Youth supervision.
- (g) A plan for shift relief.
- (h) Support services, including medical, food services, maintenance, and clerical.
- (i) Other facility-related functions such as escort and transportation of youth.

202.3.1 RESPONSIBILITIES

The AgencyHead or the authorized designee is responsible for seeing that this facility (15 CCR 1321):

- (a) Has an adequate number of personnel sufficient to carry out the overall facility operation and its programming, to provide for the safety and security of youth and staff members, and to meet established standards and regulations.
- (b) Ensures that no required services shall be denied because of insufficient numbers of staff members on-duty absent exigent circumstances.

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Staffing Plan (Title 15, § 1321)

- (c) Has a sufficient number of supervisory-level staff members to ensure adequate supervision of all other facility staff members.
- (d) Has a clearly identified person on-duty at all times who is responsible for all operations and activities and has completed the Juvenile Corrections Officer Core Course and other training as required by Penal Code § 832.
- (e) Has at least one staff member present on each living area whenever there are youth in the living area.
- (f) Has at least one qualified staff member appointed who will be responsible for the oversight of daily activities of food services and ensuring food safety. The appointed staff member must be certified by passing the American National Standards Institute food safety manager certification examination.
- (g) Has sufficient food service personnel relative to the number and security of living areas., The JJC serves food that meets nutritional standards prepared by an outside source (see the Kitchen Facilities, Sanitation, Inspections, and Food Storage Policy and the Food Services and Supervision Policy).
- (h) Has sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, control room, facility security, and other support staff members for the efficient management of the facility, and to ensure that youth supervision staff members shall not be diverted from supervising youth. The Facility Watch Commanders are responsible for administrative and supervisory decisions in the absence of the Administrative personnel. If situations arise where further guidance is needed the facility Watch Commandeer may contact an Assistant Deputy Chief or Deputy Chief.
- (i) Assigns sufficient youth supervision staff members to provide continuous wide-awake supervision of youth, subject to temporary variations in staff member assignments to meet special program needs. Staffing shall be in compliance with a minimum youth-to-staff member ratio for the following facility types:
 - 1. JJC
 - (a) During the hours that youth are awake, one wide-awake youth supervision staff member is on-duty for each 10 youth in detention.
 - (b) During the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member is on-duty for each 30 youth in detention.
 - (c) At least two wide-awake youth supervision staff members are on-duty at all times, regardless of the number of youth in detention, unless an arrangement has been made for backup support services that allows for immediate response to emergencies.
 - (d) At least one youth supervision staff member on-duty is the same gender as youth housed in the JJC.
 - (e) Personnel with primary responsibility for other duties such as administration, supervision of personnel, academic or trade instruction,

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Staffing Plan (Title 15, § 1321)

clerical, kitchen, or maintenance shall not be classified as youth supervision staff member positions.

2. Camps

- (a) During the hours that youth are awake, one wide-awake youth supervision staff member is on-duty for each 15 youth in the camp population.
- (b) During the hours that youth are confined to their room for the purpose of sleeping, one wide-awake youth supervision staff member is on-duty for each 30 youth present in the facility.
- (c) At least two wide-awake youth supervision staff members are on-duty at all times, regardless of the number of youth in residence, unless an arrangement has been made for backup support services that allows for immediate response to emergencies.
- (d) At least one youth supervision staff member on-duty is the same gender as youth housed in the facility.
- (e) In addition to the minimum youth-to-staff member ratio required in 15 CCR 1321(h)(3)(A)-(B), consideration shall be given to the size, design, and location of the camp; types of youth committed to the camp; and the function of the camp in determining the level of supervision necessary to maintain the safety and welfare of youth and staff members.
- (f) Personnel with primary responsibility for other duties such as administration, supervision of other personnel, academic or trade instruction, clerical, farm, forestry, kitchen, or maintenance shall not be classified as youth supervision staff member positions.

202.3.2 MINIMUM SUPERVISION STAFFING LEVELS

Minimum supervision staffing levels shall be established by the Deputy Chief. The supervision staffing levels shall support proper supervision, span of control, compliance with any memorandum of understanding or collective bargaining agreement, and activity levels to meet the needs of staff members and the goals of the Department (15 CCR 1321).

202.3.3 TEMPORARY SUPERVISORS

To accommodate training, leaves of absences, and other unforeseen circumstances, a qualified lower-ranking staff member may act as a temporary supervisor or in an upgraded assignment in place of a regularly assigned supervisor.

202.4 STAFF MEMBER POSITIONING

Staff members shall be aware of the physical location of all youth who are out of their rooms and shall conduct frequent population counts of the youth in accordance with the Youth Counts Policy. Safety checks shall be conducted on youth who remain in their rooms or on their assigned beds, in accordance with the Youth Safety Checks Policy.

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When a youth is in their room, officers shall not use their JJC facility-issued keys to open and/or enter the youth's room without having another officer within eyesight at all times, except in exigent circumstances. Youth are not allowed to enter any other youth's room.

Staff members shall be within continuous eyesight and hearing of other staff members.

Officers shall always be mobile and aware of surroundings during inside and outside recreation. Officers shall not congregate with each other, and shall be spaced out accordingly, to demonstrate command presence.

Officers shall position themselves accordingly during movement of youth to school, play yards, dining area, visiting, and any other outside housing unit activities. Officers shall not place themselves in a position of disadvantage, or in a position that will compromise safety and security.

202.5 SEPARATION OF DUTIES

The Juvenile Justice Campus shall have sufficient administrative, clerical, recreational, medical, dental, mental health, building maintenance, transportation, control room, institutional security, and other support staff members for the efficient management of the facility, and to ensure that youth supervision staff members shall not be diverted from supervising youth. Maintenance personnel are employed to perform preventive, routine, and emergency maintenance functions. Custody staff members will not be given physical plant maintenance or other duties that distract from their primary responsibility of supervising youth (15 CCR 1321).

202.6 REFERENCES

See Staffing Procedure for additional guidance.

202.7 ISSUED DATE

- 04/17/2023

Youth Records

204.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all youth admitted to and confined in this facility.

204.2 POLICY

It is the policy of this Department that all records shall be complete and comprehensive, resulting in reliable data that provides information about each youth's period of detention, as well as histories of previous detentions in this facility. All youth records are official Department documents and should be used for official business only. Youth records are a vital component of the criminal justice system and should only be released to authorized persons.

204.3 RECORD MAINTENANCE

It shall be the responsibility of the Deputy Chief or the authorized designee to maintain the following records on all youth who have been committed or assigned to this facility, including but not limited to:

- (a) Information gathered during the booking process as provided in the Youth Admittance Process Policy.
- (b) Photographs and fingerprints cross-referenced with the admission number.
- (c) Duration of detention.
- (d) Cash and property inventory and receipts.
- (e) Classification records, including youth classification levels and housing restrictions.
- (f) Housing history records.
- (g) Reports of disciplinary events and dispositions.
- (h) Grievances and dispositions.
- (i) Reports of incidents during detention.
- (j) Special visit forms.
- (k) Court appearances, documents, and the disposition of hearings.
- (l) Work documentation.
- (m) Documentation related to compliance with education requirements.
- (n) Program documentation.
- (o) Visitation records.
- (p) Telephone records.
- (q) Medical, dental, behavioral/mental health, drug, and alcohol screenings, assessments, treatments, and medications (Medical provider maintains records).

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Youth Records

204.4 RELEASE OF YOUTH RECORDS

Youth records are confidential and shall be used for official business only. Any release of youth records shall be made only in compliance with a lawful juvenile court order, as authorized by state and federal law, or as provided by the Custodian of Records.

204.5 ELECTRONIC RECORD MAINTENANCE

All youth records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date, and time any person who accesses the information. The Information Technology Manager shall be responsible to ensure the security of the data and to develop and maintain a copy of the security plan.

204.6 RECORDS RETENTION

Youth records shall be maintained consistent with the established records retention schedule and any court order that requires a youth's case be sealed.

204.7 INFORMATION SHARING REGARDING IMMIGRATION STATUS

- (a) Juvenile court records shall remain confidential regardless of the juvenile's immigration status. Confidentiality is integral to the operation of the juvenile justice system in order to avoid stigma and promote rehabilitation for all youth, regardless of immigration status. Juvenile information may not be disclosed to federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) of subdivision (a) of Welfare and Institutions Code section 827. (Welfare and Institutions Code § 831(a) and (b))
- (b) Juvenile information may not be disseminated to or by federal officials absent a court order of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) and paragraph (4) of subdivision (a) of Welfare and Institutions Code section 827. (Welfare and Institutions Code § 831(c))
- (c) Juvenile information may not be attached to any other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court as provided by paragraph (4) of subdivision (a) of Welfare and Institutions Code section 827. (Welfare and Institutions Code § 831(d))
- (d) For purposes of this section, "juvenile information" includes the "juvenile case file," as defined in subdivision (e) of Section 827, and information related to the juvenile, including, but not limited to, name, date or place of birth, and the immigration status of the juvenile that is obtained or created independent of, or in connection with, juvenile court proceedings about the juvenile and maintained by any government agency, including, but not limited to, a court, probation office, child welfare agency, or law enforcement agency. (Welfare and Institutions Code § 831(e))

204.8 ISSUED DATE

- 04/17/2023

Administrative and Supervisory Tours and Inspections

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced tours and inspections of the facility's living and activity areas to encourage contact with staff members and youth and to observe youth living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility.

205.2 POLICY

Tours and inspections shall be conducted by administrative and supervisory staff members throughout the Juvenile Justice Campus at least weekly to facilitate and encourage communication among administrators, managers, supervisors, staff members, youth, and the visiting public.

205.3 INSPECTIONS

The Deputy Chief is responsible for ensuring that scheduled and unscheduled inspections, visits, and contacts are implemented to include, at a minimum:

- (a) The general conditions and overall climate of the facility.
- (b) The living and working conditions of youth.
- (c) Communication among administrators, managers, supervisors, staff members, youth, and the visiting public.
- (d) Compliance with policies.
- (e) Safety, security, and sanitation concerns.
- (f) Youth concerns.
- (g) Meal services.

205.3.1 AREAS TO BE INSPECTED

Supervisor inspections shall occur daily, including weekends and holidays, in all occupied areas of the facility. Inspections shall be conducted randomly, and special effort shall be given to tour and informally inspect the following areas:

- (a) Youth housing areas
- (b) Reception, intake, and receiving areas, including detention areas
- (c) Exercise yard and recreation areas
- (d) Visiting areas
- (e) Medical and dental service areas
- (f) Work areas (e.g., the kitchen, janitorial closets)
- (g) Sallyports and transportation staging areas

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- (h) Classrooms, school, and other program areas

205.4 INSPECTIONS OF SECURITY EQUIPMENT

The Deputy Chief shall ensure inspections of all security devices are conducted, and all actions taken to correct identified deficiencies are documented, including maintenance records, and shall retain those records in accordance with established records retention schedules.

205.5 DOCUMENTATION AND REPORTING

Staff members conducting the inspection or tour shall document the activity in the facility log. The log shall include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility shall also be noted in the log.

The Watch Commander shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed.

205.6 BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) UNANNOUNCED INSPECTIONS

Throughout the calendar year, a BSCC Field Representative may appear at the facility unannounced. During the unannounced inspection, they have the ability and authorization to walk through any part of the facility, speak with youth and staff, and request documentation.

205.7 REFERENCES

See Administrative and Supervisor Tours Inspections Procedure for additional guidance.

205.8 ISSUED DATE

- 04/17/2023

Prohibition on Youth Control

208.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirement that staff members should at all times exercise control of the youth population under their supervision and should prevent youth from supervising, controlling, or exerting any authority over other youth within the facility.

208.2 POLICY

All staff members, including support staff members, contractors, and volunteers, should exercise control and supervision of all youth under their control. It is the policy of this Department to prohibit any staff member from implicitly allowing or by dereliction of duty allowing any youth to exercise authority, control, discipline, or rule over any other youth.

208.3 EDUCATION, DRUG, OR ALCOHOL PROGRAM ASSISTANTS

Nothing in this policy is intended to restrict the legitimate use of youth to assist in the instruction of educational or drug and alcohol programs. Any use of youth in this manner will be expressly authorized by the Deputy Chief in a legally prescribed manner. Any program that uses youth to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize a youth program assistant to engage in disciplining other youth.

208.4 ISSUED DATE

- 11/09/2020

Media Relations

214.1 PURPOSE AND SCOPE

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

214.2 POLICY

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

214.3 MEDIA REQUEST

Any media request for information or access to this facility shall be to the department Public Information Officer (PIO) or, if unavailable, to the Deputy Chief or the authorized designee. Prior to releasing any information to the media, staff members shall consider the following:

- (a) At no time shall any staff member of this Department make any comment or release any official information to the media without prior approval from the Deputy Chief or the authorized designee.
- (b) In any situation involving a law enforcement agency, reasonable efforts shall be made to coordinate media releases with the authorized representative of each involved agency before the release of any information by this Department.
- (c) Under no circumstance shall any staff member of this Department make any comment to the media regarding any law enforcement or detention-related incident that does not involve this Department. Under these circumstances, the staff member shall direct the media to the agency handling the incident.

214.4 MEDIA ACCESS

Authorized members of the media may be provided access to scenes of disasters, investigations, emergencies, and other law enforcement activities related to this facility, subject to these conditions. The Chief Probation Officer or the authorized designee shall provide the authorization.

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times.
- (b) Media representatives shall be prevented from interfering with emergency operations and investigations.
 1. When media access would reasonably appear to interfere with the facility's security, emergency operations, or an investigation, every reasonable effort should be made to give media representatives information regarding the incident in a way that does not compromise the safety and security of the youth, staff members, or the facility. All information released to the media shall be coordinated through the Public Information Officer or other designated spokesperson.

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- (c) No staff member of this Department shall be subjected to media visits, photos, or interviews without the consent of the involved staff member.
- (d) Requests for media interviews with youth detainees shall be handled on a case-by-case basis, and only with approval of the Chief Probation Officer, after consultation with the facility's legal counsel and a youth's parent or guardian and legal counsel.
- (e) Authorized members of the media shall not take any pictures of youth detained or under the supervision of the Department at the JJC.

214.5 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of personnel working in this facility, advance information about planned actions by probation personnel, such as movement of youth in custody, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief Probation Officer.

Any exceptions to the above shall only be considered to further this facility's legitimate purposes. Before approving any exception, the Chief Probation Officer shall consider, at a minimum, whether releasing the information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person, or is otherwise prohibited by law.

214.6 SCOPE OF INFORMATION SUBJECT TO RELEASE

Information on the facility policies and procedures can be located on the Department's website and is available to the general public.

Any information related to safety, security, and maintaining order shall be redacted before being provided to the general public. Applicable regulations for the operation of the Juvenile Justice Campus may be made available for review by the public and youth. Youth may request a copy through a Watch Commander, who will work with the Juvenile Probation Custodian of Records Assistant Deputy Chief.

Information concerning escapes, suicides, or crimes occurring in this facility shall only be released with the approval of the Chief Probation Officer, and as otherwise required by applicable law.

Identifying information about deceased individuals shall not be released to the media until notification of next of kin or until cleared by the Coroner's office, or as otherwise required by law.

214.6.1 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the Deputy Chief or the authorized designee to ensure that restricted information is not inappropriately released to the media by this Department. When in doubt, authorized and available legal counsel should be consulted.

214.7 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the written consent of each involved officer, or upon a formal request, according to applicable law.

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Any requests for copies of related reports or additional information, shall be referred to the department PIO.

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

214.8 ISSUED DATE

- 04/17/2023

Community Relations and Public Information

215.1 PURPOSE AND SCOPE

This policy provides guidelines for detention personnel to use when dealing with the public or interested groups when responding to requests for information about Juvenile Justice Campus operations and policies (see the Juvenile Detention Manual Policy).

215.2 POLICY

It is the policy of the Fresno County Probation Department to protect the privacy rights of youth while releasing nonconfidential information to interested groups when requests are received. Information that has the potential to affect the safety and security of the Juvenile Justice Campus or an investigation shall not be released.

215.3 RESPONSIBILITIES

The Deputy Chief is responsible for ensuring that the following information is public and available to all who inquire about it:

- (a) The Board of State and Community Corrections Minimum Standards for Juvenile Facilities
- (b) Facility rules and procedures affecting youth including:
 1. A visitation schedule that includes days and times visiting is allowed and how many visits youth may receive, as well as reasons visiting may be restricted (see the Youth Visitation Policy).
 2. Telephone and correspondence rules and availability to youth (see the Youth Mail Policy and the Youth Telephone Access Policy).
 3. A brief description of education programs (see the Youth Educational Services Policy).
 4. Facility rules and limits of discipline (see the Youth Discipline Policy and the Youth Discipline Process Policy).
 5. Access to medical, mental health, and dental care.
 6. The process by which youth are oriented to the facility (see Youth Orientation policy).

This information is to be provided at the facility's lobby and assembled into a binder or clearly posted for public viewing. At the discretion of the Chief Probation Officer, the information may also be provided electronically.

215.4 PROHIBITED MATERIALS

Policies, procedures, and other information and materials related to the safety and security of youth, detention personnel, the facility, or the maintenance of order shall not be provided as a part of the public information material unless directed by the Chief Probation Officer.

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215.5 TOURS OF THE JUVENILE JUSTICE CAMPUS

Tours of this facility (See Administrative and Supervisory Tours and Inspection Policy and Procedure) may be arranged through the Deputy Chief or the authorized designee. Authorized tours are subject to facility rules and restrictions:

- (a) Persons who tour this facility must be at least 18 years of age as determined by the Chief Probation Officer.
- (b) An application form may be required, and a background check for wants and warrants may be conducted before an applicant is approved to participate in a tour.
- (c) All tours shall comply with all applicable laws regarding confidentiality of youth identities, including, but not limited to, Welfare and Institutions Code § 827.
- (d) JJC is considered a "no hostage facility".

A record of all facility tours and individuals participating shall be maintained.

215.6 ISSUED DATE

- 04/17/2023

Information Technology Use

216.1 PURPOSE AND SCOPE

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

216.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

216.2 POLICY

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

216.3 PRIVACY EXPECTATION

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

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

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

216.4 RESTRICTED USE

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

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

216.4.1 SOFTWARE

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

To reduce the risk of a computer virus or malicious software infection, staff members shall not install any unlicensed or unauthorized software on any Department computer. Staff members shall not install personal copies of any software on any Department computer. Any files or software that a staff member finds necessary to install on Department computers or networks shall be installed only with the approval of an authorized Department information systems technology (IT) staff member and only after being properly scanned for malicious attachments.

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

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

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

216.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems

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shall only be accessed by authorized staff members who are engaged in the active supervision of youth, treatment reporting, disciplinary or behavior issues, or another Department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

216.4.3 INTERNET USE

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

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

216.4.4 OFF-DUTY USE

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

216.5 PROTECTION OF SYSTEMS AND FILES

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

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

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

216.6 INSPECTION AND REVIEW

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

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

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

216.7 SECURITY OF DATA

The Chief Probation Officer will select a staff member of the Department to oversee the security of data.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the U.S. Department of Justice's Criminal Justice Information Services Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief Probation Officer and appropriate authorities.

216.8 REFERENCES

See Information Technology Use Procedure for additional guidance.

216.9 ISSUED DATE

- 05/25/2021

Electronic Mail

217.1 PURPOSE AND SCOPE

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

217.2 POLICY

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

217.3 PRIVACY EXPECTATION

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

217.4 RESTRICTIONS ON USE OF EMAIL

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

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

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

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

Employee organizations shall be allowed to utilize County email to notify members of dates and times of employee organization meetings, ratifications, and elections.

217.5 EMAIL RECORD MANAGEMENT

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

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Electronic Mail

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

217.6 REFERENCES

See Electronic Mail Procedure for additional guidance..

217.7 ISSUED DATE

- 04/28/2021

Department Notification

219.1 NOTIFICATION OF DEPARTMENTAL ADMINISTRATION

The Chief Probation Officer is responsible to the Fresno County Superior Court and the Board of Supervisors for the acts of Probation Department staff members, for the welfare of youth in the Institutions, and for the programs operated by the Department. The Chief Probation Officer is expected by the Courts, the Board, the public, and the news media to be knowledgeable about incidents involving the Department that may attract public attention. The Chief Probation Officer is expected to have information on these situations at all times and must depend on staff members at all levels within the Department to provide that information. It is important that communication proceed upward through the management structure of the organization whenever possible; however, unavailability of any individual within the chain of command should not delay important information from reaching the Chief Probation Officer.

- (a) Immediate Notification (Regardless of Hour)
 - 1. The Chief Probation Officer and the appropriate staff member of Executive Council shall be notified, regardless of the hour, when:
 - (a) A Departmental staff member dies or is seriously injured in the course of duty;
 - (b) A youth who is in confinement or placement dies, or is seriously injured;
 - (c) A person who is detained by a staff member dies or is seriously injured;
 - (d) There are major disturbances within the Juvenile Justice Campus (JJC)
 - (e) There are escapes from confinement;
 - (f) A Departmentally-authorized firearm is discharged, other than on the firing range;
 - (g) There is conflict regarding inter-departmental actions, which appear to require the immediate involvement of Departmental administration;
 - (h) There is a situation requiring immediate action or advice from the Chief Probation Officer;
 - (i) There is violence or serious property damage committed by individuals under the Department's care or custody;
 - (j) There is an incident involving personnel employed by contract with, or under the jurisdiction of the Department that is expected to attract great public attention;
 - (k) Staff members are involved in incidents or accidents resulting in significant property damage or injury to any person;
 - (l) A case that could generate significant media attention is identified.
- (b) All other notifications should be made at the earliest possible time during regular working hours.

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(c) Institution Notification

1. The Deputy Chief of the Juvenile Justice Campus or the Assistant Deputy Chief(s) shall be immediately notified of the following when, in the estimation of the Institution's Building Supervisors, such notification is needed. If immediate notification is not necessary, the appropriate manager should be notified at the beginning of the following workday of:
 - (a) Attempted escape;
 - (b) Accidents involving youth or staff, resulting in injury or property damage;
 - (c) Violence by youth that produces serious injury;
 - (d) Suicide attempts;
 - (e) Serious illness of youth;
 - (f) Medical situations involving quarantine or other unusual treatment imposed by medical staff;
 - (g) Serious damage to equipment or building;
 - (h) Breaches of security; i.e., loss of keys, non-locked doors, etc;
 - (i) Overpopulation;
 - (j) Racial and/or gang problems developing within the units;
 - (k) Information regarding planned riots, escapes, and acts of violence.

219.2 RESPONSIBILITY

Any Department staff member who becomes aware of any incidents or situations as described above is personally responsible for the implementation of this notification procedure.

219.3 ISSUED DATE

- 06/10/2021

Internal Department Communication

220.1 INTRODUCTION

Consistent communication of ideas and accurate information is the cornerstone of effective and efficient Departmental operations. Communication links people together in order to achieve a central purpose. Each staff member in the Department shares the responsibility for good communications.

220.2 POLICY

To help accomplish the Department's purpose and mission, communication shall occur throughout the Department to ensure the appropriate dissemination of information to staff members, and to provide an opportunity for staff member input regarding Departmental issues and operations. While open, accurate, and timely communication exchange between staff members and supervisors is the goal, it must be noted that information which is confidential, sensitive in nature, or legally protected will only be disseminated to those staff members and supervisors who have a need to know.

220.3 COMMUNICATION STRATEGIES

The following are strategies to be utilized in the implementation of this communication policy:

Chain of Command

Formal communication channels shall follow the established chain of command. Communication shall flow between the Chief Probation Officer and the Executive Council; the Executive Council and supervisors; supervisors and line staff. Staff member concerns should, for the most part, be brought to administration's attention through their respective supervisor to the Executive Council Member, who then has the responsibility of bringing unresolved issues to the attention of the Chief Probation Officer. To the greatest extent possible, communication issues shall be resolved at the lowest-possible level in the organization.

Adherence to chain of command communications does not preclude inter and intra-divisional communications between staff members and administration on routine programmatic or functional operations.

(a) Executive Council

1. The Executive Council serves as the hub of business and communication in the Department. Staff members' concerns may be brought to the attention of the Executive Council through their respective supervisors.

Open Door Policy

All supervisors in the Department shall maintain an active open-door policy. Communication through an open-door policy encourages the flow of information and allows for a less-structured exchange of concerns or issues.

Meetings

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Meetings shall be held at all levels to expedite the routine dissemination of information and provide the opportunity to exchange ideas and offer input on unit, divisional, and Departmental issues. The Executive Council, Divisional Management, and Units will meet on a regular basis, as determined by the participants.

220.4 ISSUED DATE

- 09/16/2021

Records Retention and Release

221.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Department records.

221.2 POLICY

The Fresno County Juvenile Justice Campus (JJC) will adhere to all applicable laws, orders, regulations, use agreements, and training requirements related to the retention and release of its records.

The JJC 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).

The Department website may be used to post public records in accordance with Government Code § 6253.

Public records posted on the Department website meet the requirements of Government Code § 6253.1, including but not limited to posting an open format where records may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

221.3 CUSTODIAN OF RECORDS

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

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of Department public records.
- (b) Maintaining and updating the Department records retention schedule, including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the Department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding processing subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (Government Code § 6253.53).

221.3.1 ACCESS TO RECORDS

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Staff members working in assigned areas will only have access to the information that is necessary for the performance of their duties. Granting access to other staff members or anyone outside of the work area must

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meet with supervisory approval. All requests for information received from outside the Department shall be forwarded to the Deputy Chief or the authorized designee. Officers, volunteers, and contractors shall not access, disclose, or permit the disclosure or use of such files, documents, reports, records, video or audio recordings, or other confidential information except as required in the performance of their official duties and in accordance with Department policies, statutes, ordinances, and regulations related to data practices.

Officers, volunteers, and contractors who are uncertain of the confidentiality status of any record should consult with a Supervising Juvenile Correction Officer (SJCO) or the Assistant Deputy Chief (ADC) to determine the status of the documents in question.

221.4 PROCESSING REQUESTS FOR RECORDS

Any Department staff member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

221.4.1 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 request that reasonably describes each record sought, and paying any applicable fees (Government Code § 6253).

Processing requests for any record is subject to (Government Code § 6253):

- (a) The Department is not required to create records that do not exist.
- (b) The Department shall determine whether the request seeks copies of a disclosable record in possession of the Department, and shall respond to the person making the request of the determination no later than 10 days from the date of the 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 Custodian of Records shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in identifying the records or information so that a response to the request is possible, 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 records exist (Government Code § 6253.1).
 2. If the record requested is available on the Department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (c) 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).

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- (d) When a record contains material with release restrictions and material not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released, and as a place to document the reasons for the redactions. 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.
- (e) 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 clearly outweighs the public interest served by disclosure of the record (Government Code § 6255). The written response shall also include the names, titles, or positions of each person responsible for the denial.

221.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Social Security numbers (Government Code § 6254.29).
- (b) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except where allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. 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.
 - 2. The identity of any members subject to any criminal or administrative investigation shall not be released without the consent of the involved member, prior approval of the Chief Probation Officer, or as required by law.
- (c) Member home addresses, home and cell phone numbers, and birthdates, except as provided in Government Code § 6254.3.
- (d) Juvenile criminal history information except as provided in 15 CCR 1312.
 - 1. This information shall be made available to the California Board of State and Community Corrections (BSCC) as necessary for facility inspections. Such information shall be held confidential, except that published reports (e.g., the Juvenile Detention Profile Survey) may contain the information in a form that does not identify an individual.
- (e) Child abuse reports (Penal Code § 11167.5).
- (f) Juvenile case files except as provided in Welfare and Institutions Code § 827.
- (g) 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).

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- (h) Juvenile health care records (15 CCR 1406).
- (i) Any record created in anticipation of potential litigation involving this Department.
- (j) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (k) Records relating to the security of the Department electronic technology systems (Government Code § 6254.19).
- (l) A record of a complaint, or the investigations, findings, or dispositions of that complaint, if the complaint is frivolous as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (m) Information connected with juvenile court proceedings, the detention or custody of a juvenile, or juvenile immigration status. 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).
- (n) 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).

221.6 SUBPOENAS AND DISCOVERY REQUESTS

Any staff member who receives a subpoena duces tecum or discovery request for records shall promptly contact the agency listed on the subpoena. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

All questions regarding compliance with any subpoena or subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

221.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

Each audio/video recording released should include the Department name and to whom the record was released.

221.8 SECURITY BREACHES

The Custodian of Records shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the

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breach and restore the reasonable integrity of the data system. Notice shall be written in plain language and consistent with the format and requirements provided in Civil Code § 1798.29.

If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the California Attorney General (Civil Code § 1798.29).

For the purposes of the notice requirement, personal information includes a person's first name or first initial and last name in combination with any one or more of the following:

- (a) Social Security number
- (b) Driver's license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- (c) Full account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account
- (d) Medical information
- (e) A username or email address, in combination with a password, code, or phrase that, in combination, would allow access to an online account
- (f) Health insurance information
- (g) Unique biometric data

221.9 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records.

The Custodian of Records shall seal such records as ordered by the court and advise the Court of compliance with the order. Records may include but are not limited to a record of arrest, investigation, custody, or conviction. Once a record is sealed, members shall respond to any inquiry as though the record did not exist (Welfare and Institutions Code § 781, 785.786.5).

221.10 TRAINING

Prior to being allowed to work inside the JJC, all members will receive training on Department records, policies, and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes.

221.11 REFERENCES

See Records Retention and Release Procedure for additional guidance.

221.12 ISSUED DATE

- 05/27/2022

Chapter 3 - Training

Youth Supervision Staff Member Orientation (JCO) and Training (Title 15, § 1322)

300.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new youth supervision staff member orientation and training (15 CCR 1322).

300.2 POLICY

It is the policy of the Juvenile Justice Campus to provide new youth supervision staff members with basic information about the facility and the environment in which they will be working. Orientation is not meant to supplant other basic training required by law, ordinance, or regulation.

300.3 NEW YOUTH SUPERVISION STAFF MEMBER (JCO) ORIENTATION

All new youth supervision staff members shall participate in an orientation provided by this facility prior to assuming their duties. The orientation shall include but is not limited to (15 CCR 1322):

- (a) The facility's mission, vision, and values statement.
- (b) Code of ethics and ethical responsibilities.
- (c) Facility culture.
- (d) Nature of population served.
- (e) Policy, procedures, and job description resources.
- (f) Basic requirements and competency necessary to perform in position.
- (g) Organizational chart.
- (h) Chain of reporting.
- (i) Youth' rights.
- (j) Facility tour.
- (k) Position responsibilities and decision-making protocols.
- (l) Youth supervision staff member duties, rules, and regulations.
- (m) Scope of decisions youth supervision staff members shall make.
- (n) The identity of youth supervision staff member supervisors.
- (o) The identity of persons who are responsible to the youth supervision staff member.
- (p) Persons to contact for decisions that are beyond youth supervision staff member responsibilities.

300.3.1 YOUTH SUPERVISION STAFF MEMBER ADDITIONAL ORIENTATION REQUIREMENTS

Prior to assuming responsibility for the supervision of youth, all youth supervision staff members who are responsible for supervising youth shall participate in a minimum of 40 hours of facility-

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specific orientation prior to assuming any youth supervision staff member duties. The orientation shall include orientation specific to their duties, including but not limited to (15 CCR 1322):

- (a) Individual and group supervision techniques.
- (b) Regulations and policies relating to discipline and basic rights of youth pursuant to law and the provisions of Title 15 of the California Code of Regulations.
- (c) Basic health, sanitation, and safety measures.
- (d) Suicide prevention and response to suicide attempts.
- (e) Policies regarding the use of force, de-escalation techniques, chemical agents, and mechanical and physical restraints.
- (f) Review of policies and procedures referencing trauma and trauma-informed approaches. These policies shall reflect respectful and humane engagement with youth, culturally relevant approaches, and responsiveness to the language and literacy needs of youth. This should include reviewing policies that address trauma (e.g., the Case Management Policy, the Youth Rights - Protection from Abuse Policy, the Counseling and Casework Services Policy).
- (g) Procedures to follow in the event of emergencies (see the Emergency Procedures - Facilities Policy).
- (h) Routine security measures (including facility, perimeter, and grounds), population control, emergency preparedness, and evacuation procedures.
- (i) Crisis intervention and mental health referrals to mental health services (see the Mental Health Services Policy).
- (j) Documentation.
- (k) Fire and life-safety training (see the Fire and Life-Safety Policy).

300.4 YOUTH SUPERVISION STAFF MEMBER ORIENTATION ACKNOWLEDGEMENTS

The Juvenile Justice Campus Training Officer or designated staff members assigned to provide the new youth supervision staff member orientation shall ensure that each new youth supervision staff member is given copies of work rules and regulations, facility ethics, and any other facility documents for which the youth supervision staff member will be held accountable.

The Juvenile Justice Campus Training Officer or the designated staff members shall collect the signature page from the new youth supervision staff member acknowledging receipt, review, and understanding of the documents. The signature page shall be retained in the youth supervision staff member's facility training and Departmental training file in accordance with established records retention schedules.

300.5 JUVENILE CORRECTIONS OFFICER CORE COURSE TRAINING REQUIREMENTS

Prior to assuming sole supervision of youth, each Juvenile Correctional Officer must successfully complete the requirements of the Juvenile Corrections Officer Core Course as described in 15 CCR 176 within one year from the date of assignment (15 CCR 176; 15 CCR 1322).

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Prior to assuming sole supervision of youth, each Extra-Help Juvenile Correctional Officer shall successfully complete the Juvenile Corrections Officers Core Course based on course space availability.

Annual and additional training shall be completed in accordance with 15 CCR 184.

Juvenile Correctional Officers assigned to work in the facility prior to completing their required Juvenile Corrections Officer Core Course may do so only under the direct supervision of a fully trained staff member (15 CCR 1322).

Before exercising peace officer powers, youth supervision staff members shall successfully complete required training pursuant to Penal Code § 830 et seq. (15 CCR 1322).

300.6 STANDARDS AND TRAINING FOR CORRECTIONS (STC) TRAINING REQUIREMENTS

The Fresno County Juvenile Justice Campus participates in the STC Program administered by the Board of State and Community Corrections (BSCC).

- (a) Juvenile Correctional Officers must successfully complete Juvenile Correctional Officer CORE Course within their first year of employment.
- (b) Supervising Juvenile Correctional Officers must successfully complete Supervisor CORE course within their first year of promotion.
- (c) STC requires the following classifications to complete a minimum number of STC training hours:
 1. Juvenile Correctional Officer - 24 hours annually
 2. Senior Juvenile Correctional Officer - 24 hours annually
 3. Supervising Juvenile Correctional Officer - 40 hours annually
 4. Assistant Deputy Chief - 40 hours annually
 5. Deputy Chief - 40 hours annually

A variety of courses shall be offered each annual training year. Attendance at specific courses may be directed by management to meet programmatic needs or to assist the youth supervision employee in achieving satisfactory levels of job performance.

300.7 NON-STC STAFF MEMBER TRAINING

- (a) Staff members in classifications, such as clerical, kitchen, janitorial, and supply that are not covered by STC may be scheduled for training appropriate to their job duties as it is available or required.
- (b) Attendance at specific training courses requested by the staff member requires the concurrence and recommendation of their supervisor and approval of the Deputy Chief.
- (c) Attendance at specific training courses may be directed by management to meet operational needs or to assist the staff member in achieving satisfactory levels of job performance.

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300.8 TRAINING ATTENDANCE AND PARTICIPATION REQUIREMENTS

- (a) Attendance at scheduled training is mandatory. The Deputy Chief, Assistant Deputy Chiefs, Supervising Juvenile Correctional Officers, or Watch Commander on-duty must authorize any absences prior to the scheduled starting time of the training course.
- (b) The Juvenile Justice Campus staff members shall:
 - 1. Be in training on time.
 - 2. Provide required identification, if required for offsite trainings.
 - 3. Be in appropriate uniform or dress attire dependent on the location site and type of the training attending.
 - 4. Remain in the scheduled training until it is concluded.
 - 5. Participate fully and comply with requests and directions from the course trainer.
 - 6. Demonstrate appropriate courtesy, consideration, and behavior.
 - 7. Communicate with assigned training proctor should an unplanned event occur while in training.

300.9 TRAINING RECORDS

Staff members training records shall be kept by the Department's Training Officer. The training record shall contain an up-to-date chronological list of all STC and departmental training completed by each staff member in accordance with established records retention schedules.

300.10 ISSUED DATE

- 09/28/2020

300.10.1 REVISED DATE(S)

- 04/17/2023

Custody Training Officer

301.1 PURPOSE AND SCOPE

The Fresno County Juvenile Justice Campus (JJC) training program is intended to provide a standardized training program to facilitate the officer's transition from the academic setting to performing a Juvenile Correctional Officer (JCO) general JJC duties.

301.2 POLICY

It is the policy of this Department to assign all new officers to the Juvenile Justice Campus training program that is designed to prepare officers to perform in a JCO assignment and to provide training on all skills needed to operate in a safe, productive, and professional manner.

301.3 TRAINING OFFICER

The Training Officer (TO) is an experienced officer trained in supervising, training, and evaluating entry-level officers in applying their previously acquired knowledge and skills.

301.3.1 SELECTION PROCESS

The Training Officer assignment is open to all Senior Juvenile Correctional Officers (SrJCO) who meet the minimum qualifications and a Probation Department employee in a permanent allocated position of Senior JCO.

An Assistant Deputy Chief (ADC) or the authorized designee will post an announcement for recruitment for the JJC Senior JCO Training Officer. The selection process will include:

- (a) An email submittal for a request to interview to an ADC or the authorized designee.
- (b) The SrJCO will be scheduled an interview.
- (c) The chosen SrJCO will be selected and notified by an ADC or the authorized designee.

301.3.2 TRAINING

The Training Officer shall successfully complete a 40-hour Training with their predecessor prior to assuming the Training Officer position.

301.4 TRAINING OFFICER RESPONSIBILITIES

The Training Officer's responsibilities shall include the following:

- (a) Ensure that all staff working in the capacity of a Peace Officer receive proper Youth Supervision Staff Orientation, JCO CORE, and Annual Training per Standards and Training for Corrections (STC) mandates.
 1. Schedule individual officers' training per Department and supervisory direction.
 2. Provide timely notification of training dates, times, and locations to officers.
 3. Coordinate training with the JJC Scheduling Supervisor and Department Training ADC.
 4. Monitor training classes and document that training has occurred.

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5. Provide documentation to the Department Training ADC for inclusion into Personnel Training Database.
 - (b) Serve as an Instructor for training courses offered to JJC Officers.
 - (c) Attend Department and outside agency training meetings as required.
 - (d) Maintain JJC employee training records.
 - (e) Prepare training programs as required.
 - (f) Assess and monitor JJC training needs and resources.
 - (g) Assemble, revise, and prepare written documentation for STC certifications.
 - (h) Notify appropriate SJCOs and ADC's of attendance problems, and disruptions created by officers in training.
 - (i) Maintain continuous communication with program supervisor-SJCO and Department Training ADC.
 - (j) Perform training in a variety of venues and timeframes, which may require alternative schedules and taking direction and guidance from interagency personnel and outside vendors.
 - (k) Maintain, update, and confirm the accuracy of all required JJC training material.

See Youth Supervision Staff Member (JCO) Orientation and Training Policy.

301.5 ISSUED DATE

- 04/17/2023

Training Plan

303.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a training plan that will provide for the professional growth and continued development of facility staff members, and to forecast annual funding needs for future training. By doing so, the Department will ensure its staff members possess the knowledge and skills necessary to professionally manage the youth population.

303.2 POLICY

The Training Assistant Deputy Chief shall conduct an annual training needs assessment to determine the training needs of all staff members based on state laws, regulations, certification requirements, and continued professional training requirements.

A training plan shall be based on the training needs. It is the responsibility of the Training Assistant Deputy Chief to develop, maintain, review, and update the training plan annually.

The annual training plan shall be presented to the Chief Probation Officer or the authorized designee for review and approval. The approved training plan shall include the annual funding requirements forecast by the Training Assistant Deputy Chief. The Training Assistant Deputy Chief shall coordinate with the Deputy Chief over the budget regarding the funding for all training.

The Chief Probation Officer or the authorized designee shall have final approval of the training plan and the budget to ensure that the training to be delivered is fiscally responsible and meets the mission of the Department.

The Training Assistant Deputy Chief will execute the training plan on behalf of the Chief Probation Officer.

303.3 TRAINING ASSISTANT DEPUTY CHIEF

An individual shall be appointed by the Chief Probation Officer or the authorized designee to serve as the Training Assistant Deputy Chief, who shall report to the Chief Probation Officer or the authorized designee.

Full-time staff members who are assigned to be trainers shall receive specialized instruction.

The Training Assistant Deputy Chief is responsible for developing an annual training plan. The plan shall ensure that officers meet all state law and certification requirements, any specialty training required for specialty assignments, and all continued professional training requirements. The plan shall include a process to review course content and quality, typically by way of attendee feedback. The plan shall also provide for all entry-level officers to complete the Juvenile Corrections Officer Core Course training within the first year of employment. Promoted Supervisors shall complete Supervisor Core within the first year of promotion.

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303.3.1 TRAINING RESTRICTIONS

The Training Assistant Deputy Chief is responsible for establishing a process to identify officers who are restricted from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated (Government Code § 7286(b)(18)).

303.4 TRAINING RECORDS

An individual training file shall be maintained by the Training Assistant Deputy Chief or the authorized designee for each staff member. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas, and other documentation) for all staff members.

The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.334).

It shall be the responsibility of the involved staff members to provide the Training Assistant Deputy Chief or the authorized designee with evidence of completed training or education in a timely manner.

The Training Assistant Deputy Chief or the authorized designee shall ensure that copies of such training records are placed in the staff member's training file.

Training records shall contain:

- (a) Name of the staff member.
- (b) Type of training received.
- (c) Date the training was received and successfully completed.
- (d) Title of the training and name of the provider.
- (e) The Training Assistant Deputy Chief shall also be responsible for documenting waivers of the training requirements based on equivalent training received before employment or demonstrated competency through proficiency testing. Some examples are completion of JCO Core, PC 832, etc.

303.5 COURSE CERTIFICATION/QUALITY ASSURANCE

Training courses shall be subject to a quality assurance process that, at a minimum, provides:

- (a) A complete description of the course, including the number of training hours achieved.
- (b) A curriculum, including job-related topics and content and performance objectives.

Training shall not only include the minimum number of hours required annually, but also instruction specific to tasks performed by staff members.

303.5.1 COURSE RECORDS

It is the responsibility of the Training Assistant Deputy Chief to ensure that the following is maintained on file for all in-house training provided by the Department:

- (a) The course outline or lesson plan

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Training Plan

- (b) A roster signed and dated by those in attendance
- (c) The name of the person coordinating the training
- (d) The credentials of the instructors/trainers (contained in the STC database)

All training materials, handouts, electronic PowerPoint Presentation(s) or Word/Excel documents, and all other training materials, either electronic or hard copy format paper format, written or created by staff members are proprietary to the Fresno County Probation Department.

All training documents must be saved in a designated electronic County of Fresno automated folder(s) system. The materials cannot be deleted, transferred to a portable storage device or removed without permission from Chief Probation Officer or the authorized designee. The PC utilized by the staff member is part of the County of Fresno government computer system and used to accomplish County of Fresno government functions.

303.6 INDIVIDUAL RESPONSIBILITY

All staff members assigned to attend training shall attend as scheduled, unless excused by a supervisor.

- (a) Excused absences from mandatory training shall be limited to:
 - 1. Court appearances.
 - 2. Authorized vacation.
 - 3. Sick leave.
 - 4. Physical limitations preventing the staff member's participation.
 - 5. Emergency situations.
- (b) When a staff member is unable to attend mandatory training, that staff member shall:
 - 1. Notify the on-duty Watch Commander as soon as possible, but no later than two hours before the start of training.
- (c) All training programs, whether in-house or outside the facility, are considered on-duty work assignments and the following shall apply:
 - 1. Uniform or business casual attire is required based on the Uniform and Non-Uniform Attire Policy.
 - 2. Staff members shall participate during training.
 - 3. Staff members shall display a professional demeanor.

303.7 ISSUED DATE

- 04/17/2023

Chemical Agents Training

307.1 PURPOSE AND SCOPE

This policy establishes the required training for officers who work at the Juvenile Justice Campus (JJC) to be authorized to carry and use chemical agents working at the JJC.

307.2 POLICY

The Department authorizes the use of selected chemical agents. Chemical agents are weapons used to minimize the potential for injury to JCOs, youth, and others. Chemical agents shall only be used when such force reasonably appears justified and necessary (see Use of Force Policy and Procedure).

307.3 CHEMICAL AGENT TRAINING

Only JCOs who have been trained in the use of chemical agents and the Use of Force Policy are authorized to carry the chemical agent device.

- (a) The Training Assistant Deputy Chief shall ensure that appropriate training for all chemical agents occurs for each JCO who will carry any chemical agents.
- (b) All initial and proficiency training for chemical agents shall be documented in the JCOs training file.
- (c) JCO's failing to demonstrate continuing proficiency with chemical agents or knowledge of the Use of Force Policy shall be provided remedial training.
- (d) The Training Assistant Deputy Chief shall ensure that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons affected by chemical agents. Training should include the initial treatment (e.g., providing the proper solution to cleanse the affected area) and knowing when to summon medical personnel for more severe effects.
- (e) The Training Assistant Deputy Chief shall ensure that any additional state-mandated training is provided.

307.4 PROFICIENCY TESTING

The Training Assistant Deputy Chief shall ensure that all training delivered to staff members should also test proficiency in order to document that the staff member understands the subject matter, and that proficiency training is monitored and documented by a certified instructor.

307.5 TRAINING RECORDS

In accordance with the Standards and Training for Corrections (STC) Program Title 15 requirements, it shall be the responsibility of the Training Assistant Deputy Chief to ensure that the following is maintained on file for all STC training provided by the Department:

- (a) A course outline or lesson plan
- (b) A roster signed and dated by those in attendance
- (c) The name of the person coordinating the training

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Chemical Agents Training

The Training Assistant Deputy Chief shall ensure that copies of training records are placed in the staff member's training file and retained in accordance with established records retention schedules.

307.6 ISSUED DATE

- 03/05/2021

307.6.1 REVISED DATE(S)

- 04/17/2023

Vendors, Volunteers and Student Interns

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for using Juvenile Justice Campus vendors, volunteers, and student interns, to supplement and assist Department personnel in their duties. Vendors and volunteers are staff members who can augment Department personnel and help complete various tasks.

309.1.1 DEFINITIONS

Definitions related to this policy include:

Student intern - A college, university, or graduate student gaining practical experience in a chosen field while performing services the intern's field while under supervision.

Vendor - An individual representing a company, outside agency, or non-profit organization, who is assigned to one of our facilities, performs a service for the Department, and may receive compensation for services rendered.

Volunteer - An individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains and student interns.

309.2 POLICY

The Fresno County Probation Department shall ensure that vendors, volunteers and student interns are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient Department and improve services to the community.

309.3 ELIGIBILITY

Requirements for participation as a vendor, volunteer or student intern for the Department may include but are not limited to:

- (a) Being at least 18 years of age.
- (b) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer or student intern work.
- (c) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (d) Ability to meet physical requirements reasonably appropriate to the assignment.
- (e) A background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief Probation Officer or the authorized designee may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

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309.4 RECRUITMENT, SELECTION, AND APPOINTMENT

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

309.4.1 RECRUITMENT

Volunteers and student interns are recruited on a continuous basis consistent with Department policy on equal opportunity, nondiscriminatory employment terms. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public.

Requests for volunteers and student interns should be submitted in writing by interested Department staff members to the Personnel Unit through the requester's immediate supervisor. A complete description of the volunteer's or intern's duties and a requested time frame should be included in the request. All Department staff members should understand that the recruitment of volunteers and student interns is enhanced by creative and interesting assignments.

Vendors are recruited/selected in accordance with the Fresno County Purchasing Office contract/agreement process.

309.4.2 SELECTION

Vendor, volunteer and student intern candidates shall successfully complete the following process before appointment:

- (a) Submit the appropriate written application.
- (b) Current TB skin test (completed within the last 6 months).
- (c) Successfully complete an appropriate-level background investigation, which may include fingerprinting, and/or obtaining information from local, state, federal and Department of Motor Vehicle databases.

309.4.3 APPOINTMENT

Volunteers and student interns shall be placed only in assignments or programs consistent with their knowledge, skills, and abilities and the needs of the Department. Volunteers' and student interns' interests will be considered when placed in assignments.

Volunteers and student interns serve at the discretion of the Chief Probation Officer.

Vendors are appointed and placed in accordance with the Fresno County Purchasing Office contract/agreement.

309.5 IDENTIFICATION

As representatives of the Department, vendors, volunteers and student interns are responsible for presenting a professional image to the community. Vendors, volunteers and student interns shall dress appropriately for the conditions and performance of their duties, in compliance with Personal Appearance Standards and Uniform and Non-Uniform attire policies unless excluded by the Department. Necessary safety equipment will be provided.

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Vendor, volunteers and student interns will be issued Fresno County Probation Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Fresno County Probation Department identification cards, except that "Volunteer" or "Student Intern" will be indicated on the cards.

309.6 PERSONNEL WORKING AS STUDENT INTERNS

Qualified regular Department personnel, when authorized, may also serve as student interns. However, this Department shall not utilize the services of student interns such a way that it would violate employment laws or collective bargaining agreements or memorandums of understanding (e.g., an officer participating as a student intern for reduced or no pay). Therefore, staff members shall consult with the Personnel Unit prior to allowing regular department personnel to serve in a student intern capacity (29 CFR 553.30).

309.7 PERSONNEL UNIT

The function of the Personnel Unit is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services.

The responsibilities of the Personnel Unit include but are not limited to:

- (a) Recruiting, selecting, and training qualified volunteers and student interns.
- (b) Maintaining records for each vendor, volunteer and student interns.
- (c) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (d) Maintaining a liaison with colleges and universities that provide student interns to promote the intern program with both students and the educational system.
- (e) Maintaining volunteer and student intern orientation and training materials and outlining expectations, policies, and responsibilities for all volunteers and student interns.

309.8 DUTIES AND RESPONSIBILITIES

Volunteers assist department personnel as needed. Assignments of volunteers may be to any division within the Department, as needed. Volunteers should be placed only in assignments or programs consistent with their knowledge, skills, interests, abilities and the needs of the Department. Student interns should be assigned to areas that meet the needs of both their educational program and the Department. Vendors will be assigned per the contract/agreement.

309.8.1 COMPLIANCE

Vendors, volunteers and student interns shall be required to adhere to all Department policies and procedures. Policies and procedures are available on the Department website and will be made available to each vendor, volunteer, and student intern upon appointment. The vendor, volunteer and student interns shall become thoroughly familiar with these policies and procedures as directed by the Chief Probation Officer or the authorized designee.

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Whenever a rule, regulation, or guideline in this Custody Manual refers to regular Department personnel, it shall also apply to a vendor, volunteers and student interns, unless by its nature it is inapplicable.

Vendors, volunteers and student interns are required by this Department to meet Department-approved training requirements as applicable to their assignments.

309.9 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for vendors, volunteers and student interns to properly and safely perform their assigned duties. Training should correspond to the assignment as determined by the program coordinator.

Vendors, volunteers and student interns will be provided with an orientation program to acquaint them with the policies of the Department and procedures applicable to their assignments.

Vendors, volunteers and student interns should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks. They also should receive ongoing training as deemed appropriate by their supervisors or the volunteer or student intern coordinator.

Training should reinforce to vendors, volunteers and student interns that they shall not intentionally represent themselves as, or by omission give the impression that they are, officers or other full-time staff members of the Department. They shall always represent themselves as vendors, volunteers or student interns.

All vendors, volunteers and student interns shall comply with the standards of conduct and with all applicable orders and directives, whether oral or written, issued by the Department.

309.9.1 STATE REQUIREMENTS

The vendor, volunteer and student intern initial orientation shall include the following: safety and security issues and anti-discrimination policies.

309.10 SUPERVISION

Each vendor, volunteer or student intern must have a clearly identified supervisor who is responsible for direct management of that individual. This supervisor will be responsible for day-to-day management and guidance of the work of the vendor, volunteer or student intern and should be available for consultation and assistance.

Functional supervision of vendors, volunteers and student interns is the responsibility of the supervisor or the authorized designee in charge of their assigned duties. The following are some considerations that supervisors or the authorized designee should keep in mind while supervising vendors, volunteers and student interns:

- (a) Take the time to introduce vendors, volunteers and student interns to staff members on all levels.
- (b) Ensure vendors, volunteers and student interns have work space and necessary office supplies.

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- (c) Make sure the work is challenging. Do not hesitate to give vendors, volunteers and student interns assignments or tasks that will utilize these valuable resources.
- (d) Ensure the work for student interns meets the needs of their educational program, while also meeting the needs of the Department.

309.10.1 EVALUATIONS

Student interns may need evaluations as a requirement of their educational program.

309.10.2 FITNESS FOR DUTY

No vendor, volunteers or student intern shall report for work or be at work when the individual judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Vendors, volunteers and student interns shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes but is not limited to:

- (a) Driver's license
- (b) Arrests.
- (c) Criminal investigations.
- (d) All law enforcement contacts.

309.11 INFORMATION ACCESS

Vendors, volunteers and student interns should not have access to or be in the vicinity of criminal histories, investigative files, or information portals. Unless otherwise directed by a supervisor, the duties of the position, or Department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized staff members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Department policy and supervisory personnel.

A vendor, volunteer or student intern whose assignment requires the use of, or access to, confidential information will be required to be fingerprinted to the California Department of Justice to obtain clearance. Vendors, volunteers and student interns working this type of assignment shall receive training in data practices and shall be required to sign a CLETS Employee/Volunteer Statement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the vendor, volunteer, or student intern is grounds for immediate dismissal and possible criminal prosecution.

Vendors, volunteers and student interns shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper Department personnel.

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309.11.1 RADIO AND DATABASE ACCESS USAGE

The supervisor or the authorized designee shall ensure that radio and database access training is provided for vendors, volunteers, and student interns whenever necessary.

309.12 EQUIPMENT

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a vendor, volunteer or student intern shall remain the property of the Department and shall be returned at the termination of service.

309.13 TERMINATION OF SERVICES

If a vendor or volunteer is the subject of a personnel complaint or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy. If a student intern is the subject of or is involved in an internal investigation, the coordinator of the educational program that sponsors the intern should be notified.

Vendors and volunteers are considered at-will and may be removed from service at the discretion of the Chief Probation Officer or the authorized designee, with or without cause. Vendors and volunteers shall have no property interest in their continued appointments. Vendors and volunteers may resign from service with the Department at any time. It is requested that vendors and volunteers who intend to resign provide advance notice and a reason for their decision.

309.14 ISSUED DATE

- 02/18/2022

Internasal Naloxone Administration

312.1 AUTHORITY

Law enforcement and first responder agencies in Fresno County may administer naloxone hydrochloride (common brand name of Narcan), as approved and authorized by the California Department of Public Health Naloxone Standing Order (Standing Order). The Department shall maintain a copy of the Standing Order to ensure that the Department only administers naloxone in accordance with its terms and conditions.

All deputies, officers, or first responders trained and approved in the administration of naloxone shall maintain current certification in cardiopulmonary resuscitation (CPR), which shall be at the Basic Life Support (BLS) level, and consistent with the recommendations of the American Heart Association.

312.2 PURPOSE

To provide peace officers employed by the Fresno County Probation Department with the necessary information to identify and treat a person who may be critically ill from an opiate overdose or ingestion.

To provide parameters for the administration of naloxone that are consistent with the guidelines set forth by the the Fresno County Department of Public Health.

312.3 DEFINITIONS

Opioid (narcotic) overdose - the result of an individual's intentional/accidental exposure to opiate narcotic pharmacological substance(s), e.g., heroin, morphine, oxycodone, hydrocodone, fentanyl, methadone, opium, Dilaudid, and Demerol.

Naloxone (Narcan) - an antagonist ONLY to opioid narcotics, and not effective with other medications. It will NOT reverse non-opiate drug exposures, e.g., benzodiazepines, sedative hypnotics, alcohol or other classes of drugs.

312.4 TRAINING

Training shall be completed as outlined in Civil Code section 1714.22 and the Standing Order.

Training shall also be consistent with any additional parameters and regulations as set forth by the Fresno County Department of Public Health.

The Chief Probation Officer, Division Deputy Chief, or the authorized designees, shall authorize select peace officer staff members to instruct other qualified peace officers on the proper administration of naloxone. Per the Standing Order, the training shall include, at a minimum, the following:

- (a) The causes of an opiate overdose.
- (b) Mouth to mouth resuscitation.
- (c) How to contact appropriate emergency medical services.

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- (d) How to administer an opioid antagonist.

The Assistant Deputy Chief (ADC) assigned to the Training Unit, or other designated individual, shall be responsible for the following:

- (a) Ensuring the nasal naloxone is current and not expired.
- (b) Replacement of any nasal naloxone that is damaged, unusable, expired, or has been deployed.
- (c) Ensuring all personnel who will be administering nasal naloxone have received appropriate training.
- (d) Replacing the nasal naloxone and ensuring that there is an adequate supply available for use.
- (e) Keeping records of all documented use and forwarding to the California Department of Health Care Services, in accordance with the requirements of the Standing Order.

312.5 INDICATIONS/CONTRAINDICATIONS

Indication

- (a) Suspected or confirmed opiate overdose.
 - 1. Environment is suspicious of illegal or prescription use of opiates; and
 - 2. Person is unconscious/poorly responsive and respiratory (breathing) rate appears slow (<8 breaths per minute) or shallow/inadequate, or the person is unconscious and not breathing.
- (b) Law enforcement or first responder personnel with known or suspected opiate exposure, especially exposure to Fentanyl, and signs and symptoms of an opiate overdose.

Contraindications

- (a) Allergy to naloxone.

312.6 PROTOCOL

Pursuant to the Basic Life Support CPR Training, Intranasal (IN) Naloxone Administration:

- (a) Open the airway using Basic Life Support techniques.
- (b) Perform rescue breathing, if indicated. Perform CPR if pulseless.
- (c) Ensure Emergency Medical Services (EMS) has been activated.
- (d) Maintain standard blood and body fluid precautions; use personal protective equipment.
- (e) Check patient/ person for responsiveness.
- (f) Administer intranasal naloxone:
 - 1. Naloxone 2 mg IN (One half in each nostril) - if no improvement, the dose may be repeated every 5 minutes if respiratory depression (breathing <8 breaths per

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minute) persists. If single use administration devices are used, the entire dose may be given in one nostril up to 4 mg total.

- (g) If there is a positive response to naloxone, and patient is possibly a chronic opiate user, prepare for possible narcotic reversal behavior or withdrawal symptoms.
 - 1. Opiate withdrawal symptoms include: agitation, tachycardia, hypertension, seizures, dysrhythmias, nausea, vomiting, or diarrhea, and diaphoresis.
- (h) Notify transporting EMS personnel of administration of naloxone.
- (i) As directed by the manufacturer.

312.7 CONSIDERATIONS

Use naloxone with caution in opiate-dependent patients and in neonates of opiate-addicted mothers; opiate-dependent patients who receive naloxone may experience acute withdrawal reaction syndrome. Opiate withdrawal symptoms in the opiate-dependent patient include:

- (a) Agitation
- (b) Tachycardia
- (c) Seizures
- (d) Nausea, vomiting, and/or diarrhea

Some opiates require higher doses of naloxone. Be prepared to give additional doses of naloxone if there is no response in the appropriate clinical circumstances.

312.8 DATA COLLECTION AND REPORTING

- (a) Department staff members shall report the administration of naloxone to ambulance drivers or other medical transportation staff, and ensure that ambulance providers document the "prior to arrival" administration of naloxone.
- (b) The Department shall report all cases of naloxone administration to the California Department of Health Care Services (DHCS) Naloxone Distribution Project using the Naloxone Administration Report Form (the Naloxone Administration form is located in the Department's case management system).
- (c) Department staff members shall notify a supervisor in writing as soon as possible following any incident involving the administration of naloxone. The administering officer(s) shall submit a written Incident Report(s) to the on duty Watch Commander in a timely manner. The IR shall indicate what time the naloxone was administered and how much and any other details surrounding the incident.

312.9 ISSUED DATE

- 04/17/2023

Training

313.1 PURPOSE AND SCOPE

The Probation Department is committed to providing quality training for all staff members. Each staff member, manager, and trainer has a responsibility to ensure that the highest quality training is given and received. It is the responsibility of each staff member to provide feedback to management regarding the quality and benefits of training received. It is the responsibility of the Department to provide and/or create an environment that is conducive to training.

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

313.2 POLICY

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

313.3 OBJECTIVES

The objectives of the training program are to:

- (a) Improve the proficiency of staff at all levels.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with STC rules and regulations concerning probation training.

313.4 TRAINING ASSISTANT DEPUTY CHIEF

The Chief Probation Officer shall designate a Training Assistant Deputy Chief who is responsible for developing, coordinating, reviewing, updating, and maintaining the department's annual training plan so that required training is completed. The Training Assistant Deputy Chief should review the training plan annually.

313.4.1 TRAINING RESTRICTION

The Training Assistant Deputy Chief is responsible for establishing a process to identify officers who are restricted from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated (Government Code § 7286(b)).

313.5 ANNUAL TRAINING PLAN

Per the BSCC, the Annual Training Plan is a plan which includes an assessment of a department's training needs, the number of eligible staff, the types of courses to be completed, and a training schedule for the fiscal year.

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

The plan will address all required training.

313.5.1 GOVERNMENT-MANDATED TRAINING

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

- (a) State-mandated minimum training for officers requires completion of (Penal Code § 6035):
 1. Annual STC training shall be selected by the Training Assistant Deputy Chief based on agency or individual needs (15 CCR 184):
 - (a) Maintenance of first-aid and CPR certification.
 - (b) 24/40 hours of training.
 - (c) STC requires the following classifications to complete the minimum number of training hours:
 1. Deputy Probation Officer - 40 hours annually
 2. Juvenile Correctional Officer - 24 hours annually
 3. Senior Juvenile Correctional Officer - 24 hours annually
 4. Supervising Juvenile Correctional Officer - 40 hours annually
 5. Probation Assistant Deputy Chief/Assistant Deputy Chief - 40 hours annually
 6. Probation Division Deputy Chief - 40 hours annually
 7. Chief Probation Officer - 40 hours annually
 2. No less than the minimum number of hours as established by the STC Officer Core Course Manual (Penal Code § 832):
 - (a) Deputy Probation Officer Core
 - (b) Juvenile Correctional Officer Core
 - (c) Supervisor Core Course
 - (d) Manager/Administrator
- (b) Any other mandated training as determined by the Fresno County Probation Department.

313.6 TRAINING EXPECTATIONS

313.6.1 EXPECTATIONS OF DEPARTMENT MANAGEMENT

Managers and Supervisors in the Department are expected to:

- Encourage staff members to actively participate in training.

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- Ensure staff members are aware that training is their job for that day and relieve them of other workload expectations.
- Provide input to the Training Assistant Deputy Chief regarding quality of training and problems with any facet of training.
- Evaluate staff member's training needs and request training in those areas through the Division Deputy Chief to the Training Assistant Deputy Chief.
- When personally involved in training, assist trainer and proctor in maintaining a positive training environment and deal with individuals who are disruptive and nonattentive or otherwise failing to meet departmental expectations.
- Ensure staff is not scheduled for training in conflict with approved time off.
- Except in emergencies, do not approve time off for dates that the staff member is scheduled for training.
- Monitor their employees' training hours ensuring that each employee is in compliance with minimum STC mandates at the end of each training year.

313.6.2 EXPECTATIONS OF PROCTOR

The Training Assistant Deputy Chief will designate a proctor for each training class. The proctor is expected to:

- At the request of the Training Assistant Deputy Chief, Training Officer, or trainer, assist the trainer in taking roll and collecting evaluations.
- At the request of the Training Assistant Deputy Chief or Training Officer, return the roll and the evaluations to the Training Assistant Deputy Chief.
- Advise a supervisor of any inappropriate classroom behavior.
- If necessary, act as the contact person, during class hours, between the Training Assistant Deputy Chief and the Trainer.

313.6.3 EXPECTATIONS OF MEMBERS

- Staff members shall attend training, as scheduled, by their Supervisor, Training Assistant Deputy Chief, and Training Officer.
- It is the responsibility of each staff member to recognize that training is their job for the day and that they have individual responsibilities to derive positive benefits from the training.
- Staff members have the responsibility to report disruptive, inappropriate behavior to the proctor or trainer.
- Staff members shall arrive on time and return from breaks and lunch at designated times. Staff members will remain in training until class is dismissed. Staff members are to be attentive and non-disruptive during sessions. During training, staff members are expected to have before them only those training materials pertinent to the training session.

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- Staff members will ensure that cell phones or any other electronic devices are either turned off or are on silent while in class.
- Staff members are expected to conduct themselves in an appropriate manner.
- Staff members are expected to respect others' ideas, opinions and questions.
- Staff members are expected to follow directions of the trainer and/or proctor in each class.
- Staff members shall wear attire to training in accordance with the Department's dress standard.
- All staff members unable to attend training as scheduled shall notify the on duty Watch Commander as soon as possible, but no later than two hours before the start of training.
- All staff members shall arrange through their supervisor or Training Assistant Deputy Chief to attend the required training on an alternate date.

313.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a Web-accessed system that provides training on the Fresno County Probation Department Policy Manual and other important topics. Training through the DTBs is one method to help to ensure that initial and periodic training requirements, as prescribed in the various policies throughout the Department Policy Manual, are met. The DTBs link to the Department's policy manual and the specific policies contained therein, providing the member quality and up-to-date training.

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

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

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

313.8 TRAINING RECORDS

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

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313.9 ISSUED DATE

- 04/17/2023

Chapter 4 - Emergency Planning

Emergency Procedures - Facilities (Title 15, § 1327)

400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected staff members receive timely training regarding emergency response. This policy is intended to protect the community, staff members, visitors, youth, and all others who enter the Juvenile Justice Campus (JJC), while allowing the facility to fulfill its primary purpose (15 CCR 1327).

Facility emergencies related to fire will be addressed in the Fire Safety Plan Policy.

400.2 POLICY

It is the policy of this Department to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

400.3 EMERGENCY PROCEDURES

The Chief Probation Officer or the authorized designee shall develop, publish, and periodically review and update facility-specific policies, procedures, and emergency response plans that shall include but not be limited to (15 CCR 1327):

- (a) Escapes, disturbances, and the taking of hostages.
- (b) Civil disturbances, active shooters, and terrorist attacks.
- (c) Fire and natural disasters.
- (d) Periodic testing of emergency equipment.
- (e) Mass arrests.
- (f) Emergency evacuation of the facility (see the Emergency Evacuation Plan Policy).
- (g) A program to provide all youth supervision staff members with an annual review of emergency procedures.
- (h) Other emergencies as needs are identified.

The facility emergency response plans are intended to provide all staff members with current methods, guidelines, and training for minimizing the number and severity of emergency events that may threaten the security of the facility or compromise the safety of staff members, youth, or the community.

The emergency response plans are intended to provide information on specific assignments and tasks for staff members. Where appropriate, the emergency response plans will include persons and emergency departments to be notified.

The emergency response plans shall include procedures for continuing to house youth in the facility, the identification of alternative facilities outside the boundaries of the disaster or threat

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and the potential capacity of those facilities, youth transportation options, and contact information for allied agencies.

The emergency response plans shall be made available to all staff members, contractors, and volunteers working in the facility as needed. Confidential policies and procedures that relate to the security of the facility may be kept in a separate manual (15 CCR 1327).

400.3.1 EMERGENCY SUSPENSION OF REQUIREMENTS

The Chief Probation Officer or the authorized designee shall authorize only those regulations directly affected by the emergency to be suspended. When a suspension occurs for longer than three days, the Chief Probation Officer or the authorized designee shall notify the Board of State and Community Corrections in writing. In no event shall a suspension continue for more than 15 days without the approval of the Chairperson of the Board of State and Community Corrections for a time specified by the Chairperson (see the Emergency Suspension of Standards or Requirements attachment).

400.4 LOCKDOWN

Upon detecting any significant incident that threatens the security of the facility, such as a riot, power outage or hostage situation, staff members shall immediately notify Institutional Core Central Control (ICCC) and the Watch Commander. The Watch Commander may determine whether to order a partial or full lockdown of the facility and shall notify the Deputy Chief or the authorized designee as soon as practicable.

If a lockdown is ordered, all youth will be directed back to their housing areas. All youth in transit within the facility will either be escorted back to their housing areas or to another secure location. The Watch Commander should instruct staff members not directly involved in the lockdown to escort any visitors and nonessential contractors out of the facility.

A head count shall be immediately conducted for all youth, visitors, contractors, volunteers, and staff members. The Watch Commander shall be immediately notified of the status of the head count. If any person is unaccounted for, the Watch Commander shall direct an immediate search of the facility and notify the Chief Probation Officer or the authorized designee as soon as practicable.

All visitors and volunteers will be required to enter through the lobby and sign the visitor logbook when they enter and leave the facility. If the lobby is closed, the visitor logbook will be placed in a designated area for them to sign accordingly. ICCC shall log in all vehicles and the number of people in the vehicle. In the event the camera or speaker box is not working, the ICCC officer shall work with security officers to determine the number of people in the vehicle. When leaving the facility, the maintenance/contractor worker(s) shall call ICCC if the camera or speaker box is not working properly to inform them they are leaving the facility. The ICCC officer shall log that the maintenance/contractor(s) left the facility.

Lockdown shall not be used as a form of punishment. It is only intended to facilitate order and maintain security of the JJC.

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400.5 HUNGER STRIKE

Upon being made aware that one or more youth is engaging in a hunger strike, the staff member will notify the Watch Commander, who will notify the Chief Probation Officer or the authorized designee. The Chief Probation Officer or the authorized designee should evaluate the basis for the strike and seek an appropriate resolution.

The Chief Probation Officer or the authorized designee shall notify the youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's social worker (if applicable) of the incident and periodically provide updates on the status of the youth.

400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

The Chief Probation Officer or the authorized designee shall notify the Medical Director to review, coordinate, and document any medical actions taken, based on protocols and/or at the direction of qualified health care professionals, in response to a hunger strike.

Qualified health care professionals shall monitor the health of any youth involved in a hunger strike and make recommendations to the Chief Probation Officer or the supervisory staff member responsible for oversight of the incident.

If a youth is engaging in a hunger strike due to a mental condition, the appropriate medical protocols for mental health will be followed.

400.5.2 RESPONSE TO HUNGER STRIKES

Beginning at the line staff member level, a resolution to grievances shall be sought at the lowest level. The Youth Grievances Policy shall guide staff members on resolving youth grievances.

If the hunger strike remains unresolved, the Chief Probation Officer or the authorized designee may direct the appropriate staff member to observe the room area, including trash containers, of the youth involved for evidence of food items and of food hoarding.

400.5.3 LEGAL GUIDANCE

If attempts to resolve the grievance are unsuccessful or not reasonably possible, the Chief Probation Officer shall consider consulting with legal resources as appropriate to develop other steps to resolve the issues.

400.6 RESPONSE TO DISTURBANCES

Staff members shall attempt to minimize the disruption to normal facility operations caused by a disturbance by attempting to isolate and contain the disturbance to the extent possible. Staff members when applicable shall immediately notify the Chief Probation Officer through the chain of command of the incident (15 CCR 1327).

400.6.1 NOTIFICATIONS

The Watch Commander shall notify the Chief Probation Officer or the authorized designee of the disturbance as soon as practicable through the chain of command.

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The Chief Probation Officer or the authorized designee shall notify the involved youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's social worker (if applicable) as soon as practicable (15 CCR 1327).

400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

If medical action reasonably appears necessary, the Chief Probation Officer or the authorized designee shall notify the appropriate qualified health care professionals to review, coordinate, and document medical actions based on protocols and/or at the direction of the Medical Director (15 CCR 1327).

400.6.3 REPORTING

The Chief Probation Officer or the authorized designee shall order that an incident report be completed with the details of the disturbance no later than the end of the shift (see the Report Preparation Policy). If appropriate, a crime report shall be initiated, and prosecution sought (15 CCR 1327).

400.7 RIOTS

Riots occur when youth forcibly and/or violently take control, or disrupt in large numbers with violence or attempt to take control of any area within the Juvenile Justice Campus.

Staff members shall make reasonable attempts to prevent youth-on-youth violence but shall also take measures to avoid aggravating the problem and making the situation worse (15 CCR 1327).

400.7.1 RESPONSE TO RIOTS

Once the area of the disturbance is secured and isolated from other areas of the facility, time is generally on the side of officers. If possible, the process of quelling the disturbance should slow down so officers can develop response plans, ensure there are adequate facility personnel to effectively take the required actions, and ensure that responding officers are appropriately equipped with protective gear.

Officers shall evaluate their response given the totality of circumstances in any situation, but generally shall not enter the space where a riot is occurring until sufficient officers are present to safely suppress the riot. Nothing in this policy shall prohibit any staff member from assisting other staff members who are being assaulted.

Other housing units must be secured, with sufficient officers remaining at their posts to continue to supervise the unaffected units.

If officers are unable to contain, control, and resolve the riot, a request for assistance shall be made to the appropriate law enforcement agency (see the Mutual Aid section in this policy). The request shall be made by the Chief Probation Officer or the authorized designee. When the riot has been suppressed, all involved officers must immediately return to their assigned posts and normal operations should resume.

All youth who have participated in a riot shall be separated and secured as soon as practicable. If necessary, injured youth shall receive a medical evaluation and treatment. If an injured youth

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is medically cleared to remain in the Juvenile Justice Campus, the youth will be reclassified and moved to appropriate housing. If a crime has occurred with injury or death due to the riot, the Fresno Sheriff's Office shall be notified to investigate the matter (15 CCR 1327).

400.7.2 QUALIFIED HEALTH CARE PROFESSIONAL RESPONSE

If necessary, a Watch Commander or the authorized designee should notify the qualified health care professionals and identify a staging area for medical emergency responders and for medical triage.

The Medical Director or the authorized designee shall be included in developing the response plan as it relates to the potential for a medical response, medical triage and treatment activities, and the safety and security of medical staff members during the incident (15 CCR 1327).

400.7.3 NOTIFICATIONS

As soon as practicable, the Watch Commander or a responsible officer shall notify the Chief Probation Officer or the authorized designee.

The Chief Probation Officer or the authorized designee shall notify any involved youth's parent/guardian, the youth's probation officer, the local authority having supervisory jurisdiction, and the youth's social worker (if applicable) (15 CCR 1327).

400.7.4 REPORTING

The Chief Probation Officer or the authorized designee shall order that a report be written detailing the incident by the end of the shift (see the Report Preparation Policy) unless approved by a supervisor to be completed at a later time (15 CCR 1327).

400.8 HOSTAGES

The Department does not recognize the taking of hostages as a reason to relinquish control of the Juvenile Justice Campus. Signage will be posted in the lobbies, and visiting area that JJC is a no hostage facility.

It is the policy of the Fresno County Probation Department to use all available resources reasonably necessary to bring about a successful end to a hostage situation (15 CCR 1327).

400.8.1 RESPONSE TO HOSTAGE INCIDENT

Institutional Core Central Control (ICCC) should immediately be notified at the earliest sign of a hostage incident. Institutional Core Central Control (ICCC) shall notify the Chief Probation Officer through the chain of command as soon as practicable.

The Chief Probation Officer or the authorized designee shall make every effort to ensure that the hostage incident remains confined to the smallest area possible. All door controls accessible to youth shall be disabled. Emergency exits that lead outside the secure perimeter shall be guarded (15 CCR 1327).

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400.8.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

At the direction of the Watch Commander or the authorized designee, the qualified health care professionals shall be notified in order to identify a location and form a logistical plan for medical triage. The location also shall serve as a medical staging area for other medical emergency responders (15 CCR 1327).

400.8.3 HOSTAGE RESCUE

Communications with the hostage-taker should be established as soon as practicable. The Watch Commander or the authorized designee shall document, if known, the number of hostages, any demands, and any injuries. No promises or denials will be made until a hostage negotiator arrives on scene. Hostage-taker demands for officers to open doors will not be met. A hostage rescue team should be immediately summoned, and the established protocols for resolving the situation shall be implemented. The Chief Probation Officer or the authorized designee shall be consulted regarding decisions faced by the hostage rescue team (15 CCR 1327).

400.8.4 REPORTING

Following the conclusion of a hostage incident, the Chief Probation Officer or the authorized designee shall order that an incident report be completed by the end of the shift (see the Report Preparation Policy) unless approved by as supervisor at a later time (15 CCR 1327).

400.9 ESCAPES

Upon being made aware that an escape may have occurred or did occur, the staff member shall notify the on-duty Watch Commander. The Watch Commander shall notify the Chief Probation Officer through the chain of command as soon as practicable.

Once the escape is verified and immediate actions have been taken inside the facility (e.g., lockdown), the Watch Commander should ensure that all local law enforcement agencies are notified (15 CCR 1327).

400.9.1 YOUTH COUNTS

As soon as the facility is fully locked down, a full youth head count should be taken.

All youth who are outside of the secure perimeter of the facility (e.g., court, work details) shall be located and identified. The identity of any missing youth shall be disclosed, and the youth's facility record shall be accessed by the Chief Probation Officer or the authorized designee (15 CCR 1327).

400.9.2 SEARCH

Concurrent with the lockdown, the area surrounding the facility shall be searched for the escapee. Areas where a youth may be hiding or may have discarded clothing shall be searched first. Any witnesses shall be interviewed.

Booking staff members will develop a flyer with the youth's name, description, latest picture, classification status, and charges, and supply it to other staff members and local law enforcement.

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Local law enforcement shall also be given the youth's last known address and a list of associates (15 CCR 1327).

400.9.3 REPORTING

Following the conclusion of an attempted escape or an escape, the Chief Probation Officer or the authorized designee shall order that an incident report be completed by the end of the shift. The incident report shall focus on events and physical plant weaknesses that contributed to the escape (see the Report Preparation Policy). The Deputy Chief shall review the reports, interview involved parties, and develop action plans to minimize the risk of future occurrences (15 CCR 1327).

400.10 CIVIL DISTURBANCES OUTSIDE OF THE DETENTION FACILITY

Upon being notified that Juvenile Justice Campus space will be needed in response to a civil disturbance, potentially involving mass arrests, the Watch Commander shall notify the Chief Probation Officer or the authorized designee (15 CCR 1327).

400.11 DEBRIEFING

All responding staff members, including medical responders, shall be debriefed, as determined by the Chief Probation Officer or the authorized designee, on serious facility emergencies as soon as practicable after the conclusion of the incident. The staff members shall examine the incident from the perspective of what worked, what actions were less than optimal, and how the response to a future incident might be improved. Depending on the degree of the situation, it may be necessary to bring in Mental Health professionals to help facilitate the debriefing to include any youth involved.

If appropriate, the details of the incident will be used to develop a training course for responding to facility disturbances. The goal of any debriefing process is continuous improvement. The debriefing shall be focused on the incident, an improved response, and systemic changes that may be required. A moderator shall ensure that no individual or group involved in the response is publicly ridiculed.

400.12 EMERGENCY HOUSING OF YOUTH

The Chief Probation Officer or the authorized designee shall develop a plan on the emergency housing of youth in the event of a full or partial evacuation of the facility. The plan shall address when youth should be housed in place, identification of alternate facilities and the potential capacity of those facilities, youth transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

400.13 MUTUAL AID

The magnitude and anticipated duration of a facility emergency may necessitate interagency cooperation and coordination. The Deputy Chief shall ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated for the safe keeping and transportation of youth during the facility emergency and evacuation process (see the Emergency Evacuation Policy). For a large-scale emergency response, see the Emergency Evacuation Policy and Emergency Staffing Policy.

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When another agency requests assistance from this Department, the Deputy Chief or authorized designee may authorize, if available, an appropriate number of personnel to assist. Staff members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this Department.

When mutual aid assistance is rendered, a report shall be prepared and submitted by the handling staff member unless otherwise directed by a supervisor (15 CCR 1327).

400.14 REVIEW OF EMERGENCY PROCEDURES

The Deputy Chief shall ensure that there is a review of emergency procedures at least annually (15 CCR 1327). This review shall be documented and placed in the staff member's JJC and Departmental training file. This review should also include the signatures or initials of the staff members responsible for the review. At a minimum, the review shall include:

- (a) Assignment of staff members to specific tasks in emergency situations.
- (b) Instructions for using the alarm systems and signals.
- (c) Systems for the notification of appropriate persons outside the facility.
- (d) Information on the location and use of emergency equipment in the facility.
- (e) Description of evacuation routes and procedures.

400.15 FIRE

This Department shall identify and conform to applicable federal, state, and/or local fire safety codes, and establish a process for creating, disseminating, and training all individuals in the facility on the emergency plans for fire safety and evacuation (see the Fire and Life-Safety Policy, Juvenile Detention Manual Policy, and Fire Safety Plan Policy).

400.16 NATURAL DISASTER

The Chief Probation Officer or the authorized designee shall be prepared to operate a safe and secure facility in the event of a natural disaster emergency.

400.17 OTHER TYPES OF EMERGENCIES

Facility emergencies that could negatively affect the good order of the facility and the safety of staff members, youth, contractors, volunteers, and visitors include but are not limited to an outbreak of infectious disease, a work stoppage or strike by staff members, and other disruptions. The Chief Probation Officer or the authorized designee shall be responsible for ensuring that an appropriate facility emergency plan exists for these types of emergencies.

400.18 PERIODIC TESTING OF EMERGENCY EQUIPMENT

The Chief Probation Officer or the authorized designee is responsible for scheduled and periodic testing of emergency power systems which are completed by the Internal Services Department.

All testing and inspections shall be documented, and the results included in a report to the Deputy Chief or the authorized designee.

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400.19 TRAINING

Officers shall review emergency procedures (See Emergency Procedures form located in the Department Case Management system) annually (15 CCR 1327). This facility will provide emergency preparedness training as part of orientation training for all staff members assigned to the facility.

On an annual basis emergency training shall occur for each shift. The assigned Watch Commander/Supervising Juvenile Correctional Officer shall document in the Watch Commander log as well as provide JJC Administration a memorandum/e-mail of what training occurred and retained in accordance with established records retention schedules.

400.20 REFERENCES

See Facilities Emergencies Procedure for additional guidance.

400.21 ISSUED DATE

- 04/17/2023

Fire and Life-Safety (Title 15, § 1323)

401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the safety and security of the facility, youth, staff members, contractors, volunteers, and visitors by conforming to applicable federal, state, and/or local fire and life-safety requirements (15 CCR 1323).

401.2 POLICY

It is the policy of this Department to provide for the safety and security of the facility, youth, staff members, contractors, volunteers, and visitors, and to avoid or minimize the risk of injury to all persons in the event of a fire within the facility.

401.3 FIRE AND LIFE-SAFETY

Any time youth are housed in the juvenile facility, there shall be at least one wide-awake officer on-duty at all times who meets the Board of State and Community Corrections training standards for general fire and life-safety that relate specifically to the facility (15 CCR 1323).

401.4 TRAINING

The Chief Probation Officer or the authorized designee shall develop and implement a fire and life-safety policy. The Chief Probation Officer or the authorized designee also will ensure that training on the policy is provided to all staff members as appropriate to understand and reinforce this policy as well as fire and life-safety procedures pertaining to those individuals.

401.5 ISSUED DATE

- 04/17/2023

Fire Safety Plan (Title 15, § 1325)

402.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, staff members, youth, volunteers, contractors, and visitors. The purpose of this policy is to establish a process for creating, disseminating, and training all individuals in the facility on the emergency plans for fire safety and evacuation (see the Fire and Life-Safety Policy and the Juvenile Detention Manual Policy) (15 CCR 1325).

402.2 POLICY

It is the policy of the Chief Probation Officer that fire prevention and fire response strategies are a high priority. All staff members who work in the facility are responsible for reducing the risk of fires and for responding appropriately in the event of fire.

402.3 FIRE SAFETY PLAN

The Chief Probation Officer or the authorized designee shall, in consultation with State Fire Marshal or the local fire department that has jurisdiction over the facility, develop a fire safety plan. The fire safety plan shall include but is not limited to (15 CCR 1325):

- (a) A fire prevention plan to be included as part of this juvenile detention manual policy and related procedures.
- (b) Documented monthly fire and life-safety inspections by the designated facility staff member with a two-year retention of the inspection record.
- (c) Fire prevention inspections as required by Health and Safety Code § 13146.1(a) and (b).
- (d) An evacuation plan (see the Emergency Evacuation Plan Policy).
- (e) Documented fire drills at least quarterly.
- (f) A written plan for the emergency housing for youth in the case of fire.
- (g) Development of a fire suppression pre-plan in cooperation with the local fire department.
- (h) A plan for the cross-training of responders and facility staff members via drills, which should occur at least quarterly, if practicable.

402.4 FIRE PREVENTION EQUIPMENT

The Chief Probation Officer or the authorized designee shall ensure that a fire alarm and a detection and suppression system, as required by law, are installed, maintained, and periodically tested. Any variance, exception, or equivalency issues must be approved by the fire jurisdiction authorities and must not constitute a serious life-safety threat to facility occupants (see the Fire and Life-Safety Policy).

All required fire alarms, sprinklers, and detection devices shall be in good working order.

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Should such a device become inoperative, the Chief Probation Officer or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as practicable and that staff members are provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited.

402.5 FIREFIGHTING EQUIPMENT

The Chief Probation Officer or the authorized designee shall ensure that the facility has the necessary firefighting equipment (e.g., fire hoses, extinguishers) in quantities and locations as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic).

402.6 FIRE TRAINING

The Training Manager is responsible for ensuring that within the first six months of assignment to the facility, all staff members receive training (see the Fire and Life-Safety Policy). While staff members are not trained as fully qualified firefighters, the Chief Probation Officer or the authorized designee will ensure that staff members receive training regarding the initial response to a fire with the purpose of facilitating the safety of the occupants, including evacuation if necessary.

402.7 INSPECTIONS

The Juvenile Justice Campus shall be inspected monthly by a designated staff member to ensure that fire safety standards are maintained. These documented inspections will be focused on but not limited to fire prevention, staff member training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, staff member familiarity with fire prevention and suppression techniques, suppression pre-planning, emergency response, fire safety equipment use, and the evacuation plan. Records from these monthly inspections shall be maintained for at least two years (15 CCR 1325).

The Chief Probation Officer or the authorized designee shall ensure that staff members conduct and document monthly fire safety inspections of the facility and that all fire safety equipment is tested at least quarterly.

A staff member shall be assigned to coordinate with local or state fire officials for fire prevention inspections required by Health and Safety Code § 13146.1. The result of all fire prevention inspections and fire equipment testing shall be provided to the Chief Probation Officer or the authorized designee and maintained for at least two years.

402.8 REFERENCES

See Fire Safety Plan Procedure for additional guidance.

402.9 ISSUED DATE

- 04/17/2023

Security Review (Title 15, § 1326)

403.1 PURPOSE AND SCOPE

This policy establishes minimum review criteria to evaluate the security measures taken at the facility and provides guidelines for the use of the results of the review (15 CCR 1326).

403.2 POLICY

The Fresno County Probation Department is dedicated to continuous improvement in the operation of this facility. It is the policy of the Department to conduct an annual facility security review.

403.3 CHIEF PROBATION OFFICER RESPONSIBILITIES

The Chief Probation Officer or the authorized designee, in cooperation with the Deputy Chief, shall develop policies and procedures to annually review, evaluate, and document the security measures of the facility. The review shall include evaluation of internal and external security measures, including but not limited to (15 CCR 1326):

- (a) Control of keys and electronic access devices.
- (b) Control of tools and culinary equipment.
- (c) Search protocols.
- (d) Visitation protocols.
- (e) Control of youth movement.
- (f) Staff member training.

The review should include data on these types of incidents:

1. Youth-on-youth assaults
2. Youth-on-staff member assaults
3. Major disturbances
4. Deaths in detention facility (natural/suicide/homicide/accidents)
5. Suicide attempts
6. Other relevant factors

403.4 SECURITY REVIEW RESULTS

To the extent practicable, the Deputy Chief or the authorized designee responsible for developing the security review shall follow the guidelines established in accordance with the Administrative Communications Policy, the Annual Facility Inspection Policy, and the Annual Review and Performance-Based Goals and Objectives Policy to document and support the security review findings. The report shall not include information that identifies specific incidents or involved individuals. The report shall be submitted to the appropriate level in the chain of command for final approval.

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The results of security reviews shall be used in the ongoing process of operational improvement. They shall be used to direct changes in facility procedures and to identify successful measures that might be replicated in other areas of the facility.

403.5 REFERENCES

See Security Review Procedure for additional guidance.

403.6 ISSUED DATE

- 04/17/2023

Emergency Power and Communications

405.1 PURPOSE AND SCOPE

The Juvenile Justice Campus (JJC) facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding backup power and communication systems and the inspection, preventive maintenance, and testing of the systems to ensure a seamless transition in the event of a loss of power.

405.2 POLICY

It is the policy of this Department to ensure that power to critical systems and communications continues to operate within the JJC in the event of a loss of power.

405.3 EMERGENCY POWER

The JJC shall have a sufficient emergency power source to operate communications; security and alarm systems in control centers; emergency lighting in corridors, stairwells, all youth housing areas, and security control points; and audio-visual monitoring systems.

405.3.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Chief Probation Officer or the authorized designee to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, critical life/safety equipment, and communications systems. The emergency power system shall have sufficient fuel to allow the JJC to operate continuously for a minimum of three days, if necessary, without external resources. There could be a loss of functionality to the cameras and doors and staff members may be required to use their keys to unlock electronic doors.

The emergency power system shall be inspected, tested, and maintained as necessary. If the system fails, the Deputy Chief, Assistant Deputy Chief, or the Watch Commander shall contact the designated maintenance authority or repair company to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators shall be secured as a temporary emergency power source until the primary system is repaired or replaced.

405.4 SAFETY AND SECURITY

Inoperable or malfunctioning safety and/or security equipment shall be immediately repaired or replaced. If safety and/or security equipment becomes inoperable or is damaged and it is not safe to operate a secure portion of the JJC, that portion shall be vacated and the youth housed elsewhere.

405.5 INSPECTION AND TESTING

The Chief Probation Officer or the authorized designee is responsible for scheduled testing of emergency power systems. The power system manufacturer shall be contacted for the required testing intervals and load information. The emergency power system shall be load-tested in

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accordance with the manufacturer's recommendations and in accordance with the California Building Code.

All emergency equipment and systems shall be inspected by a qualified individual at least monthly in accordance with the Physical Plant Compliance with Codes Policy; the emergency equipment and systems consist of backup generators, fire pump, and emergency lighting. The fire riser is tested annually by a contracted provider.

Power generators shall be inspected and tested by a qualified individual at least monthly based on the guidance from the California Air Board. County of Fresno facility services completes the monthly testing and inspection. A contracted provider completes a quarterly maintenance inspection.

Testing and inspections shall be documented and the results included in a report to the Chief Probation Officer or the authorized designee.

405.6 ISSUED DATE

- 06/29/2023

Chapter 5 - Youth Management

Youth Population Management (Title 15, § 1342)

500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of youth population accounting that promotes the safety and security of the facility on a daily operational basis. It assembles data that enables the Department to forecast staffing and facility growth needs into the future and plan for the associated expenditures (15 CCR 1342).

500.2 POLICY

It is the policy of this facility that a youth population management system should be established and maintained to account for admitting, processing, providing services for, transferring, and releasing youth.

500.3 REPORTS

The Deputy Chief or the authorized designee is responsible for ensuring that detailed written daily reports of the facility's youth population are completed and maintained by staff members. The reports shall reflect the average daily population of pre-and post-adjudicated youth with males and females listed separately.

The Chief Probation Officer or the authorized designee shall maintain the data in an accessible format for historical purposes and to monitor average length of stay, analyze trends, and respond to funding opportunities (see the Custodian of Records Policy).

500.3.1 POPULATION ACCOUNTING

The population officer or the authorized designee shall collect and submit the required population and profile survey reports to the Board of State and Community Corrections within 10 working days after the end of each reporting period, in a format to be provided by the Board (15 CCR 1342).

500.4 DATA COLLECTION

For each reporting period, the report should include but is not limited to the following:

- (a) Number of beds in:
 1. General housing
 2. Medical/mental health unit
- (b) Average daily population (ADP) for:
 1. Felony and misdemeanor by male and female
 2. Pre-adjudicated and post-adjudicated by male and female
- (c) Highest one-day youth population
- (d) Number per month of:
 1. Total admissions
 2. Status offender admissions

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3. Probation violation admissions
- (e) Average length of stay for those released during the month, including:
1. All releases
 2. Transfers to treatment programs/residential treatment
 3. Transfers to placements (e.g., group homes, foster homes)
 4. Other releases
- (f) Number of:
1. Youth-on-staff member assaults
 2. Escapes
 3. Suicide attempts
 4. Suicides
 5. In-custody deaths
- (g) One-day snapshot, on the 15th of each month, of the number of:
1. Youth awaiting adult court/certified to adult court
 2. Youth under 12 (male and female)
 3. Youth 12-14 (male and female)
 4. Youth 15-17 (male and female)
 5. 18 and over (male and female)

500.5 ISSUED DATE

- 04/17/2023

Youth Admittance Process (Title 15, § 1350)

501.1 PURPOSE AND SCOPE

The Fresno County Probation Department has a standardized process for the admittance of youth into the Juvenile Justice Campus (JJC) that complies with all laws. This policy establishes guidelines to maximize the safety and security of the JJC, youth, staff members, and others during the admittance process (15 CCR 1350).

501.2 POLICY

The admittance of youth into this Juvenile Justice Campus shall be conducted in a respectful, humane, trauma-informed, and culturally relevant manner that is responsive to the language and literacy needs of youth.

The Department shall use the following standardized procedures when receiving youth into this Juvenile Justice Campus to ensure respectful and humane engagement with youth, that youth are afforded applicable rights, and to ensure safety and security within the facility.

501.3 PRE-ADMISSION SCREENING

Each youth shall be screened prior to admission to ensure the youth is medically acceptable for admission and that all necessary paperwork and documentation is present to qualify the youth for admission. Required paperwork may include:

- (a) Custody reports.
- (b) Probable cause declarations.
- (c) Petitions, warrants, indictments, complaints, Interstate Compact for Juveniles verifications, or court orders.
- (d) Victim notification information.
- (e) Special needs related to religious practices, such as diet, clothing, and appearance (see the Religious Programs Policy).
- (f) Accommodation requests related to disabilities.
- (g) Information regarding suicidal statements or actions.
- (h) Completion of an Department-approved detention risk assessment instrument and evaluation of detention criteria that considers the least restrictive environment (15 CCR 1350).
- (i) Information regarding the reasons and conditions for temporary detention of a youth taken into custody under the provisions of Welfare and Institutions Code § 628.

Any discrepancies in any of the paperwork shall be resolved before accepting the youth for admission from the arresting or transporting officer.

Prior to accepting custody of a youth who claims to have been arrested due to a mistake of the youth's true identity or a youth who claims that identity theft led to the issuance of petitions, warrants, indictments, complaints, Interstate Compact for Juveniles verifications, or court orders in

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the youth's name, officers shall make reasonable efforts to investigate the youth's claim of identity fraud or mistake, including taking a statement from a parent/guardian as proof of the youth's age and identity. Officers shall notify a supervisor when a youth makes a claim of mistaken identity or identity fraud. At a minimum, the officer needs to document the entire incident in the youth's case file and what reasonable efforts were made. Depending on the circumstances of the incident a supervisor may require the officer to provide an incident report.

501.3.1 IMMIGRATION DETAINERS

No youth shall be detained at the JJC based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

All youth information, including, but not limited to, name, date or place of birth, release date, and immigration status, shall remain confidential absent a court order of the Judge of the Juvenile Court pursuant to a Welfare and Institutions Code 827 petition and shall not be disclosed to federal officials (831 WIC).

501.3.2 NOTICE TO YOUTH

Youth in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Department intends to comply with the request. The Department shall not comply with any ICE request without a court order of the Judge of the Juvenile Court (Government Code § 7283.1; Welfare and Institutions Code 831).

If the Judge of the Juvenile Court issues an order authorizing the Department to comply with ICE notification requests, in accordance with Welfare and Institutions Code §§ 831 and 827, and if the Department intends to comply with a request to provides ICE with notification that a youth is being, or will be, released on a certain date, the same notification shall be provided in writing to the youth and to the youth's attorney, parent, or guardian or one additional person the youth may designate (Government Code § 7283.1).

501.3.3 ICE INTERVIEWS

In advance of any interview between ICE and a youth in Department custody regarding civil immigration violations, the Department shall provide the youth with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present. The consent form must be available in the languages specified in Government Code § 7283.1. The youth and the youth's parent or guardian must consent to the interview in writing. Following that consent, the Judge of the Juvenile Court must issue an order authorizing an interview between ICE personnel and a youth in custody for civil immigration violations before any interview shall occur. Additionally, the Department shall ensure that the youth's attorney is present for the interview.

501.3.4 IMMIGRATION INQUIRIES PROHIBITED

Staff members shall not inquire into a youth's immigration status for immigration enforcement purposes (Government Code § 7284.6).

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501.3.5 INTERSTATE COMPACT FOR JUVENILES

When the admission staff member identifies a youth whose residence is in another state and the youth is wanted, the Watch Commander will notify the state's Department of Justice, Interstate Compact for Juveniles Office, which will coordinate the return/transfer of the youth to the youth's home state. The Interstate Compact for Juveniles Office will provide proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and may have absconded, escaped, or run away from supervision and control and, in doing so, endangered their own safety and/or the safety of others.

501.4 SEARCHES BEFORE ADMISSION

All youth and their property shall be searched for contraband by the admitting officer before being accepted for admission (see the Searches Policy and Procedure). All contraband items will be handled according to JJC policy. Items of possible evidentiary value may be turned over to the arresting or transporting officer for processing or processed according to the facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting officer before the youth is accepted for admission. A description of the items returned to the transporting officer shall be documented on the youth's admission record. If there is a discrepancy about the youth's property, the booking officer shall contact a supervisor.

Strip searches shall be conducted in accordance with the Searches Policy and Procedure.

501.5 YOUTH ADMITTANCE PROCEDURES

The Deputy Chief shall develop and implement written procedures for the admittance of youth that emphasize respectful and humane engagement with youth, and reflect that the admission process may be traumatic to youth who may have already experienced trauma. Policies shall be trauma-informed, culturally relevant, and responsive to the language and literacy needs of youth (15 CCR 1350).

A unique admission number shall be assigned specific to the admission for each youth. Photographs and fingerprints shall be taken.

During the admission process, staff members shall attempt to gather a comprehensive record of each youth, including but not limited to the following:

- (a) Identifying information, including name and any known aliases or monikers
- (b) Youth's gender identity, preferred name, and preferred gender pronoun (see the Transgender and Intersex Youth Policy and Procedure)
- (c) Current or last known address and telephone number
- (d) Parent or guardian information and notification information
- (e) Date and time of the petitions, warrants, indictments, complaints, Interstate Compact for Juveniles verifications, or court orders
- (f) Date and time of admission

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- (g) Name, rank, agency, and signatures of the arresting officer and transporting officer, if different
- (h) Legal authority for confinement, including specific charges, arrest petitions, warrants, indictments, complaints, Interstate Compact for Juveniles verifications, or court orders
- (i) Sex
- (j) Age
- (k) Date and place of birth
- (l) Race
- (m) Height and weight
- (n) Occupation and current or most recent employment
- (o) Education level, last grade completed, and last school attended
- (p) Preferred emergency contact, including name, address, telephone number, and relationship to youth
- (q) Driver's license number and state where issued, state identification number, or passport number
- (r) Social Security number
- (s) Additional information about special custody requirements or special needs
- (t) Local, state, and federal criminal history records
- (u) Photographs, fingerprints, and notation of any marks or physical characteristics unique to the youth, such as scars, birthmarks, deformities, or tattoos
- (v) Medical, dental, and mental health screening records, including suicide risk (see the Suicide Prevention and Intervention Policy) (15 CCR 1350)
- (w) Inventory of all personal property, including clothing, jewelry, and money, all of which shall be securely stored by the department
- (x) A record of personal telephone calls made at the time of admission or the time the opportunity was provided to place calls if the calls were not made

In addition to the requirements of the Juvenile Detention Policy and the Youth Screening and Evaluations Policy, the admittance process shall include but not be limited to the following (15 CCR 1350):

1. Access to two free telephone calls within one hour of admittance in accordance with the provisions of Welfare and Institutions Code § 627 and 224.71 (see the Telephone Calls Section of this policy).
2. Offer of a shower (see the Showering and Clothing Exchange section of this policy).
3. A copy of documented secure storage of personal belongings (see the Youth Property Control and Storage section of this policy).
4. Offer of food upon arrival.

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5. Screening for physical and behavioral health and safety issues, intellectual or developmental disabilities.
6. Screening for physical disabilities (see the Suicide Prevention and Intervention Policy, the Individualized Treatment Plans Policy, and the Youth Screening and Evaluations Policy).
7. Contact with the Regional Center for the Developmentally Disabled for youth who are suspected of or identified as having a developmental disability, pursuant to the Individualized Treatment Plans Policy (15 CCR 1350).
8. Treatment and consideration consistent with procedures in the Transgender and Intersex Youth Policy.

The Deputy Chief shall establish written criteria for detention that considers the least restrictive environment (15 CCR 1350).

The JJC, juvenile camps, and post-dispositional programs shall advise youth of their estimated length of stay, inform them of program guidelines, and provide written screening criteria for inclusion and exclusion from the program (15 CCR 1350).

501.5.1 LEGAL BASIS FOR DETENTION

Youth admitted to the facility and the youth's parent/guardian or a responsible relative shall be notified immediately of the official charge for the detention or the legal basis for the confinement where the youth is being held, in a language they understand.

Immediately after being taken to a place of confinement pursuant to this article, and no later than two hours after a youth has been taken into custody, the booking staff shall immediately notify the public defender that the youth has been taken into custody (Welfare and Institutions Code § 627).

501.5.2 PROHIBITIONS

The Watch Commander shall ensure that only youth who can be lawfully admitted into the JJC are accepted. Those generally prohibited for admission include non-offenders transported to the JJC due to no fault of their own (e.g., abuse, neglect, abandonment). Some status offenders may not be accepted for admission unless their detention is pursuant to the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP) (see the Status Offenders and Non-Offenders Policy).

Youth younger than 12 shall not be accepted into custody unless there are allegations of murder or certain sexual assaults (Welfare and Institutions Code § 602.1 and Senate Bill No. 439).

501.5.3 ESTIMATED LENGTH OF STAY

Youth admitted to the JJC and the youth's parent/guardian shall be notified of the youth's estimated length of stay.

501.5.4 MEDI-CAL ELIGIBILITY AND ENROLLMENT

The Chief Probation Officer or the authorized designee shall establish procedures for collecting Medi-Cal eligibility information and enrolling eligible youth.

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501.6 TRANSITION FROM RECEPTION TO GENERAL POPULATION

The Watch Commander shall ensure that only youth who qualify are placed into general population or housing. Those being admitted with clearance paperwork but who are not ready for placement into general population, shall be monitored for risk and needs assessment under the Youth Screening and Evaluations Policy.

Youth placed into housing will be provided an orientation under the Youth Orientation Policy.

501.6.1 YOUTH SEPARATION

Youth shall be kept separate from the general population during the admission process. Newly admitted youth shall be separated according to the JJC's classification plan (see the Youth Classification Policy).

501.7 YOUTH PROPERTY CONTROL AND STORAGE

All personal belongings received from youth at the time of admission shall be inventoried, documented, and stored in a secure storage area (15 CCR 1350). A receipt shall be signed by the youth and the admitting staff member and referenced to the admission number before the admission is completed. The original copy of the property receipt shall be retained and placed in the youth's file and/or with the property. A second copy shall be presented to the youth at the time of admission.

Excess personal clothing shall be picked up by a designated family members or care givers of the youth's choosing, or stored in containers designed for this purpose.

Only authorized personnel may access the storage area and only to deposit or retrieve property, or to conduct duly authorized work, including maintenance and other duties as directed by the Deputy Chief or the authorized designee.

Inventoried items of rare or unusual value shall be brought to the attention of a supervisor. The youth's signature shall be obtained on the admission record and on any forms used to record money and property.

501.7.1 VERIFICATION OF A YOUTH'S MONEY

All money belonging to the youth and retained by the admitting staff member shall be verified in front of the youth. When possible, the youth shall initial the dollar amount on the admission sheet. All money shall be placed in an envelope separate from the admissions sheet and sealed.

Negotiable checks or other instruments and foreign currency shall also be sealed in an envelope with the amount indicated but not added to the cash total. Jewelry and other small property shall also be sealed in an envelope. All envelopes shall clearly indicate the contents on the front. The person sealing it shall initial across the sealed flap. If money is withdrawn or added to the cash envelope, the person making the change shall enter the new amount below the original entry and initial it. The total amount of money in the envelope shall always be computed and written on the outside of the envelope (15 CCR 1350).

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501.8 TELEPHONE CALLS

Every youth detained in the JJC shall be entitled to at least two free completed telephone calls within one hour of admittance in accordance with the provisions of the Welfare and Institutions Code § 627 and 224.71, unless physically impossible, and no later than one hour after admittance (15 CCR 1350). If the requirement is physically impossible to complete, the officer shall make the necessary notation in the youth's electronic file and notify the on-duty Watch Commander and make sure as soon as possible the requirement is met.

Every youth shall be advised that these telephone calls include one completed call to a parent or guardian, a responsible relative, or the youth's employer, and another completed call to an attorney or their authorized representative. Officers shall not willfully deprive the youth taken into custody of their right to make such telephone calls (Welfare and Institutions Code § 627). If it is determined that the youth is a custodial parent with responsibility for a child, the youth shall be entitled to make such additional telephone calls as reasonably necessary to arrange care for the child.

501.8.1 TELEPHONE CALL PROCEDURES

The Department will pay the cost of all telephone calls.

Calls between the youth and the youth's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (15 CCR 1350).

501.8.2 ONGOING TELEPHONE ACCESS

Ongoing telephone access for youth who are housed at this facility, after the youth's initial admittance, will be in accordance with the Youth Telephone Access Policy.

501.9 SHOWERING AND CLOTHING EXCHANGE

Youth shall be allowed to shower before being dressed in clean JJC clothing (15 CCR 1350). The offer of a shower shall occur during the admittance process, and showering shall occur before a youth is transferred from the temporary holding area to general population housing (see the Youth Hygiene Policy).

501.10 FOOD UPON ARRIVAL

The Booking Officer is responsible for ensuring youth are offered food upon arrival at the facility. The Booking Officer shall make the necessary notations when the food was offered and if the youth accepted or declined the food (15 CCR 1350).

501.11 REFERENCES

See Youth Admittance Process Procedure for additional guidance.

501.12 ISSUE DATE

- 02/24/2023

501.13 REVISED DATE(S)

- 08/04/2023

Youth Classification (Title 15, § 1352)

502.1 PURPOSE AND SCOPE

This policy describes the Fresno County Probation Department's youth classification process, which is designed to identify security and health issues so that youth may be housed in this Juvenile Justice Campus in such a way as to foster a safe and secure facility (15 CCR 1352).

502.2 POLICY

It is the policy of this Department to properly classify youth housed in this Juvenile Justice Campus according to security and health risks so that appropriate supervision, temporary holding, and housing assignments may be made.

502.3 CLASSIFICATION PLAN

The Deputy Chief or the authorized designee shall create and maintain a classification plan to guide staff members in processing youth brought into the Juvenile Justice Campus. The plan shall include an initial screening process and a process for determining appropriate housing assignments (28 CFR 115.341; 28 CFR 115.342; 15 CCR 1352). The plan should include use of an objective screening instrument, procedures for deciding classification and housing assignments, intake and housing forms, and a process to ensure that all classification and housing records are maintained in each youth's permanent file. Such procedures shall include the following (15 CCR 1352):

- (a) Providing for the safety of the youth, other youth, facility staff members, and the public by placing the youth in the appropriate, least restrictive housing and program settings. Housing assignments shall consider the need for single, double or dormitory assignment or location within the dormitory.
- (b) Consideration of the facility populations and physical design of the facility.
- (c) Providing that a youth shall be classified upon admittance to the facility. Classification factors shall include but not be limited to:
 1. Age
 2. Maturity, sophistication
 3. Emotional stability
 4. Program needs
 5. Legal status
 6. Public safety considerations
 7. Medical and behavioral/mental health considerations (see the Health Assessments Policy)
 8. Gender and gender identity of the youth
- (d) Providing for periodic classification reviews, including provisions that consider the level of supervision and the youth's behavior while in custody.

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- (e) Providing that facility staff members shall not separate a youth from general population or assign a youth to a single occupancy room based solely on the youth's:
 - 1. Actual or perceived race
 - 2. Ethnic group identification
 - 3. Ancestry
 - 4. National origin
 - 5. Color
 - 6. Religion
 - 7. Gender
 - 8. Sexual orientation
 - 9. Gender identity
 - 10. Gender expression
 - 11. Mental or physical disability
 - 12. HIV status
- (f) Ensuring that this section does not prohibit staff members from placing a youth in a single occupancy room at the youth's specific request or in accordance with Title 15 regulations regarding separation.
- (g) Ensure that facility staff members shall not consider lesbian, gay, bisexual, transgender, questioning or intersex identification or status as an indicator of likelihood of being sexually abusive.

The plan should also include an evaluation based on the following:

- (a) Physical size and stature
- (b) Current charges
- (c) Behavior during arrest or detention and admission process
- (d) Criminal, detention, and incarceration history
- (e) Level of emotional and cognitive development
- (f) Potential risk to safety of others or self
- (g) Special needs assessment for vulnerable youth
- (h) Suicidal ideation (see the Suicide Prevention and Intervention Policy)
- (i) Escape history and degree of escape risk
- (j) Prior assaultive or violent behavior
- (k) The need to be separated from other classifications of youth (e.g., violent offenders, gang affiliation, confidential informants)
- (l) Prior sexual abusiveness

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- (m) Previous sexual victimization
- (n) The youth's own perception of vulnerability
- (o) Any other criteria deemed appropriate by the Deputy Chief or the authorized designee

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.341).

502.4 BOOKING CLASSIFICATION

The booking classification process is intended to identify predatory, violent, and at-risk youth. It should occur early in the booking process to allow for appropriate supervision while the youth is being temporarily held in the facility and until a decision is made to place the individual into a more permanent housing assignment and orientation is provided if needed (see the Youth Separation Policy).

Youth should be interviewed by a booking officer as soon as possible in the admission process. The booking officer shall complete the initial classification form. The initial classification form should include a place for the intake staff member to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the youth's condition, and the youth's interview.

The initial classification form shall be placed in the youth's file and provided to the on-duty Watch Commanders. The Watch Commander has the authority to modify the initial classification within the limits of available resources to determine the appropriate temporary housing location.

502.5 CLASSIFICATION UPON HOUSING

Once it has been determined that the youth will not be released from custody, a more in-depth classification of the youth will be conducted prior to receiving a housing assignment.

502.5.1 INTERVIEW

The comprehensive classification process begins with a review of any initial classification information obtained during the booking and admission process, and an interview by the intake booking officer. The review of initial classification documents and the questions, answers, and observations from the youth's interview and risk assessment will be documented, representing the treatment plan, security level, and housing assignment appropriate for each youth.

502.5.2 OVERRIDE

The booking officer in consultation with the Senior JCO has the authority to override the results when it appears necessary to assign more appropriate housing. The override capability exists to use the booking officer's training and expertise in those instances when the results are not reflective of the youth's potential security or health risk. Reasons for the override must be documented and approved by a supervisor.

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502.6 REVIEWS AND APPEALS

Once a youth is classified and housed, the youth may appeal the decision of the classification staff member. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Deputy Chief or the authorized designee. The decision by the Deputy Chief or the authorized designee is final.

502.6.1 PERIODIC CLASSIFICATION REVIEWS

The Deputy Chief shall provide for the periodic classification reviews of youth, including provisions that consider the level of supervision and the youth's behavior while in custody (15 CCR 1352).

Staff members assigned to the housing units should continually review the status of all youth who are housed in the living area. The review shall examine changes in the youth's behavior or circumstances and should either raise, lower, or maintain the classification status (15 CCR 1352).

Housing and program assignments for each transgender or intersex youth shall be reassessed at least twice each year to determine whether the youth has experienced any threats (see the Transgender and Intersex Youth Policy) (28 CFR 115.342).

Youth risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the youth's risk of sexual victimization or abusiveness (28 CFR 115.341).

502.6.2 STAFF MEMBER-REQUESTED REVIEW

At any point during a youth's detention, a staff member may request a review of the youth's classification. The reason for the review, the review itself, and the outcome of the review shall be documented in the youth's permanent file. Nothing in this section shall prohibit staff members from immediately moving a youth to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the youth must immediately document the action and notify the Deputy Chief or the authorized designee.

502.7 SEPARATION

Officers shall not separate a youth from the general population or assign a youth to a single-occupancy room based solely on the youth's actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This section does not prohibit staff members from placing a youth in a single-occupancy room at the youth's specific request, or in accordance with Title 15 regulations regarding separation.

502.8 CLASSIFICATION SPACE ALLOCATION

The classification plan depends on the ability of the facility to physically separate different classes of youth. To ensure that allocated space meets the current population needs, the Deputy Chief or the authorized designee should periodically meet with classification staff member representatives to discuss the fixed resources (e.g., rooms, dorms, dayrooms) (15 CCR 1352).

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502.9 SINGLE-OCCUPANCY ROOMS

Single-occupancy rooms may be used to house these categories of youth (15 CCR 1352):

- (a) Maximum security
- (b) Medical condition or disabilities (dependent upon consultation with medical staff members and the availability of medical beds)
- (c) Mental condition (dependent upon consultation with behavioral/mental health staff members and the availability of mental health beds)
- (d) Sexual abusiveness
- (e) Any youth with an elevated risk of being taken advantage of, being mistreated, or becoming a victim of sexual abuse or harassment
- (f) Any other condition or status for single-occupancy housing

The classification Watch Commander shall notify the Deputy Chief and the Assistant Deputy Chief when single-occupancy rooms are not available for housing the above described youth. In such cases, a risk assessment shall be used to identify youth in the above categories who may be safely housed together.

502.10 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, program, education, and work assignments should be made in an effort to keep youth safe and free from sexual abuse.

Housing and program assignments of a transgender or an intersex youth shall include individualized consideration for the youth's health and safety and any related supervisory, management, or facility security concerns. A transgender youth's or an intersex youth's views regarding the youth's own safety shall be given serious consideration.

Identification or status as lesbian, gay, bisexual, transgender, or intersex shall not be considered as an indicator of likelihood of being sexually abusive (28 CFR 115.342; 15 CCR 1352).

Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in particular housing, bed, or other assignments based on such identification or status (28 CFR 115.342).

Staff members shall consider any recommendations if known from the youth's health care provider. The decision to house youth in an area that does not match their gender identity, including any reason(s), shall be documented.

502.11 STAFF MEMBER TRAINING IN CLASSIFICATION

Booking officers shall receive training (training will occur at the same time as youth admittance training) before performing booking officer duties. Staff members not specifically trained in youth classification may perform classification duties under the immediate supervision of a youth classification-trained and qualified staff member.

502.12 REFERENCES

See Youth Classification Procedure for additional guidance.

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502.13 ISSUED DATE

- 04/17/2023

Youth Orientation (Title 15, § 1353)

503.1 PURPOSE AND SCOPE

This policy provides for the orientation of youth admitted into the Juvenile Justice Campus (JJC). The purpose of the orientation is to inform youth of the JJC routine, rules, programs, youth rights, and support services (15 CCR 1353).

503.2 POLICY

The Deputy Chief shall provide an effective method and procedure for orienting all incoming youth that includes a pamphlet for youth before placement in a living area. Provision shall be made to provide accessible orientation information to all youth, including those with disabilities, limited English proficiency, or limited literacy. Both written and verbal information shall be provided and supplemented with video orientation, if feasible (15 CCR 1353).

503.3 ACCESS TO ORIENTATION

The orientation shall take place before youth are moved to housing and should be an ongoing process in the housing area so that the information is available to youth throughout their entire time in custody.

503.4 ORIENTATION

The youth orientation is intended to ease the youth's transition into custody to reduce emotional distress and rule violations. If youth are to be held accountable for following facility and unit rules or exercising rights and privileges, then it is imperative that youth are provided required orientation.

If a youth is reassigned to a different housing unit to address special needs, behavioral issues, or receive a commitment for a length of time or treatment program, the youth shall receive an orientation to their new housing assignment.

To assist with the youth's transition into the custody environment, the orientation shall include information that addresses (15 CCR 1353):

- (a) Facility rules, including contraband and searches, and disciplinary procedures.
- (b) The facility's system of positive behavior interventions and supports, including behavior expectations, incentives that youth will receive for complying with the facility rules, and consequences that may result when a youth violates the rules of the facility.
- (c) Age-appropriate information that explains the facility's policy prohibiting sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment, including (28 CFR 115.333):
 1. Zero-tolerance policy
 2. Prevention and intervention
 3. Instruction on how youth can avoid being victims of sexual abuse and sexual harassment through self-protection techniques

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4. Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously
 5. Treatment and counseling provided for victims of sexual abuse or sexual harassment
 6. Mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations and, for persons detained solely for civil immigration purposes, immigrant services agencies (28 CFR 115.353)
 7. Information regarding confidentiality, monitoring, and mandatory reporting
- (d) Identification of key staff members and their roles.
 - (e) The existence of the grievance procedure, the steps that must be taken to use it, the youth's right to be free of retaliation for reporting a grievance, and the name of the person or position designated to resolve the issue.
 - (f) Access to legal services and information on the court process.
 - (g) Access to routine and emergency health, dental, and behavioral/mental health care.
 - (h) Access to education, religious services, and recreational activities.
 - (i) Housing/classification assignments.
 - (j) Opportunity for personal hygiene and daily showers, including the availability of personal care items.
 - (k) Rules and access to correspondence, visits, and telephone use.
 - (l) Availability of reading materials, programming, and other activities.
 - (m) Facility policies on the use of force, use of restraints, chemical agents, and room confinement.
 - (n) Immigration legal services.
 - (o) Emergencies including evacuation procedures.
 - (p) Nondiscrimination policy and the right to be free from physical, verbal, or sexual abuse and harassment by other youth and staff members.
 - (q) Availability of services and programs in a language other than English, if appropriate.
 - (r) The process for requesting different housing, education, programming, and work assignments.
 - (s) A process by which parents/guardians receive information regarding the youth's stay in the facility that, at a minimum, includes answers to frequently asked questions and provides contact information for the facility, medical, school, and mental health programs.
 - (t) A process by which youth may request access to the Title 15 Minimum Standards for Juvenile Facilities.
 - (u) Contacting foreign consuls.

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- (v) Voting, including registering to vote.
- (w) An approved list of items that youth are permitted to possess.
- (x) Room confinement
- (y) An explanation and a copy of the youth's rights and responsibilities as specified in Welfare and Institutions Code § 224.71, and answers to the youth's questions and concerns regarding those rights and responsibilities (Welfare and Institutions Code § 224.72).

In addition to English, orientation information will be provided in the most commonly used languages for the youth population.

The Deputy Chief shall consider enlisting the assistance of volunteers qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Volunteers will be used when staff members are not available. Use of outside translation sources may also be considered.

Interpretive services shall be provided to youth who do not speak English or any of the other languages in which the orientation information is available.

A written and signed acknowledgement of the orientation and receipt of the pamphlet shall be maintained in the youth's permanent file (28 CFR 115.333).

503.5 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED, AND DEAF OR HARD OF HEARING YOUTH

Youth who cannot read, are visually impaired, or have intellectual, psychiatric, or speech disabilities or limited reading skills shall have materials read to them by a staff member or presented to them using audible recorded media (28 CFR 115.316).

Youth who are deaf or are hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by staff members to assist the youth in understanding the information.

503.6 POSTING OF YOUTH RIGHTS

The Deputy Chief or the authorized designee shall ensure that a listing of youth rights (WIC 224.71) is posted in a conspicuous location, including classrooms, and living units (Welfare and Institutions Code § 224.72).

503.7 ACCESS TO YOUTH RIGHTS WRITTEN MATERIAL

A copy of youth rights shall be included in orientation packets provided to parents or guardians of wards. Copies of the rights of youth in English, Spanish, and other languages shall also be made available in facility visiting areas and, upon request, to parents or guardians (Welfare and Institutions Code § 224.72).

503.8 REFERENCES

See Youth Orientation Procedure for additional guidance.

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Youth Orientation (Title 15, § 1353)

503.9 ISSUED DATE

- 04/17/2023

Case Management (Title 15, § 1355)

504.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the Department uses evidence-based assessment instruments and effective case planning methods that determine program needs for each youth while detained, and implements strategies to reduce recidivism by supporting successful reintegration into the community (15 CCR 1355).

504.2 POLICY

It is the policy of the Department to provide effective case management of youth while they are detained in the Fresno County Juvenile Justice Campus (JJC).

504.3 INSTITUTIONAL ASSESSMENT AND CASE PLAN

The Deputy Chief or the authorized designee shall develop and implement written procedures for assessment and case planning. The Deputy Chief shall ensure that initial and periodic risk and needs assessments essential for developing an individual case plan are conducted using information from the assessment results, detailed information obtained during the admission process, and any other relevant information deemed necessary to ensure effective case management (15 CCR 1355).

- (a) The risk and needs assessment is based on information collected during the admission process, subject to periodic review, which includes the youth's risk factors, needs, and strengths.
 1. During the admission process, Department staff members, to include contracted vendors, shall use the juvenile assessment instruments designed to collect and address specific information including but not limited to substance use, abuse, and dependency; mental health history; educational needs; vocational/employment training; work history; prior counseling and treatment experiences; behavioral health needs; consideration of known history of trauma (e.g., physical abuse, sexual abuse); and family dynamics (e.g., strengths, needs).
- (b) Case plan development shall follow the process outlined below (15 CCR 1355):
 1. A case plan shall be developed for each youth held for at least 30 days or more and created within 40 days of admission.
 2. The institutional plan shall include but not be limited to written documentation that provides:
 - (a) Objectives and time frames for the resolution of problems identified in the assessment.
 - (b) A plan for meeting the objectives that includes a description of program resources needed and individuals responsible for assuring that the plan is implemented (see the Release Policy).
 3. Periodic evaluation of progress toward meeting the objectives, including periodic review and discussion of the plan with the youth.

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Case Management (Title 15, § 1355)

4. A transition plan, the contents of which shall be subject to existing resources, shall be developed for post-dispositional youth in accordance with the Release Policy.
5. In as much as possible and if appropriate, the case plan and the transition plan shall be developed with input from the youth's family, supportive adults, the youth, and the regional center for the developmentally disabled. Trained Department staff members should administer assessment and screening instruments/tools designed specifically for youth populations at admission, during orientation to the facility, significant events and during periodic reviews to collect information related to the youth's risk factors, program needs, strengths, and challenges.

The assessment findings shall be stored in the youth's case file and shared and coordinated with authorized recipients who have both the right to know and a need to know during case conferences to ensure proper programming placement and continuity of services consistent with the youth's individualized case plan.

504.4 CASE NOTES

Staff members shall document in the youth's electronic file notable behavior, including positive and negative interaction with peers, staff members, and authority figures; progress toward goals and objectives outlined in the youth's case management plan; and participation in groups, school, activities, and recreation. Documentation shall occur at least every other day, preferably daily, and also include notations of non-eventful days.

Along with documentation, staff members are responsible for reporting their observations and concerns about a youth's behavior to other staff members on-duty.

504.5 COUNSELING AND CASEWORK

Any youth requesting services or believed to need counseling services shall be referred to qualified mental health personnel in a timely manner (see the Counseling and Casework Services Policy).

For youth in crisis, see the Counseling and Casework Services Policy.

504.6 TRAINING

The Department shall provide training and review of all case management policies and procedures to ensure staff members remain current in their delivery of relevant programs and services.

504.7 REFERENCES

See Case Management Procedure for additional guidance.

504.8 ISSUED DATE

- 04/17/2023

Youth Safety Checks (Title 15, § 1328)

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a requirement for conducting periodic visual safety checks for all youth, and for creating and maintaining a log to document all safety checks (15 CCR 1328).

For additional requirements on safety checks, see the Room Confinement Policy, and the Suicide Prevention and Intervention Policy.

505.2 POLICY

It is the policy of the Fresno County Juvenile Justice Campus (JJC) that staff members shall conduct periodic safety checks on all youth at a frequency determined by the custody status of the youth, the youth's housing classification, and applicable state law.

505.3 SAFETY CHECKS

The Deputy Chief shall develop and implement procedures that provide for the direct visual observation of youth (15 CCR 1328).

- (a) Safety checks shall be conducted at a minimum of every 15 minutes and more frequently if necessary. Safety checks shall be conducted at random or varied intervals so youth cannot predict when the checks will occur.
 1. Safety checks shall be conducted during hours when youth are asleep or when youth are in their rooms, confined in holding cells, or confined to their beds in a dormitory.
- (b) Safety checks shall be conducted by direct visual observation and should include observation of skin, breathing, and movement to confirm that movement is not of a dangerous or emergency-related nature.
- (c) An audio/visual electronic surveillance system designed to detect overt, aggressive, or assaultive behavior and to summon aid in emergencies may supplement the required visual observation safety checks but shall not replace the need for direct visual observation.
- (d) Safety checks shall be clearly documented on permanent logs in accordance with the Daily Activity Logs, electronic safety watch system and Shift Reports Policy. The permanent logs shall be maintained in accordance with the Youth Records Policy.
- (e) Actual times of the safety checks shall be recorded by the staff member who conducted the check.
- (f) Log entries shall never be made before the actual safety check is conducted. Log entries made in this manner do not represent factual information and are prohibited.

Safety check log entries are not required when youth are continually monitored under direct supervision during group settings such as education, programming, or recreation activity, or otherwise are within sight of staff members and are not confined in holding rooms, sleeping rooms, or dorm settings. See the Youth Supervision Staff Member Orientation and Training Policy for additional requirements on supervision.

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Youth Safety Checks (Title 15, § 1328)

505.4 REFERENCES

See Youth Safety Check Procedure for additional guidance.

505.5 ISSUED DATE

- 09/14/2020

505.6 REVISED DATE(S)

- 04/17/2023

Safety Rooms (Title 15, § 1359)

506.1 PURPOSE AND SCOPE

This policy establishes the requirement for placing and maintaining youth in safety rooms (15 CCR 1359).

506.1.1 DEFINITIONS

Definitions related to this policy include:

Safety room - An enhanced protective/secure room designed to minimize the risk of injury or destruction of property used for youth who display problematic behavior that may cause immediate physical harm to themselves or others or destroy facility property.

506.2 POLICY

This facility will use safety rooms to protect youth from injury or to prevent the destruction of property by youth, in accordance with applicable law.

506.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee, and where applicable, in cooperation with the Medical Director, shall develop and implement written policies and procedures governing the use of safety rooms, as described in 24 CCR 1230.1.13 (15 CCR 1359).

506.4 SAFETY ROOM PROCEDURES

A safety room shall be used to hold only those youth who present an immediate danger to themselves or others, who exhibit behavior that results in the destruction of property, or who reveal the intent to cause self-inflicted physical harm. A safety room shall not be used for punishment or discipline, coercion, or retaliation by staff, or as a substitute for treatment (15 CCR 1359).

- (a) The following guidelines apply when placing any youth in a safety room (15 CCR 1359):
 1. Youth shall be provided meals during each meal period. Meals will be served in accordance with the recommended nutrition standards. Meals will be served on paper plates or in other safe containers, and the youth will be monitored while eating the meals. Youth shall be given ample time to complete their meals prior to the plate or container being removed. All meals provided to youth in safety rooms will be documented on the safety room log.
 2. Youth in a safety room shall be given the opportunity to have fluids (e.g., water, juice) at least hourly. Staff members shall provide the fluids in paper cups. The youth shall be given sufficient time to drink the fluids prior to the cup being removed. Each time a youth is provided the opportunity to drink fluids, it shall be documented on the safety room log.
 3. Youth shall be provided reasonable access to a toilet.
 4. Youth should be permitted to remain normally clothed or provided a safety suit or other suitable clothing to provide privacy.

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Safety Rooms (Title 15, § 1359)

5. Provide for approval of the Deputy Chief or the authorized designee, before a youth is placed into a safety room.
6. Continuous direct visual monitoring/supervision (constant watch) shall be provided and the youth's behavior and any staff member interventions documented at least every 5 minutes, with the actual time recorded. The on-duty or acting senior Juvenile Correctional Officer shall inspect the logs for completeness and conformity with this requirement every two hours and document this action on the safety room log.
7. The Watch Commander shall review the appropriateness of continued retention in the safety room at least every four hours.
 - (a) The reason for continued retention or removal from the safety room shall be documented on the safety room log.
 - (b) If confinement extends beyond four hours, staff members shall consult with medical and mental health personnel and develop an individualized plan to reintegrate the youth to general population.
8. A medical assessment of the youth in the safety room shall occur immediately where appropriate, but no later than within 12 hours of placement or at the next daily sick call, whichever is earliest. Continued assessment of the youth in the safety room shall be conducted by a qualified health care professional and shall occur at least every 24 hours thereafter. Medical assessments shall be documented.
9. Documentation shall include the reason for placement and shall include attempts to use less restrictive means of control and decisions to continue and end placement.
 - (b) The placement of a youth in a safety room shall be accomplished in accordance with the following (15 CCR 1359):
 1. A safety room shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff member.
 2. A safety room shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff members.
 3. A safety room shall not be used to the extent that it compromises the mental and physical health of the youth.
 - (c) A youth may be held up to four hours in a safety room. After the youth has been held in the safety room for a period of four hours, staff members shall do one or more of the following (15 CCR 1359):
 1. Return the youth to general population.
 2. Consult with mental health or medical staff members.
 3. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.

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Safety Rooms (Title 15, § 1359)

- (d) If confinement in the safety room must be extended beyond four hours, staff members shall develop an individualized plan that includes the requirements of the Room Confinement Policy and the goals and objectives to be met in order to integrate the youth to general population (15 CCR 1359).

506.5 REFERENCES

See Safety Room Procedure for additional guidance.

506.6 ISSUED DATE

- 04/17/2023

Use of Force (Title 15, § 1357)

507.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, staff members authorized to use force are expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286; 15 CCR 1357).

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

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

507.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Government Code § 7286(a)(1)).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)(3)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows the search, escort, handcuffs, or restraint.

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

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the individual leading up to the use of force (Penal Code § 835(a)(4)).

507.1.2 POLICY DEVELOPMENT

The Deputy Chief in conjunction with the Medical Director shall develop and implement written policies and procedures for the use of force, which may include chemical agents (15 CCR 1357).

507.2 POLICY

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

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

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Use of Force (Title 15, § 1357)

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

507.2.1 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)(11)).

507.3 USE OF FORCE

Officers authorized by the Chief Probation Officer to use force shall use only that amount of force that reasonably appears necessary given the facts and totality of circumstances known to or perceived by the staff member at the time of the event to accomplish a legitimate government purpose such as to gain control of the individual; protect and ensure the safety of youth, Juvenile Justice Campus staff members, and others; prevent serious property damage; prevent escape; obtain compliance with facility rules and staff member orders; or ensure the institution's security and good order (Penal Code § 835a).

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

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)(2)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose (Government Code § 7286 (b)(10)) (15 CCR 1357).

While the ultimate objective of every encounter is to avoid or minimize injury, nothing in this policy requires a staff member to retreat or be exposed to possible physical injury before applying reasonable force (15 CCR 1357) (Penal Code § 835a(d)).

Force shall never be used as punishment, discipline, retaliation, or treatment (15 CCR 1357).

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Use of Force (Title 15, § 1357)

507.3.1 USE OF FORCE LIMITATIONS

Any immediate means of overcoming resistance and controlling the threat of imminent harm to any person including the youth should only be applied when deemed reasonable and necessary (15 CCR 1357). As used in this subsection, the term "reasonable and necessary" refers to the amount and type of force that an objective, similarly trained, experienced and competent officer faced with similar facts and circumstances would consider necessary and reasonable to ensure the safety and security of youth, staff members, others, and the facility (see the Definitions attachment).

Use of Force on youth known to be pregnant shall be limited in accordance with Penal Code § 6030(f) and Welfare and Institutions Code § 222 (see the Use of Physical Restraints Policy) (15 CCR 1357).

Oleoresin Capsicum (OC) spray shall not be used on any known pregnant youth (inadvertent overspray would not be considered a violation of this policy). Officer(s) shall use the least restrictive methods to control the youth. Officer(s) shall use caution when confronted with a known pregnant youth who poses an imminent threat. The officer(s) shall evaluate the situation based on the totality of the circumstances and shall use de-escalation efforts, Mental Health staff (if available and applicable based on the circumstances), or other available reasonable resources to bring the situation under control.

507.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community, institutional, and officer safety would not be comprised, officers should consider actions that may increase officer safety, and decrease the need for using force by (15 CCR 1357):

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

In addition, when reasonable, officers should evaluate the totality of the circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade a person to voluntarily comply or mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286 (b)(1)).

Such alternatives may include but are not limited to:

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

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507.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

507.3.4 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or another staff member using force that is clearly beyond that which is necessary, as determined by an objectively reasonable

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officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286(b)(9)) to prevent the use of unreasonable force (15 CCR 1357).

An officer shall immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer (Government Code § 7286 (b)(3)).

When observing force used by an officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)(9)).

507.3.5 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)(19)).

507.3.6 DUTY TO REPORT EXCESSIVE FORCE

An officer shall immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer (Government Code § 7286(b)(3)).

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

507.3.7 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Fresno County Probation Department who has the authority to investigate the violation (Government Code § 7286(b)(4)).

507.3.8 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual/youth. Officers may only apply those pain compliance techniques for which they have successfully completed Department-approved training and only when the officer reasonable believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of circumstances including, but not limited to:

- (a) The potential for injury to the officer(s) or others if the technique is not used.
- (b) The potential risk of serious injury to the individual/youth being controlled.
- (c) The degree to which the application of the technique may be controlled given the level of resistance.
- (d) The nature of the offense involved.
- (e) The level of resistance of the individual(s)/youth involved.

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- (f) The need for prompt resolution of the situation in which the individual(s)/youth involved.
- (g) If time permits, other reasonable alternatives.
- (h) Whether the individual can comply with the direction or orders of the officer.
- (i) Whether the individual/youth has been given sufficient opportunity to comply.

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

507.3.9 RESTRICTION ON THE USE OF A CAROTID HOLD

Officers of this Department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5; (b)(1) 15 CCR 1357).

507.3.10 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5 (b)(2); 15 CCR 1357).

507.3.11 POSITIONAL ASPHYXIA

Officers shall not use any restraint or transportation method which involve a substantial risk of positional asphyxia, which means situating an individual in a manner that compresses their airway and reduces the ability to sustain adequate breathing. This includes, without limitation, the use of any physical restraint that causes an individual's respiratory airway to be compressed or impairs the person's breathing or respiratory capacity, including any action in which pressure or body weight is unreasonably applied against a restrained person's neck, torso, or back, or positioning a restrained individual without reasonable monitoring for signs of asphyxia. Once controlled, the individual shall be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5 (b)(4)).

507.3.12 USE OF FORCE TO SEIZE EVIDENCE

In general, authorized officers may use reasonable force to lawfully seize evidence of a crime and to prevent the destruction of evidence. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Department.

507.3.13 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any individual/youth injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)(15)).

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A youth who has been the subject of a use of force should be seen by medical and mental health staff members, even in cases where no emergency care appears necessary (15 CCR 1357).

Medical assistance shall be obtained immediately for any individual/youth who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual/youth exhibiting signs of physical distress after an encounter shall be continuously monitored until medically assessed.

The on-scene supervisor or responsible officer shall ensure that any person providing medical care of an individual/youth following any use of force is informed that the individual/youth was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the individual (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

507.4 USE OF CHEMICAL AGENTS

Only those officers who are trained and demonstrate proficiency in the use of any chemical agents are authorized to carry the device to use when such force reasonably appears justified and necessary. OC spray should not be used in the medical unit or other designated areas where youth are assigned to respiratory isolation or on any youth who is under control with or without restraints (15 CCR 1357).

Youth who have been affected by the use of chemical agents shall be promptly provided with the proper solution to decontaminate the affected areas.

If the youth refuses to decontaminate, such a refusal shall be documented. If a youth has been exposed in a room and not removed from the room where the exposure occurred, in-room decontamination shall be afforded to the youth, including:

- (a) Advice from officers about how to decontaminate in the room.
- (b) Clean clothing if the youth's clothing was contaminated.
- (c) A youth in a room shall not be left unattended.
- (d) Clean sheets for the youth's bed.

Youth who have been exposed to chemical agents shall not be left unattended until it reasonably appears the youth is fully decontaminated or is no longer suffering any effects of the chemical agent (15 CCR 1357).

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Chemical agents shall only be used in the facility as authorized by the Deputy Chief or the authorized designee and in accordance with the Department's Chemical Agents Training Policy.

507.4.1 CHEMICAL AGENT LIMITATIONS

Chemical agents shall only be used when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible (15 CCR 1357).

507.4.2 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee will develop procedures defining the role, notification, and follow-up required after use of force incidents involving the use of chemical agents for medical, behavioral/mental health staff members and notification to parents/guardians, including defining methods for decontamination, and documentation. The Deputy Chief shall identify the approved types, sizes, and methods of deployment of chemical agents (15 CCR 1357).

507.5 IMMEDIATE AND CALCULATED USE OF FORCE

An immediate use of force occurs when force is used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or safety. For example, the immediate or unplanned use of force by an officer may be necessary to stop a youth from inflicting life-threatening self-injuries or to stop an assault on any other person, including other youth. A verbal warning should be given before an immediate use of force unless the circumstances preclude it.

If there is no need for immediate action, officers should attempt to resolve the situation through voluntary compliance or, if it reasonably appears necessary, the calculated use of force. A calculated use of force is called for when a youth's presence or conduct poses a threat to safety or security and the youth is located in an area that can be controlled or isolated, or when time and circumstances permit advance planning, staffing, and organization.

The assistance of available non-custodial staff members (e.g., psychologists, counselors) should be considered (if readily available) when attempting to resolve a situation without confrontation.

A supervisor shall be present in any situation involving the calculated use of force. If practicable and time permitting, the supervisor may consult an Assistant Deputy Chief.

507.5.1 CONFRONTATION AVOIDANCE PROCEDURES

Prior to any calculated use of force, the supervisor shall confer with the appropriate persons to gather pertinent information about the youth and the immediate situation if feasible. Based on the supervisor's assessment of the available information, the supervisor should direct the staff members to attempt to obtain the youth's voluntary cooperation and consider other available options before determining whether force is necessary.

The supervisor should consider including the following persons and resources in the process:

- (a) Mental health specialist
- (b) Qualified health care professional

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- (c) Chaplain
- (d) Community Based Organizations assigned to the Institution
- (e) Any other relevant resources

Regardless of whether discussions with any of the above resources are accomplished by telephone or in person, the purpose is to gather information to assist in developing a plan of action, such as the youth's medical/mental history (e.g., asthma or other breathing-related illness, hypoglycemia, diabetes), any recent incident reports, or situations that may be contributing to the youth's present condition (e.g., pending charges or sentencing, recent death of a loved one, relationship issues). The assessment should include discussions with staff members who are familiar with the youth's background, charges, and present status. This may provide insight into the cause of the youth's immediate agitation. It also may identify other staff members who have a rapport with the youth and could possibly resolve the incident peacefully, without the use of force.

If force is determined to be necessary and other means of gaining control of a youth are deemed inappropriate or ineffective, then the force team technique should be used to control the youth and to apply restraints, if required.

Consideration should also be given to preventing exposure to communicable diseases in calculated use of force situations, and to ensuring that medical services personnel are available.

507.6 REPORTING THE USE OF FORCE

Every staff member use of force is an incident that shall be reported on the appropriate report form (15 CCR 1362).

The documentation will reflect the actions and responses of each staff member participating in the incident, as witnessed by the reporting staff member.

The report should include (15 CCR 1357):

- (a) A clear, detailed description of the incident, including any application of weapons or restraints.
- (b) The identity of all individuals/youth involved in the incident (e.g., youth, staff members, others) to include any individuals consulted.
- (c) The staff member should articulate the factors perceived and why the staff member believed the use of force was reasonable under the circumstances.
- (d) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why. Articulate all de-escalation efforts and articulate if the efforts were unsuccessful or not reasonably possible under the circumstances.
- (e) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.
- (f) Documentation regarding the use of force including chemical agents (e.g., type of chemical agents deployed; location, date, and time of incident; decontamination procedures; notification to medical staff members and parents/guardians) (15 CCR 1357).

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Any staff member directly observing the incident shall make a verbal report to a supervisor as soon as practicable and include as much of the aforementioned information as is known by the observing staff member.

Staff members shall submit the appropriate documentation prior to going off-duty, unless directed otherwise by a supervisor.

A video recording is required for all calculated use of force incidents (definition in Immediate and Calculated Use of Force section) and should include the introduction of all Department staff members participating in the process. The recording and documentation will be part of the investigation package. The supervisor should ensure the recording is properly processed for retention and a copy is forwarded with the report to the Assistant Deputy Chief.

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of the immediate psychological and/or physical condition of the involved Department staff member.

The Watch Commander shall promptly notify the Assistant Deputy Chief and Deputy Chief of any incident involving a staff member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a staff member.

507.6.1 REQUIRED NOTIFICATIONS

Any use of force by an officer shall be reported immediately to a supervisor (Penal Code § 832.13). "Immediately" in this section means as soon as it is safe and feasible to do so. Supervisors should ensure that a written report of all use of force incidents that resulted in an injury, a serious threat of injury, or death is prepared and submitted to the Deputy Chief by the end of the shift unless additional time is necessary and authorized by the Assistant Deputy Chief or Deputy Chief (15 CCR 1362).

In addition to the notification of medical and mental health personnel, the Watch Commander shall ensure the parent or legal guardian of the youth is informed of any use of force, including the use of chemical agents as soon as practicable (15 CCR 1357).

507.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

507.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to any reported use of force if reasonably available. The supervisor is expected to (Government Code § 7286(b)(14); 15 CCR 1357):

- (a) If appropriate, ensure a crime scene is established to preserve and protect evidence.
- (b) Ensure that the chain of command is notified and that all necessary health and safety and security measures are initiated.

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- (c) Obtain the basic facts from the involved staff members. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (d) If appropriate, ensure that the appropriate investigation authority is notified.
- (e) Ensure that any youth involved in a use of force situation are examined by medical staff members, regardless of whether any injuries are reported or detectable, and afforded medical treatment as appropriate.
- (f) If a staff member is injured, they shall follow the work-related Illness and Injury Reporting Policy.
- (g) When possible, separately obtain a recorded interview with all individuals upon whom force was used and when injuries were reported by the youth or medical. However, for all youth 17 years of age or younger they shall consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation. The consultation may not be waived. For youth 18 years or older they shall be provided their Miranda rights and a voluntarily waiver must be achieved prior to any custodial interrogation.
 - 1. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 2. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired and in accordance with applicable county retention policies.
- (h) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (i) Identify any witnesses not already included in related reports.
- (j) Review and approve all related reports.
- (k) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor shall send an email through the appropriate channels.
- (l) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate. The Chief Probation Officer shall be notified as soon as practicable.

In the event that a supervisor is unable to respond to the scene of an incident involving a reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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507.8 DEADLY FORCE APPLICATIONS

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)(6)). This is applicable only to armed officers at the JJC.

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

- (a) Officers may use deadly force to protect themselves or others from what they reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing individual/youth for any felony that threatened or resulted in death or serious bodily injury if the officer reasonably believes that the individual will cause death or serious bodily injury to another unless immediately apprehended (835a(c)(1)(B)).

Officers shall not use deadly force against a youth based on the danger that the youth poses regarding self-injury, if an objectively reasonable officer would believe the youth does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a(c)(2)).

An "imminent" threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that an individual/youth has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a(e)(2)).

507.8.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)(20)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. This is applicable only to armed officers at the JJC.

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507.8.2 DISPLAYING OF FIREARMS

Given that persons might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)(5)):

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward a person.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat. A written incident report will be required to be submitted as soon as practicable.

Once it is reasonably safe to do so, officers should carefully secure all firearms. Applicable only to armed officers at JJC.

507.9 REPORTING FORMAT, REVIEW, AND PROCEDURES

The Deputy Chief or the authorized designee shall develop a "standardized" reporting format that includes procedures for reviewing and tracking use of force incidents by supervisory staff members, debriefing a particular incident with officers and/or youth for purposes of training as well as mitigating trauma that may have been experienced by Department officers and/or youth (15 CCR 1357).

The Deputy Chief or the authorized designee shall ensure that provisions are in place, providing for the documentation of each use of chemical agents incident, including the reasons for which chemical agents were used, efforts to de-escalate prior to the use, youth and staff member involvement, the date, time and location of use, decontamination procedures applied and identification of any injuries sustained as a result of the use (15 CCR 1357).

The Deputy Chief or the authorized designee shall review and track all reports of use of force incidents. The review is to determine whether the use of force was in compliance with policy, procedure, and applicable law, and to determine if follow-up action or investigation is necessary.

The Deputy Chief or the authorized designee should also ensure that a review packet containing a copy of all pertinent reports and materials is prepared and forwarded to the Use of Force Review Committee (15 CCR 1357).

507.9.1 USE OF FORCE REVIEW COMMITTEE

The review committee shall meet and review designated use of force cases monthly or as needed. It is the responsibility of the Deputy Chief to ensure these meetings occur. The committee will comprise the following members:

- (a) The Deputy Chief(s)
- (b) Assistant Deputy Chief(s)
- (c) Other staff members as selected by the Chief Probation Officer

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The committee should render a single finding as to whether the use of force was within policy. Any recommendations for areas identified as needing training, changes in policy, or further investigation into incidents that may lead to employee discipline shall be addressed in a separate memorandum to the Chief Probation Officer.

507.9.2 TRAUMA MITIGATION

The use of force committee should also make recommendations for mitigating the effects of trauma that may have been experienced by staff members and/or youth involved as appropriate (15 CCR 1357(a)(5)).

507.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of public complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)(8)).

507.11 TRAINING

The Training Manager will work with the Training Officer to ensure legal and facility training mandates are met. This training shall include the following (see the Youth Supervision Staff Member Orientation and Training Policy and Chemical Agents Training Policy) (15 CCR 1357), training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities (Government Code § 7286(b)(17)).

- (a) Initial and regular training in the use of force and chemical agents
- (b) Weapons training
- (c) Self-defense
- (d) Confrontation avoidance procedures:
 - 1. Communication techniques
 - 2. De-escalation techniques
 - 3. Communicating and interacting with the mentally ill
 - 4. Communicating and interacting with youth
 - 5. Application of restraints
- (e) Use of Force team techniques
- (f) General restraint training (soft and hard restraints)
- (g) Reporting procedures
- (h) Any additional state-mandated training (e.g., medical and behavioral health conditions that would contraindicate certain types of force, instruction on constitutional limitations) (Government Code § 7286(b); 15 CCR 1357)
- (i) Options when a particular use of force is ineffective
- (j) Specific use of force options that may or may not be used in the facility

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- (k) Acceptable chemical agents and the methods of application
- (l) Signs or symptoms that should result in immediate referral to medical or mental health
- (m) Physical training force options that may require the use of perishable skills

The Training Manager is responsible for establishing a process to identify officers who are restricted from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated (Government Code § 7286(b)(18)).

507.11.1 TRAINING FOR CONTROL DEVICES

The Training Manager along with the JJC training officer shall ensure that all staff members who are authorized to carry a control device have been properly trained and certified to carry the specific control device.

- (a) Proficiency training shall be monitored and documented by a certified instructor.
- (b) All training and proficiency for control devices will be documented in the staff member's training file.
- (c) Staff members who fail to demonstrate proficiency with the control device or knowledge of this policy will be restricted from carrying the control device until demonstrating proficiency.

507.11.2 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)(16)).

Supervisors should conduct and document regular periodic briefings concerning this policy and the storage and use of weapons and control devices.

507.12 POLICY REVIEW

The Chief Probation Officer or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)(23)).

507.13 POLICY AVAILABILITY

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

507.14 PUBLIC RECORDS REQUEST

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records Policy and the Records Maintenance and Release Policy (Government Code § 7286(b)(7)).

507.15 REFERENCES

See Use of Force Procedure for additional guidance.

507.16 ISSUED DATE

- 04/17/2023

Use of Physical Restraints (Title 15, § 1358 and § 1358.5)

508.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application of, supervisory oversight of, and restrictions on the use of physical restraints on youth detained in the Juvenile Justice Campus (15 CCR 1358; 15 CCR 1358.5).

508.1.1 DEFINITIONS

Definitions related to this policy include:

Restraint device - Any device that immobilizes a youth's extremities and/or prevents the youth from being ambulatory. Examples include handcuffs, waist chains, and leg irons (15 CCR 1358).

508.2 POLICY

It is the policy of this Department that physical restraints may be used only for those youth who present an immediate danger to themselves or others, who exhibit behavior that results in the destruction of property, or reveals the intent to cause self-inflicted physical harm, or to prevent escape. Physical restraints should be utilized only when it appears that less-restrictive alternatives would be ineffective in controlling the youth's behavior (15 CCR 1358).

508.3 USE OF PHYSICAL RESTRAINTS - GENERAL REQUIREMENTS

The Deputy Chief or the authorized designee shall ensure that the following apply to the use of physical restraints (15 CCR 1358):

- (a) Restraints shall only be applied by officers trained and authorized to use them, and in a manner consistent with the officer's training.
- (b) Restraints used shall only be those approved by the Department, which shall not have been altered from their original design.
- (c) Restraints shall be used only to prevent self-injury or injury to others, serious property damage, or escape.
 1. The danger to themselves or others should be immediate.
- (d) A supervisor shall be notified as soon as practicable when restraints are used, or before they are applied, if time allows. A supervisor shall monitor the situation until the restraints are removed.
 1. The Deputy Chief or the authorized designee shall also be notified as soon as practicable when restraints are applied, or before they are applied, if time allows.
 2. The Deputy Chief or the authorized designee shall approve the use, and continued use, of any restraints hourly.
 3. The Deputy Chief may delegate authority for the decision to place a youth in restraints or allow a youth to continue in restraints to a physician.

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- (e) Use of restraints shall be discontinued as soon as practicable when it is reasonably believed the need for them no longer exists.
- (f) Restraints shall never be used to inflict pain, punishment, discipline, retaliation, harassment, compliance, or intimidation, or as a substitute for treatment.
- (g) Plastic cuffs should be used only in unusual situations where handcuffs are not available.
- (h) A supervisor shall be notified of any restraints that are faulty or malfunctioning, and the restraints shall not be used.
- (i) Staff members shall conduct constant visual supervision of a restrained youth. Staff members shall also:
 - 1. Have the youth medically evaluated regarding the safety of placement and retention as soon as practicable, but within two hours from the time of the initial placement of restraints. Following the initial medical evaluation, the youth shall be medically cleared for continued restraint use every three hours.
 - 2. Have the youth evaluated by a mental health professional to assess the need for mental health treatment as soon as practicable, but within two hours if the youth is still restrained.
- (j) Restrained youth shall be protected from other youth, held in an area designated for restrained youth, and not left alone with other youth.
- (k) Youth shall not be restrained to any fixed object, such as a wall or floor, room furnishings or fixtures, including a restraint chair, nor shall their hands and feet be bound together behind the back (hog-tying).
- (l) Restrained youth shall have access to water, meals, and toilet facilities when they can be reasonably accommodated.

More frequent checks and further authorizations are required in other special circumstances covered under this policy. Exceptions to the above reporting and authorization requirements are covered below in the Use of Restraint Devices for Movement Within and Outside the Secure Facility section in this policy.

508.4 SPECIFIC DUTIES OF THE DEPUTY CHIEF

The Deputy Chief, in cooperation with the responsible physician and mental health director shall develop and implement written policies and procedures for the use of restraint devices. Restraint devices include any device which immobilize a youth's extremities and/or prevent youth from being ambulatory. (15 CCR 1358).

The procedures should require an individual written assessment of the need to apply restraints for movement or transportation within the Juvenile Justice Campus and should include consideration of less-restrictive alternatives, the youth's medical or mental health conditions (if known) that would contraindicate certain restraint devices and/or techniques, signs or symptoms that should result in immediate medical/behavioral/mental health referral, and trauma-informed approaches (15 CCR 1358.5).

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508.5 USE OF RESTRAINT DEVICES FOR MOVEMENT WITHIN AND OUTSIDE THE SECURE FACILITY

The Deputy Chief, in cooperation with the responsible physician and the Behavioral/Mental Health Director, shall develop and implement written policies and procedures for the use of restrictive devices when the purpose is for the movement within the Juvenile Justice Campus, or transportation outside the Juvenile Justice Campus, that shall include the following (15 CCR 1358.5):

- (a) Identification of acceptable restraint devices, staff member approved to utilize restraint devices and the required training.
- (b) The circumstances leading to the application of restraints must be documented.
- (c) An individual assessment of the need to apply restraints for movement or transportation that includes consideration of less restrictive alternatives, consideration of the youth's known medical or mental health conditions, trauma informed approaches, and a process for documentation and supervisor review and approval.
- (d) Consideration of safety and security of the facility, with a clearly defined expectation that restraint devices shall not be used for the purpose of discipline or retaliation.
- (e) Mechanical restraints, including, but not limited to, handcuffs, chains, irons, or other similar items, may be used on a juvenile detained in or committed to a local secure juvenile facility, camp, ranch, or forestry camp, as established pursuant to Penal Code Sections 850 and 881, during transportation outside of the facility only upon a determination made by the probation department, in consultation with the transporting agency, that the mechanical restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight (Welfare and Institutions Code § 210.6).
- (f) If a determination is made that mechanical restraints are necessary, the least restrictive form of restraint shall be used consistent with the legitimate security needs of each juvenile (Welfare and Institutions Code § 210.6).
- (g) The use of restraints on pregnant youth is limited in accordance with Penal Code § 3407 and 6030(f) and Welfare and Institutions Code § 222.

508.6 DOCUMENTATION

All use of restraints other than those consistent with approved transportation protocol should be fully documented, including:

- (a) The name of the youth.
- (b) The officer who applied the restraints.
- (c) The circumstances leading to the application of restraints.
- (d) The date, time, and duration of the restraint.
- (e) Any less-intrusive interventions that were tried and proved unsuccessful in managing the youth's behavior.
- (f) The type of restraint.

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- (g) The location of the restraint.
- (h) Whether any injury was involved and a description of any injuries.
- (i) The mental health evaluation and prescription for restraint, if applicable.
- (j) Observations of the youth's behavior.
 - 1. These shall be logged at least every 15 minutes.
- (k) Any officer or health care provider interventions or unusual events.
 - 1. These shall be logged within 15 minutes of the intervention or event.
- (l) The date and time of safety checks.
- (m) The name and title of persons authorizing the application of and continued retention in restraints.
- (n) Reasons for continued restraint, documented at least every hour (15 CCR 1358).

Supervisors shall review each documented use of restraints and evaluate whether policy was followed and whether training issues were raised.

508.7 ACQUISITION AND MAINTENANCE OF RESTRAINTS

The Deputy Chief's authorized designee is responsible for:

- (a) Verifying that only professionally manufactured restraints are acquired for use.
- (b) Inspecting all restraints.
- (c) Repairing or replacing faulty or malfunctioning restraints.
- (d) Maintaining restraints according to manufacturer's guidelines.

508.8 PREGNANT YOUTH

The use of restraints on a pregnant youth is limited in accordance with Penal Code § 3407 and 6030 (f) and Welfare and Institutions Code § 222 (15 CCR 1358).

Restraints will not be used on youth who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the youth, the staff member, or the public. If restraints are necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

Youth who are known to be pregnant will not be handcuffed behind their backs, or placed in waist restraints or leg restraints (see the Pregnant/Postpartum Youth Policy) (Penal Code § 3407; Penal Code § 6030).

508.8.1 YOUTH IN LABOR

No youth who is in labor, delivery, or recovering from a birth shall be restrained by the wrists, ankles, or both except when all of the following exist (see the Pregnant/Postpartum Youth Policy) (Penal Code § 3407 and 6030):

- (a) Restraints are deemed necessary to ensure the safety and security of the youth, the staff, or the public.

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- (b) A supervisor has made an individualized determination in writing that such restraints are necessary to ensure the safety and security of the youth, the staff, or the public.
- (c) There is no objection from the treating medical care provider.
- (d) The restraints used are the least restrictive type and are used in the least restrictive manner.

Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant youth during a medical emergency, labor, delivery, or recovery determines that the removal of restraints is medically necessary (see the Pregnant/Postpartum Youth Policy) (Penal Code § 3407 and Welfare and Institutions Code § 222).

The supervisor shall, within 10 days, make written findings specifically describing the type of restraints used, the justification, and the underlying extraordinary circumstances.

508.9 TRAINING

The Training Assistant Deputy Chief of the training unit or the authorized designee shall facilitate initial and ongoing Department-approved training on the use of restraints, to include:

- (a) Proper use of restraints that officers are assigned to use.
- (b) Prohibitions regarding placing restraints around a youth's neck or applying them in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hog-tying).
- (c) Risks associated with restraints and restraint methods.
- (d) Verifying proper application after restraints are placed on a youth and responding to complaints of pain or discomfort.
- (e) This policy.
- (f) Required authorizations for different types of restraints.
- (g) Medical conditions that would affect the application of force.
- (h) Approved restraint devices.
- (i) Signs or symptoms that should result in immediate referral to medical/behavioral/mental health staff members.
- (j) Availability of CPR equipment.

508.10 REFERENCES

See the Use of Physical Restraint Procedure for additional guidance.

508.11 ISSUED DATE

- 04/17/2023

508.12 REVISED DATE(S)

- 08/04/2023

Searches (Title 15, § 1360)

509.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the U.S. Constitution. Searches shall be conducted in a manner that preserves the privacy and dignity of the person being searched (15 CCR 1360).

The introduction of contraband, intoxicants, or weapons into the JJC poses a serious risk to the safety and security of staff members, youth, and the public. Any item that is not available to all youth may be used as currency by those who possess the item and allow them to have control over other youth. Any item that may be used to disengage a lock, other electronic security devices, or the JJC itself seriously jeopardizes the safety and security of the JJC. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of youth and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from a youth.

509.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Any object, writing, or substance that the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility, interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

Modified strip search - A search that requires a youth to remove or rearrange some of the youth's clothing. It does not include a visual inspection of the breasts, buttocks, or genitalia of the youth but may include a thorough tactile search of the youth's partially unclothed body. This also includes searching the youth's clothing once it has been removed.

Pat-down search - The typical type of search used by staff members within this facility to check others, including youth, for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to staff members, the youth, or other youth.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a youth, and the vagina of a female youth.

Strip search - A search that requires a youth to remove or rearrange some or all of the youth's clothing to permit a visual inspection of the youth's underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring a youth while the youth is showering or changing clothes and the youth's underclothing, buttocks, genitalia, or breasts are visible to the monitoring staff member.

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509.2 POLICY

It is the policy of this Department to ensure the safety and security of the JJC, staff members, youth, and visitors by conducting effective and appropriate searches of youth, areas within the facility, and visitors in accordance with applicable laws.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

Youth shall not be searched for the purpose of harassment or humiliation, as a form of discipline or punishment, or to verify the youth's gender. Youth searches shall preserve the privacy and dignity of the youth, and youth shall have access to a written search policy at any time, including the policy on who may perform searches (Welfare Institutions Code Section 224.71).

509.3 BODY QUADRANT SEARCHES

Body quadrant searches shall be performed on all youth upon entering the secure admission area of the facility. Officers shall conduct body quadrant searches in circumstances that include:

- (a) When youth return to housing unit from activities outside of the housing pod, including courts or visiting.
- (b) During routine security search of any area of the JJC.
- (c) When youth come into contact with other youth housed outside of their housing units, such as on work details or while attending school or court hearings.
- (d) When youth are accepted at the JJC regardless of alleged offense.
- (e) When youth return and enter JJC from the community after being out on a supervised or unsupervised activity or outing.
- (f) Any time the officer believes the youth may have contraband on their persons.

Except in emergencies, male officers may not pat down female youth and female officers may not pat down male youth. Absent the availability of a same-sex officer, it is recommended that a witnessing officer be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (see the Prison Rape Elimination Act Policy) (28 CFR 115.315; 15 CCR 1360). All body quadrant searches of intersex and transgender youth shall be conducted in accordance with the Transgender and Intersex Youth policy.

509.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES, AND PHYSICAL BODY CAVITY SEARCHES

Officers shall consider the reason for the search, the scope, intrusion, manner, and location of the search and shall utilize the least invasive search method to meet the need for the search.

509.4.1 STRIP SEARCHES AND MODIFIED STRIP SEARCHES

Strip searches shall be conducted as follows:

- (a) No youth shall be subjected to a modified strip search or strip search unless an officer has determined that there is an individualized reasonable suspicion based on specific and articulable facts to believe the youth has or is concealing a weapon or contraband

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(Penal Code § 4030; Penal Code § 4031). Factors to be considered in determining reasonable suspicion include but are not limited to:

1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
 2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance shall not suffice as reasonable suspicion absent other facts.
 3. Custody history (e.g., past possession of contraband while in custody, assaults on staff members, escape attempts).
 4. The person's actions or demeanor, such as a refusal to submit to a pat-down search.
 5. Criminal history (e.g., level of experience in a detention setting, including convictions for escape, possession of drugs or weapons, crimes of violence, being a fugitive or detainee for any of those offenses). When considering prior criminal history, a strip search must have been conducted at the time of the prior booking and shall only be applicable during the initial booking process.
 6. An alert by a metal detector or drug detection device.
 7. Other reliable information that the person possesses drugs, weapons, or contraband.
 8. A youth has articulated they want to harm themselves or others and has a specific plan to do so.
- (b) No modified strip search or strip search of a youth shall be conducted without prior written authorization from the Watch Commander (Penal Code § 4030).
- (c) The officer conducting the modified strip search or strip search shall (15 CCR 1360):
1. Notify the JJC Watch Commander and request to authorization perform a strip search on a youth. This request should include all pertinent information and known facts to justify such request. A Watch Commander may authorize the strip search or modified strip search verbally to the requesting officer.
 2. The officer conducting the search shall complete a JJC Incident Report. Including a completion of the search assessment section.
 3. Document the name and sex of the person subjected to the strip search.
 4. Document the facts that led to the decision to perform a strip search of the youth, including the time and date.
 5. Document the reasons less intrusive methods of searching were not used or were insufficient.
 6. Document the supervisor's approval.
 7. Document the time, date, and location of the search.

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8. The search shall be conducted in an area of privacy so that persons not participating in the search cannot (§4030(m) PC).
 9. The search shall be conducted under sanitary conditions. (§4030(k) PC)
 10. Document the names, sex, and roles of any staff members present. Only those staff required by their official duties relative to the search procedure shall be present during any modified strip or strip search. (Penal Code § 4030).
 11. Itemize in writing all contraband and weapons discovered by the search.
 12. Process all contraband and weapons in accordance with the Department's current evidence procedures.
 13. If appropriate, complete a crime report and/or disciplinary report.
 14. Ensure the documentation is placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).
- (d) Cross-gender pat-down searches and strip searches are prohibited except in exigent circumstances or when conducted by a medical professional. Such searches must be justified and documented in writing (15 CCR 1360).

509.4.2 PHYSICAL BODY CAVITY SEARCHES

Physical body cavity searches shall be completed as follows:

- (a) No person shall be subjected to a physical body cavity search without approval of the Deputy Chief or the authorized designee, and only with the issuance of a search warrant issued by a Juvenile Court Judge specifically authorizing the physical body cavity search (Penal Code § 4030).
- (b) A copy of the search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the youth or the youth's authorized representative (except for those portions of the warrant ordered sealed by a court).
- (c) Physical body cavity searches when authorized shall only be conducted by a physician or licensed medical personnel under sanitary conditions. (Penal Code § 4030(k)).
 1. Medical clinic staff shall not conduct physical body cavity searches and/or be involved in the collection of court ordered forensic evidence. (Title 15, Section 1452)
 2. If a physical body cavity search and/or collection of court ordered forensic evidence is required, the youth will be transported to a contracted medical provider.
- (d) Except for the physician conducting the search, persons present must be of the same sex as the person being searched. Only the necessary officers needed to maintain the safety and security of the medical personnel shall be present (Penal Code § 4030; Penal Code § 4031).

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- (e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (f) All such searches shall be documented in a JJC Incident report with a search assessment attachment, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the youth.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Deputy Chief's approval.
 - 4. A copy of the search warrant issued by a Juvenile Court judge specifically authorizing the physical body cavity search.
 - 5. The time, date, and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex, and roles of any staff members present. Only those staff required by their official duties relative to the search procedure shall be present during any modified strip or strip search. (Penal Code § 4030).
 - 8. Any contraband or weapons discovered by the search.
- (g) Completed documentation shall be placed in the youth's file. A copy of the written authorization shall be retained and made available to the youth or the youth's authorized representative upon request (Penal Code § 4030).
- (h) All contraband and weapons should be processed in accordance with the Department's current evidence procedures.
- (i) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

509.4.3 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in a private area so that the search cannot be observed by persons not participating in the search (Penal Code § 4031).

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted by officers of the same sex as the youth being searched (Penal Code § 4030; Penal Code § 4031). Any cross-gender modified strip searches and cross-gender strip searches shall be justified and documented in writing (28 CFR 115.315; 15 CCR 1360).

Whenever possible, a second officer of the same sex should be present during the search for security purposes and to witness the discovery of evidence.

The officer conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched (Penal Code § 4030; Penal Code § 4031). These areas may be touched through the clothing during a modified strip search.

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- (a) The searching officer responsibility:
1. Observe the youth during the entire process so that no contraband is overlooked;
 2. Wear latex gloves;
 3. Have the youth remove shoes and socks and display the bottom of each foot individually;
 4. Direct the youth to remove all remaining items of clothing except their underpants, and have youth raise their arms and turn 360 degrees;
 5. Conduct a visual search of the youth paying close attention to skin folds and other areas where contraband may be hidden. Officers will also look for bruising and/or signs of abuse or self-mutilation. Signs of abuse or self-mutilation shall be reported to DSS, Mental Health, and Medical staff as appropriate;
 6. Instruct the youth to pull down underpants to assure that no contraband is concealed in the youth's underpants. Staff will then instruct the youth to pull up their underpants;
 7. Conduct a thorough search of all the youth's clothing, including inside shoes, socks, pockets, hems, etc.;
 8. Secure, document and maintain the chain of custody of any contraband discovered during a search.
- (b) STRIP SEARCHED - AREAS OF THE BODY TO BE SEARCHED:
1. Hair: Instruct the youth to run their fingers through their hair. Attention should be given to cornrows, thick and/or long hair. Pinned back or tied up hair is to be taken down. If the hair is long enough to conceal any items, officers will have the youth shake hair to dislodge possible contraband. Hair weaves and extensions at the time of booking are permitted; they must be shampooed and maintained. Wigs and removable hairpieces are not allowed, unless needed for medical cosmetic reasons.
 2. Ears: Instruct the youth to move their head left and then right. Instruct the youth to pull their ears forward and out to check ear cavity.
 3. Mouth and nasal passage: Check cavities for contraband and instruct the youth to remove dentures and or caps, lift their tongue, and roll top lip up and bottom lip down.
 4. Fingers and Hand: Instruct youth to open their fingers and rotate their hands. Check the web of the fingers for needle marks and under fingernails for contraband. If needle marks or contraband are found an Incident report will be written.
 5. Arm Pits: Instruct the youth to raise both arms above their head. If under arm hair is present, instruct the youth to rub through the hair with their hand.
 6. Navel: Visually check indentation for small contraband. If youth is obese, have them lift fatty tissue on stomach area to allow visual inspection.

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7. Under Penis: Instruct youth to lift their penis and visually inspect around and under the penis. Do not touch genitalia.
 8. Testicles: Instruct youth to lift their testicles, visually inspect around and under the testicles. Do not touch genitalia.
 9. Under and between the breast: Instruct the youth to lift both breasts, and then separate them. If breasts are large, request the youth to pull each breast toward the front of their body so the area behind the breast and under arm may be observed. Do not touch breasts.
 10. Visually check pubic area.
 11. Between toes: Instruct the youth to wiggle their toes and/or individually separate each toe.
 12. Sole of feet: Instruct the youth to lift each foot. Visually inspect each foot.
- (c) At the completion of the search, the youth shall be instructed to dress in either the youth's street clothes or JJC-supplied clothing, as appropriate.

The searching officer may consider whether the youth has a history of physical or sexual abuse and, when reasonable to do so, consider having the search conducted by a qualified health care professional.

509.5 TRANSGENDER AND INTERSEX YOUTH SEARCHES

Searches of transgender and intersex youth shall be done in accordance with the Transgender and Intersex Youth Policy.

509.6 CONTRABAND SEARCHES

Officers shall always be alert to the possible presence of contraband and shall take immediate action to seize the contraband when practicable. There are several types of searches that contribute to contraband control and maintaining a safe and secure environment.

509.7 HOUSING AREA SEARCHES

Housing area searches shall occur as directed by a supervisor. Housing area searches may be conducted when there is reasonable belief a youth may have contraband in their room, or when the safety and security of youths, public, staff, or the facility and/or operations indicate a need. These searches should include all living spaces occupied by youth. Housing area searches should be scheduled in a manner that does not create a pattern where the youth can predict such searches.

During a housing area search:

- (a) All youth shall vacate their living areas and be searched by officers.
- (b) Youth shall be escorted to a separate holding area, such as the recreation yard.
- (c) Officers shall search the living areas of the youth, including bedding, personal storage areas, bunks, and other areas with youth access.

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- (d) Searches shall be conducted in a manner as to leave rooms and bunks in reasonable order. Youth's personal property shall be respected and not willfully discarded, broken or misplaced.
- (e) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (f) Officers shall attempt to identify the youth who possessed the contraband and file appropriate youth discipline and/or crime reports.
- (g) Any alcoholic beverage possessed by youth shall be seized and the appropriate youth disciplined and/or criminal charges filed.
- (h) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

At the conclusion of the housing area search, closely supervised youth workers should clean the area.

509.8 PHYSICAL PLANT SEARCHES

A Physical Plant search is a systematic search of the entire JJC or any portion of the JJC in order to discover and retrieve contraband, locate missing youths or equipment or to assess JJC security and/or safety. Physical Plant searches require the authorization of the Watch Commander and will be conducted:

- (a) When there is reason to believe that drugs, alcohol, weapons, or other dangerous substances may be in the JJC.
- (b) When any youth(s) escapes or attempts to escape, is unaccounted for, or officers become aware of an escape plot.
- (c) When any JJC security equipment, i.e., keys, handcuffs, radios, chemical agents, etc.; utility equipment, i.e., mops, brooms, brushes, cleaning agents, etc.; or other security items, i.e., scissors, razors, pencils, utensils, etc., is unaccounted for.
- (d) When the safety and security of youths, public, staff or the JJC and/or operations indicates a need.
- (e) When there is reason to believe contraband or weapons may be in a housing pod or that a youth or facility equipment is missing or unaccounted for, the Senior Juvenile Correctional Officer shall secure the pod and notify the Watch Commander.

The following areas of the JJC shall be periodically searched for contraband:

- (a) Recreation yards shall be searched for contraband before and after each youth group occupies the yard.
- (b) Booking/Court Holding rooms shall be searched before and after each youth occupies the room.
- (c) Program areas, such as classrooms and multipurpose rooms, shall be searched after each use by a youth or youth group.
- (d) Laundry areas shall be searched before and after each youth group occupies the area.

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- (e) Pantry areas shall be frequently searched for contraband and to account for tools, knives, and food items.
- (f) Youth visiting and public areas shall be frequently inspected for contraband.
- (g) The facility perimeter shall be searched at least once each shift for contraband.

509.8.1 CANINE-ASSISTED SEARCHES

It is the policy of the JJC to use canines to assist officers in searching for contraband. Such searches shall occur only with the written approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol, and weapons, will be allowed within the secure perimeter of the JJC. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the JJC.

Canines will generally be used to assist officers in general JJC or living area searches. There shall be no contact between youth and canines. (see the Canines Policy).

509.9 CRIMINAL EVIDENCE SEARCHES

The Deputy Chief or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the JJC or other area controlled by the JJC officers, and there is a need to search for evidence related to the crime.

Any evidence collected in connection with an alleged crime shall be reported, documented, and stored to protect it from contamination, loss, or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by officers whenever there is a need for such action.

509.10 REFERENCES

See Searches Procedure for additional guidance.

509.11 ISSUED DATE

- 04/17/2023

509.12 REVISED DATE(S)

- 08/04/2023

Release (Title 15, § 1351)

510.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the release of youth to ensure they are not released in error (15 CCR 1351).

510.2 POLICY

It will be the policy of the Fresno County Probation Department to provide for the timely, efficient, and legally compliant release of youth.

510.3 RELEASE PROCEDURES

Youth who are ordered released by the court will be released as soon as possible. Youth scheduled for release shall be escorted by the staff member to the booking area to begin the release procedure.

The booking officer shall sign and date the release paperwork on the same day the youth is released.

Youth shall not be released or moved during youth count, change of shift, or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All youth must be positively identified by the releasing staff member prior to being released from the facility. A youth's identity shall be verified using booking records bearing the youth's name, photograph, or the youth's wristband with their names and photo and a facility identification number, or a single-digit fingerprint match system, if available.

The Deputy Chief shall develop and implement written procedures for the release of youth from custody that provide for the following (15 CCR 1351):

- (a) Verification of the youth's identity/release papers.
- (b) Return of personal clothing and valuables.
 1. All personal property shall be returned to the youth during the release process. The youth must acknowledge receiving the property by the electronic signature receipt. Staff members shall promptly report any discrepancies to the Watch Commander.
 2. All facility property must be returned by the youth. Any missing or damaged facility property should be documented and promptly reported to the Watch Commander. If damage has occurred to facility property, a determination will be made regarding whether charges will be pursued.
- (c) Notification to the youth's parent/guardian if the parent/guardian is not the person to whom the youth is being released.
- (d) Notification to the facility's health care provider of the release in accordance with the Transfer of Health Care Summary and Records Policy and the Mental Health Services Policy for coordination with outside agencies.

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1. All youth should be cleared by qualified medical health personnel prior to release (see the Health Assessments Policy).
- (e) Notification to the facility's school registrar of the release.
- (f) Notification to the facility's mental health care provider of the release.
1. The releasing staff member shall ensure that all required paperwork for release is present. The releasing staff member shall review the youth's active folder (case plan has been updated) to verify the validity of the documents authorizing the release. The file shall also be reviewed for other release-related or pending matters, including:
 - (a) Any pending arrangements for follow-up, such as medications needed, appointments, or referrals to community or social resources.
 - (b) Unresolved grievances, damage claims, or lost property.
- (g) A forwarding address for the youth should be on file and verified with the youth for return of mail.
- (h) Youth on probation shall be directed by the releasing staff member to report to the probation office upon release as directed.
- (i) Notification of the California Department of Corrections and Rehabilitation (CDCR) Adult Parole Operations, Interstate Compact for Juveniles Office (Office) of the youth's pending release if the youth was held pursuant to the agreement with the Office. Interstate movement and transportation for a youth returning to the youth's state of residence shall be coordinated by the Office.
- (j) Confirmation of the identity of the person to whom the youth is being released.
- (k) Release of any medication to the person to whom the youth is being released.
- (l) Obtainment of a signature or other documentation confirming receipt of the youth.

Ensure all releasing documents are complete and properly signed by the youth and the releasing staff member where required.

510.4 FURLOUGH RELEASES

The Deputy Chief shall develop and implement written policies and procedures for the furlough of youth from custody (see Release Procedures) (15 CCR 1351).

510.5 POST-DISPOSITION YOUTH

The Deputy Chief shall develop and implement policies and procedures for post-dispositional youth that coordinate transitional and reentry services, including but not limited to medical and behavioral health (e.g., substance abuse, psychological distress), education, probation supervision, and community-based services (15 CCR 1351).

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510.6 TRANSFERS TO IMMIGRATION AUTHORITIES

Staff members shall not transfer a youth to immigration authorities unless the transfer is authorized by a judicial warrant or judicial probable cause determination issued by a Juvenile Court Judge (Government Code § 7282.5; Government Code § 7284.6; Government Code § 831).

510.7 STAFF MEMBER TRAINING

Staff members shall receive training specific to the release of youth from custody before performing release duties. Individuals not specifically trained in the release of youth may perform youth release duties under the immediate supervision of a qualified staff member trained in release procedures.

510.8 REFERENCES

See Release Procedure for additional guidance.

510.9 ISSUED DATE

- 06/29/2023

Biological Samples and Print Impressions (Title 15, § 1363)

511.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples or specimens, and thumb and palm print impressions from youth required by California law to provide such samples, specimens, and impressions to the Fresno County Probation Department as a result of being adjudicated for certain offenses (15 CCR 1363, Penal Code § 296, 298.1). This policy does not apply to biological samples, specimens, or print impressions collected at a crime scene or taken from a person in conjunction with a criminal investigation, nor does it apply to biological samples, specimens, or print impressions collected from those required to register, for example, as sex offenders.

511.1.1 DEFINITIONS

"Adjudication" or "adjudicated" means, pursuant to Penal Code § 295, that a juvenile has been convicted of or pleads guilty to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who has been adjudicated under Welfare and Institutions Code § 602 for committing a felony offense. This also includes a juvenile who is required to register under Penal Code § 290 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.

511.2 POLICY

The Fresno County Probation Department will assist in the expeditious collection of required biological samples, specimens, and print impressions from youth in accordance with the laws of this state.

511.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE AND PRINT IMPRESSION COLLECTION

Youth who are in the custody of the Fresno County Probation Department and who have a previous adjudication for a felony offense, including an adjudication for an equivalent out-of-state offense, must submit a saliva sample and thumb and palm print impressions (Penal Code § 296.1).

511.4 PROCEDURE

When a youth is required to provide a saliva sample and thumb and palm print impressions, a trained staff member shall attempt to obtain the sample and print impressions in accordance with this policy.

511.4.1 COLLECTION

The following steps shall be taken to collect a saliva sample and print impressions:

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- (a) Verify that the youth is required to provide a sample and print impressions pursuant to Penal Code § 296.1.
 - 1. Verification includes checking the youth's criminal history record for a DNA collection flag or, during regular business hours, contacting the California Department of Justice (DOJ) designated laboratory to determine whether a biological sample and print impressions have been previously collected from the youth. There is no need to obtain a biological sample or print impressions if collection has been recorded.
- (b) Use the sample collection kit designated by the California DOJ to perform the collection and take steps to avoid cross-contamination.
 - 1. Collection shall occur at intake, during the reception process, or as soon as administratively practicable (Penal Code § 296.1).
- (c) Collect thumb and palm print impressions (Penal Code § 296).
- (d) Document in the youth's file that the sample and print impressions were collected.
- (e) Forward the sample and print impressions to the California DOJ as soon as practicable.

511.5 USE OF REASONABLE FORCE TO COLLECT BIOLOGICAL SAMPLES AND PRINT IMPRESSIONS

If a youth refuses to cooperate with the collection process, staff members shall attempt to identify the reason for refusal and seek voluntary compliance. Force will not be used in the collection of samples or print impressions unless ordered by the court. Methods to consider when seeking voluntary compliance include contacting (15 CCR 1363):

- (a) The youth's probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the youth for failure to comply or to otherwise bring the refusal before a judge (Penal Code § 298.1).
- (c) The judge at the youth's next court appearance.
- (d) The youth's attorney, parent/guardian, or custodian.
- (e) A chaplain.
- (f) A supervisor may authorize disciplinary actions to compel compliance, if deemed appropriate.

511.6 LEGAL MANDATES AND RELEVANT LAWS

Pursuant to Penal Code § 298.1 and the limitations contained in this policy, authorized law enforcement officers including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from youth who are required to provide such samples, specimens, or impressions pursuant to Penal Code § 296 and who refuse following written or oral request (15 CCR 1363). Although California law and Title 15 authorizes the use of reasonable force to collect DNA samples and print impressions on qualifying offenders, force shall not be used to obtain these items unless specifically ordered by the court.

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For the purpose of this section, "reasonable force" shall be defined as the force that an objective, trained, and competent officer, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance (15 CCR 1363). Although California law authorizes the use of reasonable force to collect DNA samples and print impressions on qualifying offenders, force shall not be used to obtain these items unless specifically ordered by the court.

The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample, or impression and the consequences of refusal (15 CCR 1363). Although California law authorizes the use of reasonable force to collect DNA samples and print impressions on qualifying offenders, force shall not be used to obtain these items unless specifically ordered by the court.

Force shall not be used without the prior written authorization of the Watch Commander, who shall review and approve in writing any use of force. The Watch Commander shall be present to supervise and document the use of force and prior to any use of force the Watch Commander shall still try and obtain voluntary compliance from the youth (follow Calculated Use of Force procedures). If voluntary compliance is not achieved the Watch Commander shall record the event and during the introduction of the recording discuss the reason for the force, the attempts made to get voluntary compliance from the youth, date, time, youth's name, and the names of each officer present. The recording will occur throughout the entire incident to include any medical or mental health attention that may be required.

The recording shall be retained by the department for the length as determined by statute. Notwithstanding the use of the video as evidence in a court proceeding, the recording shall be retained administratively. (15 CCR 1363).

511.6.1 BLOOD SAMPLES

A blood sample shall only be obtained under this policy when (Penal Code § 295; Penal Code § 298):

- (a) The California DOJ requests a blood sample and the subject consents.
- (b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298).

511.7 REFERENCES

See Biological Samples and Print Impressions Procedure for additional guidance.

511.8 ISSUED DATE

- 04/17/2023

Notification and Reporting Requirements for In-Custody Deaths and Serious Illness or Injury of a Youth (Title 15, § 1341)

512.1 PURPOSE AND SCOPE

This policy provides direction for notifications and reporting of in-custody death, serious illness, or injury of a youth (15 CCR 1341).

512.2 POLICY

It is the policy of this Department to follow state and local guidelines for notifications and reporting of the in-custody death, serious illness, or injury of a youth.

512.3 IN-CUSTODY DEATH OF A YOUTH

The Deputy Chief, in cooperation with the Health Administrator and the behavioral/mental health director, shall develop written procedures in the event of the death of a youth while detained, which include notifications to the necessary parties, which may include the Juvenile Court, the youth's parent/guardian, or person standing in loco parentis, and the youth's attorney of record (15 CCR 1341).

The Health Administrator, in cooperation with the Deputy Chief, shall develop written procedures to assure there is a medical and operational review of every in-custody death of a youth. The review team shall include the Deputy Chief, the Health Administrator, the Medical Director and other health care and supervision staff members who are relevant to the incident (see the In-Custody Death Review Policy) (15 CCR 1341).

If the deceased youth is a boarder resident with another agency, the Deputy Chief shall notify that agency so it can assume responsibility for the notification of the youth's family.

The Deputy Chief or the authorized designee shall report in writing to the California Attorney General under Government Code § 12525, within 10 days after the death, all facts known concerning the death. The Deputy Chief shall also provide to the California Board of State and Community Corrections a copy of the report submitted to the California Attorney General within 10 calendar days after the death (15 CCR 1341).

The Deputy Chief shall also report the death to the Bureau of Justice Statistics in accordance with the Death in Custody Reporting Act.

Upon receipt of a report of the death of a youth from the Deputy Chief, the Board may within 30 calendar days inspect and evaluate the Juvenile Justice Campus. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations (15 CCR 1341).

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72

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Notification and Reporting Requirements for In-Custody Deaths and Serious Illness or Injury of a Youth (Title 15, § 1341)

~~hours of the death of a youth to the appropriate consulate post. The notification shall include the youth's name, identification number, date and time of death, and the attending physician's name.~~

All in-custody deaths of a youth shall be reported as required in the Report Preparation Policy.

512.4 SERIOUS ILLNESS OR INJURY OF IN-CUSTODY YOUTH

The Deputy Chief or the authorized designee, in cooperation with the Health Administrator, shall develop written procedures for the notification to necessary parties, which may include the Juvenile Court and any other court of jurisdiction, the parent/guardian or person standing in loco parentis, and the youth's attorney of record in the case of a serious illness or injury of a youth (15 CCR 1341).

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the serious illness or injury of a foreign national, telephonic notification to the appropriate consulate post shall be made without delay and confirmatory written notification should be made within 72 hours of the serious illness or injury of a youth to the appropriate consulate post. The notification shall include the youth's name, identification number, date and time of serious illness or injury, and the attending physician's name.

512.5 PROCEDURE

Upon determining that a death of any youth has occurred while in the custody of this Department, the Chief Probation Officer is responsible for ensuring that all appropriate investigative authorities, including the Coroner, are notified without delay and all written reports are completed (15 CCR 1341).

The Chief Probation Officer shall also promptly ensure any other notifications required by policy or direction are made. The Deputy Chief shall observe all pertinent laws and allow appropriate investigating and reviewing agencies full access to all facts surrounding the death.

The Department shall establish policies and procedures for the medical and operational investigation and/or review of any in-custody death of a youth (see the In-Custody Death Reviews Policy).

The deceased youth's personal belongings shall be disposed of in a responsible and legal manner. All property and records shall be retained according to established records retention schedules.

The individual designated by the deceased youth shall be notified of all pertinent information as required by law.

During an investigation or review, all inquiries regarding the death shall be referred to the Public Information Officer. Staff members shall not make a public comment.

512.6 IN-CUSTODY DEATH INITIAL REVIEW

The Chief Probation Officer or the authorized designee is responsible for coordinating all aspects of the incident. The Chief Probation Officer or the authorized designee will ensure that the Investigating entities are provided with enough information to meet the reporting requirements.

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~~The Chief Probation Officer or the authorized designee shall identify the appropriate investigative and reviewing team qualified to conduct the medical and operational administrative review of the in-custody death. The initial internal review shall be conducted no later than 72 hours after the incident. The final administrative review shall be conducted in accordance with the In-Custody Death Reviews Policy.~~

512.7 REFERENCES

See Notification and Reporting Requirements for In-Custody Deaths and Serious Illness or Injury of a Youth Procedure for additional guidance.

512.8 ISSUED DATE

- 04/17/2023

Screening for the Risk of Sexual Abuse (Title 15, § 1350.5)

513.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the screening and evaluation of youth to reduce the risk of sexual abuse by or upon youth housed in the Juvenile Justice Campus (28 CFR 115.341; 15 CCR 1350.5).

513.2 POLICY

All youth shall be screened for signs of being at-risk for sexual abuse when they initially arrive at the Juvenile Justice Campus and at periodic intervals to reduce the risk of sexual abuse by or upon youth.

513.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee is responsible for:

- (a) Developing and maintaining screening procedures for reducing the risk of sexual abuse by or upon a youth (15 CR 1350.5).
- (b) Implementing appropriate controls for the dissemination of assessment-related information within the facility to ensure that sensitive information is not exploited to a youth's detriment by staff members or other youth. (28 CFR 115.341; 15 CCR 1350.5).

513.4 STAFF MEMBER RESPONSIBILITIES

Department staff members shall ascertain screening information through conversations with the youth during the booking process, medical and behavioral health screenings, and classification assessments, and by reviewing court records, case files, Juvenile Justice Campus behavioral records, and other relevant documentation from a youth's files (28 CFR 115.341; 15 CCR 1350.5).

513.5 SCREENING FOR THE RISK OF SEXUAL ABUSE

Information obtained during the admitting and initial screening process and at periodic intervals shall be used to make housing, bed, program, education, and work assignments for youth with the goal of keeping youth safe and free from sexual abuse.

Youth shall be screened and assessed for signs of being at-risk of sexual abuse within 72 hours of admission to the Juvenile Justice Campus and periodically throughout their confinement. Department staff members shall obtain and use information about each youth's personal history and behavior to reduce the risk of sexual abuse by or upon another youth (also see the Prison Rape Elimination Act Policy) (28 CFR 115.341; 15 CCR 1350.5).

Such assessments shall be conducted using an objective screening instrument. At a minimum, the Department shall attempt to ascertain the following information (28 CFR 115.341; 15 CCR 1350.5):

- (a) Prior sexual victimization or abusiveness

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- (b) Any gender nonconforming appearance or manner; or identification as lesbian, gay, bisexual, transgender, queer, or intersex, and whether the youth may therefore be vulnerable to sexual abuse
- (c) Current charges and offense history
- (d) Age
- (e) Level of emotional and cognitive development
- (f) Physical size and stature
- (g) Mental illness or mental disabilities
- (h) Intellectual or developmental disabilities
- (i) Physical disabilities
- (j) The youth's own perception of vulnerability
- (k) Any other specific information about the youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth

Youth with an identified history of sexual victimization shall be offered a follow-up meeting with a medical or mental health provider within 14 days of intake screening (28 CFR 115.381).

513.6 REFERENCES

See Screening for the Risk of Sexual Abuse Procedure for additional guidance.

513.7 ISSUED DATE

- 04/17/2023

Transgender and Intersex Youth (Title 15, § 1352.5)

514.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the respectful and equitable treatment of all transgender and intersex youth by creating a safe environment for all youth and ensuring that all youth have equal access to all available services, care, and treatment (15 CCR 1352.5).

514.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 115.6):

Intersex youth - A youth whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

Sexual abuse - Sexual activity or voyeurism perpetrated by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats.

Transgender youth - A youth whose gender identity (i.e., internal sense of feeling male or female) is different from the youth's assigned sex at birth.

514.2 POLICY

It is the policy of the Fresno County Probation Department to treat all youth in a respectful, courteous, and professional manner while maintaining safety and security. This Department is opposed to, and prohibits without qualification, discrimination or harassment of any kind based on a youth's gender identity status and/or sexual orientation.

514.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall develop procedures to ensure the respectful and equitable treatment of transgender and intersex youth (15 CCR 1352.5).

The Deputy Chief or the authorized designee shall create and maintain a classification plan to guide staff members in processing transgender or intersex youth brought into the Juvenile Justice Campus.

The Deputy Chief shall ensure that (15 CCR 1352.5):

- (a) Staff members shall respect every youth's gender identity and shall refer to a youth by the youth's preferred name and gender pronoun, regardless of the youth's legal name. The Department prohibits the use of gang or slang names or names that otherwise compromise facility operations as determined by the Deputy Chief or the authorized designee. Any decision made on this basis shall be documented (see the Youth Admittance Process Policy).
- (b) All youth shall be permitted to dress and present themselves in a manner consistent with their gender identity. The Deputy Chief or the authorized designee shall ensure

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that the Juvenile Justice Campus maintains an inventory of clothing sufficient to supply youth with clothing and undergarments consistent with their gender identity.

- (c) The Deputy Chief or the authorized designee shall house transgender and intersex youth in the area or room that best meets their individual needs and promotes their safety and well-being. Staff members may not automatically house youth according to their external anatomy and shall document the reasons for any decision to house youth in an area that does not match their gender identity. In making a housing decision, staff members shall consider the youth's preferences, as well as any recommendations from the youth's medical or behavioral/mental health provider (see the Youth Classification Policy).
- (d) The Deputy Chief and Assistant Deputy Chief shall ensure that transgender and intersex youth have access to medical and behavioral/mental health providers qualified to provide care and treatment to transgender and intersex youth.
 - 1. Any transgender or intersex youth showing signs of mental illness or a developmental disability shall be referred to a behavioral/mental health care liaison.
 - 2. Licensure, certification, or registration of the Juvenile Justice Campus's qualified health care professionals shall be maintained and consistent with community standards and the needs of transgender and intersex youth.
 - 3. Health Care Provider Designees shall be properly licensed, certified, or registered, and shall maintain their applicable licenses, certifications, or registrations, and ensure that current credentials are on file and available for review.
- (e) Consistent with the Juvenile Justice Campus's reasonable and necessary security considerations and its physical plant, officers shall make every effort to ensure the safety and privacy of transgender and intersex youth when they are using the bathroom or shower or dressing or undressing.
 - 1. Transgender and intersex youth shall be permitted to shower, perform bodily functions, and change clothing without non-medical staff members of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks.
 - 2. Whenever feasible, the Department shall respect the youth's preference regarding the gender of the staff member who is present in such exigent circumstances, or when such viewing is incidental to routine room checks.
 - 3. Transgender and intersex youth shall be given the opportunity to shower separately from other youth (28 CFR 115.342).

514.4 TRANSGENDER AND INTERSEX YOUTH CLASSIFICATION

The classification plan shall include an initial screening process and a process for determining appropriate housing assignments (see the Youth Classification Policy) (28 CFR 115.341; 28 CFR 115.342). The plan should include use of an objective screening instrument, procedures for deciding classification and housing assignments, intake and housing forms, and a process to

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ensure that all classification and housing records are maintained in each transgender and intersex youth's permanent file.

The classification plan shall also include an evaluation by trained classification officers to determine appropriate housing assignments that are based on a youth's actual and perceived gender or gender identity (see the Youth Classification Policy).

514.4.1 PERIODIC CLASSIFICATION REVIEWS

Housing and program assignments for each transgender and intersex youth shall be reassessed every 60 days (if still in custody) to determine whether the youth has experienced any threats. Housing and program reassessments shall take into consideration the level of supervision and the transgender or intersex youth's behavior while in custody (see the Youth Classification Policy) (28 CFR 115.342).

Each transgender and intersex youth's risk shall be reassessed when required due to a referral, request, any incident of alleged sexual abuse, or receipt of any other specific information about a youth that may indicate heightened needs for supervision, or that increases the youth's risk of sexual victimization or abusiveness (28 CFR 115.341).

514.5 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, program, education, and work assignments shall be made in an effort to keep transgender and intersex youth safe and free from sexual abuse (see the Youth Classification Policy).

514.5.1 SEXUAL ABUSE INCIDENT REVIEW

All reports of sexual abuse involving transgender and intersex youth shall be reviewed and investigated.

514.6 TRANSGENDER AND INTERSEX YOUTH SEARCHES

Juvenile Justice Campus staff members shall not conduct physical searches of any youth for the sole purpose of determining the youth's anatomical sex (15 CCR 1352.5). If genital status is unknown, it may be determined during conversations with the youth, by reviewing medical records, or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.315).

Whenever feasible, Juvenile Justice Campus staff members shall respect the youth's preference regarding the gender of the staff member who conducts the search of the youth (15 CCR 1352.5).

A form will be generated at the time of booking and placed in the youth's institutional file. The form is called Transgender/Intersex and its located in the Departments case management system.

514.7 TRANSPORTATION OF TRANSGENDER AND INTERSEX YOUTH OUTSIDE THE SECURE FACILITY

When possible, transgender and intersex youth shall be transported with youth of the gender they identify with the most. All other transportation procedures shall be in accordance with the Transportation of Youth Outside the Secure Facility Policy.

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514.8 TRAINING

All staff members who may have contact with transgender and intersex youth shall receive Department-approved training regarding how to communicate effectively and professionally with transgender and intersex youth.

The Training Assistant Deputy Chief, along with the JJC Training Officer, shall identify training for officers regarding how to conduct pat-down searches, modified strip searches, and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat-downs, which shall not be conducted except in exigent circumstances, and searches, as well as searches of transgender and intersex youth (28 CFR 115.315).

The Training Assistant Deputy Chief, along with the JJC Training Officer, shall ensure that every staff member receives training in prevention and intervention techniques for detecting and responding to incidents of sexual abuse and sexual harassment, and that each staff member has sufficient knowledge to answer any questions that a transgender or intersex youth may have regarding sexual abuse and sexual harassment, and that each staff member is familiar enough with the reporting process to take an initial report of sexual abuse or sexual harassment (see the Prison Rape Elimination Act Training Policy).

514.8.1 RETENTION OF TRAINING RECORDS

Staff member training records for training and education that addresses transgender and intersex youth shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

514.9 REFERENCES

See Transgender and Intersex Youth Procedure for additional guidance.

514.10 ISSUED DATE

- 04/17/2023

Status Offenders and Non-Offenders

518.1 PURPOSE AND SCOPE

This policy addresses status offenders and non-offenders to ensure compliance with the Juvenile Justice Delinquency Prevention Act (JJJPA) (Welfare and Institutions Code § 207; Welfare and Institutions Code § 601).

518.1.1 DEFINITIONS

Definitions related to this policy include:

Non-offender - An abused, neglected, dependent, civil detainee, or alien juvenile in the custody of the Fresno County Probation Department (Welfare and Institutions Code § 300). This also includes any juvenile 11 years old or younger being held for any reason other than those meeting the exceptions in Welfare and Institutions Code § 602.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile 12 to 17 years of age suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender (Welfare and Institutions Code § 601).

518.2 POLICY

It is the policy of the JJC that youth who are non-offenders or status offenders shall not be held in secure detention, and that status offenders shall not be kept at the JJC in violation of the JJJPA.

518.3 STATUS OFFENDERS

A status offender may only be detained by the Department upon a court order. The Chief Probation Officer or the authorized designee should ensure the validity of the court order before a status offender is accepted into custody (34 USC § 11133). If the youth is a ward of the court as described in Welfare and Institutions Code § 601, legal counsel shall be consulted before the youth is admitted to ensure compliance with Welfare and Institutions Code § 213.3.

518.4 NON-OFFENDERS

Non-offenders shall not be held by the Department in any secure detention facility (34 USC § 11133).

518.4.1 EXCEPTIONS

Juveniles 11 years old or younger may, with Deputy Chief approval, be held by this Department when taken into custody for any of the following offenses (Welfare and Institutions Code § 602):

- (a) Murder

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- (b) Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury
- (c) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury
- (d) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury
- (e) Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury

The Deputy Chief should explore alternatives to custody in these cases that include the least restrictive alternatives that may be facilitated by behavioral health services or other alternative services (Welfare and Institutions Code § 602.1) (Operative January 1, 2020)).

518.5 REQUIRED REPORTING

The Deputy Chief or the authorized designee shall report monthly to the Board of State and Community Corrections on the appropriate form (Welfare and Institutions Code § 207). Information required shall include:

- (a) Each youth detained as described in the Welfare and Institutions Code § 601.
- (b) The place and length of the youth's custody.
- (c) The reasons why the detention was necessary.

518.6 SEPARATION

The Chief Probation Officer or the authorized designee shall ensure required separation of youth classified as status offenders and non-offenders in accordance with Welfare and Institutions Code § 206:

- (a) Separate, segregated facilities may be provided in the JJC or elsewhere.
- (b) The facilities required for non-offenders shall be nonsecure.

518.7 ISSUED DATE

- 11/09/2020

Staff Member and Youth Contact

519.1 PURPOSE AND SCOPE

Staff member interaction with youth in custody creates opportunities for staff members to demonstrate appropriate social interaction and provide positive adult role models for youth. Interaction with youth allows for continual assessment of the safety and security of the Juvenile Justice Campus and the health and welfare of the youth. However, inappropriate interaction can undermine security order and the integrity of the supervision process.

This policy provides guidelines for appropriate and professional interaction between staff members and youth and is intended to promote a positive custody environment with high ethical standards of honesty, integrity, and impartiality and increase facility safety, discipline, and morale.

Violation of this policy may result in disciplinary action up to and including dismissal. Staff members who seek information or clarification about the interpretation of this policy are encouraged to promptly contact their supervisor (see the Conflict of Interest, Speech, Expression, and Social Networking and Standards of Conduct policies).

519.2 POLICY

The Deputy Chief shall ensure that youth have adequate ways to communicate with staff members and that staff members communicate and interact with youth in a timely and professional manner.

519.3 GENERAL CONTACT GUIDELINES

Staff members are encouraged to interact with the youth under their supervision and are expected to take prompt and appropriate action to address health and safety issues discovered or brought to their attention.

All staff members shall present a professional and command presence in their contact with youth. Staff members shall address youth in a civil and age-appropriate manner. Using profanity, and derogatory or discriminatory comments is strictly prohibited.

Written communication (e.g., request forms, youth communication, grievances, rules infraction forms, disciplinary reports) should be answered in a timely manner, under the applicable policy.

Staff members shall not dispense legal advice or opinions or recommend attorneys or other professional services to youth.

While profanity and harsh language are prohibited, the Department recognizes the necessity for staff members to give youth direction in a firm, determined, and authoritative manner to maintain proper supervision and control. Authoritative directions to youth are particularly appropriate when activities or events pose a threat to the safety or security of this facility.

519.4 ANTI-FRATERNIZATION

Personal or other interaction not pursuant to official duties between staff members and current youth, youth who have been discharged, youth family members, or known associates has the potential to create conflicts of interest and security risks in the work environment.

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Staff members shall not knowingly maintain a personal or business relationship with any persons described in this section unless written permission is received from the Chief Probation Officer or the authorized designee:

Prohibited interactions include but are not limited to:

- (a) Communications of a sexual or romantic nature.
- (b) Salacious exchanges.
- (c) Sexual abuse, sexual assault, sexual contact, or sexual harassment.
- (d) Exchanging letters, phone calls, or other similar communications, such as texting and social media communication.
- (e) Exchanging money or other items.
- (f) Extending privileges, or giving or accepting gifts, gratuities, or favors (directly or indirectly).
- (g) Bartering.
- (h) Any financial transactions (directly or indirectly).
- (i) Being present at the home of a youth for reasons other than official business.
- (j) Providing a youth with the staff member's personal contact information, including social media accounts.

519.4.1 EXCEPTIONS

The Chief Probation Officer or the authorized designee may grant a written exception to an otherwise prohibited relationship on a case-by-case basis based upon the totality of the circumstances.

519.5 REPORTING

Staff members shall immediately report all attempts by youth to initiate sexual acts or any salacious conversations, and report any correspondence from a youth or former detained youth outside the scope of their employment to the Deputy Chief or the authorized designee.

Staff members shall report all attempts by youth to intimidate or instill feelings of fear to their supervisor.

Staff members shall immediately notify a supervisor in writing if:

- (a) A family member or close associate of the staff member has been admitted to the custody of the Juvenile Justice Campus.
- (b) The staff member is involved in a personal or family relationship with a youth currently at the JJC or with a youth who has been discharged.
- (c) If a situation described in subsections (a) or (b) occurs, that staff member shall not have contact with the youth unless approved by the Deputy Chief or the authorized designee.

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- (d) If a situation described in subsections (a) or (b) occurs, that staff member shall not access any records regarding the youth (e.g., electronic, paper documents etc.)
- (e) When in doubt, staff members shall contact their immediate supervisor for clarification or direction regarding this policy.

519.6 ISSUED DATE

- 04/17/2023

Control of Youth Movement

521.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process that ensures safe and secure movement of youth within the Juvenile Justice Campus.

521.2 POLICY

All staff members shall be vigilant in the control and movement of youth between areas within the facility. Control may be by direct or indirect visual observation. All staff members shall consider all youth movement as a high-risk activity. Staff members shall be aware of their surroundings at all times and take steps to prevent the possession and exchange of contraband.

521.3 CONTROL OF MOVEMENT

Staff members shall not allow youth to leave their assigned area or program unless they have approved activities, which may include but are not limited to the following:

- (a) Court
- (b) Visiting
- (c) Movement to/from the dining hall
- (d) Approved interview (i.e., Law Enforcement, Lawyer, Social Worker, and/or Probation Officers, etc.)
- (e) Receiving behavioral/mental health, dental, or medical care
- (f) Attending educational classes or religious services
- (g) Release
- (h) Facility emergency
- (i) Any other reason deemed appropriate by staff members

521.4 MOVEMENT OF YOUTH

Prior to moving youth within the facility, staff members shall verify the identification of the youth. All youth will be moved in a safe and orderly manner. Staff members shall have situational awareness during the movement of youth and shall consider the design of the facility, areas of poor visibility, and the presence of other youth being moved. Staff members shall be aware of areas where youth may have access to contraband items.

521.5 MOVEMENT SECURITY

While inside the facility, youth will only be restrained with approval from a Watch Commander/Supervising Juvenile Correctional Officer (WC/SJCO) and in accordance with the Use of Physical Restraints Policy and procedures.

Staff members supervising youth movement in the facility shall be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

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Control of Youth Movement

521.6 REFERENCES

See Control of Youth Movement Procedures for additional guidance.

521.7 ISSUED DATE

- 06/29/2023

Discharge Plan

523.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for developing plans to discharge youth to ensure a smooth transition to their homes and communities.

523.2 POLICY

It is the policy of this Department that all youth prior to their discharge shall be provided a release packet containing an individualized discharge plan and/or information on applicable community resources.

523.3 DISCHARGE PLANNING

Discharge planning is a dynamic process, not an event. Planning shall begin at admission and continue throughout the youth's stay at this Juvenile Justice Campus.

Appropriate Department staff members shall meet face-to-face with the youth to review, update, and revise the discharge plan as needed.

A qualified Department staff member or designated personnel will oversee the discharge planning process (see the Custody Manual Policy), including:

- (a) Consults with the youth in the development of their discharge plan.
- (b) Identifying and consulting with parents/guardians responsible for the youth upon discharge.
- (c) Creating a written discharge plan using the Department-approved youth risk/needs assessment, case/progress notes, education evaluations, and medical and behavioral/mental health evaluations to determine needs at the time of release.
- (d) Making recommendations for further treatment, educational services, or other transitional services to prepare the youth for discharge.
- (e) Identifying sex offender registration treatment/counseling services/requirements.
- (f) Identifying arson offender treatment/counseling services/requirements.
- (g) Reviewing victim's notification requirements.
- (h) Identifying aftercare services available to youth and coordinating educational services, including transferring educational courses and transcripts to the appropriate school district, which will be completed by the Fresno County Superintendent of Schools.
- (i) Notifying parents/guardians, family member or responsible adults of the date and time of release.
- (j) Arranging for a limited supply of prescribed medication and a prescription which will be completed by the on-site Medical Services.
- (k) Taking appropriate actions to ensure the treatment needs of the youth are provided and accessible and the safety interest of the public is best served.
- (l) Documenting any additional referrals or community resources needed.

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Discharge Plan

For youth being released who reside in another state, see the Interstate Compact content in the Release Procedures section of the Release Policy.

523.4 COMMUNITY RESOURCES

The information packet with community resources should contain, at a minimum, the contact information for the following organizations and resources:

- (a) Community health centers/family services organizations
- (b) Employment centers/one-stop career centers for age-appropriate youth
- (c) Registry office to obtain an identification card (e.g., DMV) for age-appropriate youth
- (d) Substance abuse and behavioral/mental health providers (see the Intoxicated Youth and Youth with Substance Use Disorders Policy)
- (e) Education/General Educational Development (GED) agencies
- (f) Temporary and transitional housing resources for age-appropriate youth
- (g) Other community-based resources (e.g., substance abuse counseling)

Subject to the approval of the Chief Probation Officer or the authorized designee, Department staff members or community providers may offer classes within the facility that are related to these community services.

523.5 ISSUED DATE

- 04/17/2023

Transportation of Youth Outside the Secure Facility

524.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of youth outside this Juvenile Justice Campus and to ensure that the officers assigned to transportation duties are qualified and adequately trained.

This policy also provides guidelines for the Fresno County Probation Department to ensure compliance with the Interstate Compact for Juveniles (ICJ) when conducting the interstate movement of youth and providing supervision and safe return of youth to another state.

524.2 POLICY

It is the policy of the Fresno County Probation Department to provide safe, secure, and humane transportation for all youth as required by law.

During an interstate movement, this Department shall when requested provide supervision and secure transportation of youth to the appropriate airport departure terminal, bus terminal, or train station and oversee the boarding process.

524.3 PROCEDURES

Only officers who have completed Department-approved training on youth transportation should be assigned youth transportation duty. All officers who operate transportation vehicles shall hold a valid license for the vehicle being operated and an approved County of Fresno Use Permit in their possession at all times while operating a County Vehicle.

Any officer who transports a youth outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the youth being transported (e.g., medical/dental records, commitment documents, electronic restraint report).
- (b) Submitting a completed transportation plan to the transportation supervisor. Items that shall be addressed in the plan include:
 1. Type of restraints to be used on the youth being transported : Mechanical restraints, including, but not limited to, handcuffs, chains, irons, or other similar items, may be used on a juvenile detained in or committed to a local secure juvenile facility, camp, ranch, or forestry camp. as established pursuant to Penal Code Sections 850 and 881, during transportation outside of the facility only upon a determination made by the probation department, in consultation with the transporting agency that the mechanical restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. If a determination is made that the mechanical restraints are necessary, the least restrictive form of restraint shall be used consistent with the legitimate security needs of each juvenile (Welfare and Institutions Code § 210.6)
 2. The routes, including alternate routes, to be taken during the transportation assignment. Routes shall be selected with security of the community in mind.

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3. Emergency response procedures in the event of a collision, the breakdown of a transportation vehicle, or some other unforeseen event.
 4. Site verification, unloading and reloading instructions, and parking rules at the destination.
- (c) In the event it is necessary to transport a female and male youth together, the female youth shall sit closet to the officers and the male youth sit to the back of the vehicle. There shall be two officers assigned to the transportation. The on-duty Watch Commander or Supervisor in charge of transportation shall be aware of the situation.
- (d) When transporting a male youth, there must be at least one male transportation officer present. When transporting a female youth, there must be at least one female transportation officer present. If no female officer is available there shall be two male officers present.
- (e) Ensuring that all youth are thoroughly searched, appropriate restraints are properly applied.
1. Youth who are known to be pregnant or who appear to be pregnant will not be handcuffed behind their backs or placed in waist restraints while being transported (see the Use of Physical Restraints Policy).
- (f) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (g) Thoroughly searching the transporting vehicle for contraband before any youth is placed inside, and again after removing the youth from the transporting vehicle. All vehicles prior to being utilized shall be inspected for damage. For all class B vehicles, each trained officer shall conduct a DMV-approved class B inspection.
- (h) Ensuring youth leave all property and reading materials in their housing area, except for authorized legal material.
- (i) Managing special conditions (e.g., suicidal youth, youth wearing spit hoods) that may require closer observations or visual monitoring.
1. Officers shall advise a supervisor at the receiving facility of any circumstances (e.g., uncooperative, violent, prolonged struggle, extreme agitation, medical conditions) before or during transportation that could lead to potential safety concerns or medical risks (see the Suicide Prevention and Intervention Policy and Transfers to Behavioral/Mental Health Treatment Facilities Policy). Any youth who are recommended for a Welfare and Institutions Code 5150 hold shall be transported to the hospital via ambulance.
- (j) Keeping the vehicle locked except when boarding or unloading youth.
- (k) Notifying Fresno County Sheriff Dispatch of the following upon departure and arrival at each destination:
1. The transport team/vehicle identifiers
 2. The number of youth by gender
 3. The destination and odometer reading if cross-gender transport

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524.3.1 PROHIBITIONS

When transporting youth, officers shall not:

- (a) Transport youth with adults unless that adult is under the jurisdiction of the Juvenile court, and is subject to sight and sound separation restrictions.
- (b) Transport youth together who have known hostilities toward each other, such as mutual combatants or rival gang members. Any youths identified as members of rival gangs shall be transported separately.
- (c) Leave the vehicle unattended with a youth inside.
- (d) Handcuff a youth to any part of a vehicle.
- (e) Stop to conduct any personal activities.
- (f) Respond to calls or engage in other activities.
- (g) Transport a youth in a vehicle not equipped to safely transport a youth, except in an emergency. A properly equipped vehicle shall be requested.
- (h) Drive in a manner intentionally designed to punish or make youth uncomfortable, including allowing unreasonable environmental factors (e.g., loud or objectionable music, excessive heat or cooling).
- (i) JJC Administration or authorized designee has authority to make exceptions to the above.

524.3.2 TRANSPORTATION LOGS

Deputy Chief youth. The logs shall include:

- (a) Name and identification number of the youth.
- (b) Date and start/stop time of the transport.
- (c) Vehicle identification number and starting odometer reading used to transport.
- (d) Location where the youth was transported.
- (e) Name and identification number of the transporting officer.
- (f) Circumstances of any unusual events associated with the transportation.
- (g) Vehicle inspection and identification of the officer who inspected the vehicle.

The logs shall be retained by the facility in accordance with established records retention schedules.

524.4 OFFICE OF INTERSTATE COMPACT FOR JUVENILES

The ICJ is a contract between the states that regulates juveniles who are under court supervision or who have run away from home and left their state of residence. States ratifying the compact are bound by federal law to observe the terms of the agreement (see the Youth Admittance Process Policy).

This agency shall coordinate with the Department of Juvenile Justice Interstate Compact for Juveniles Office, in compliance with the Interstate Commission for Juveniles, for the movement of

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youth to and from sending and receiving states. The receiving state shall coordinate and assume financial responsibility for all transportation arrangements for youth that include airlines, trains, and other means of ground transportation.

524.4.1 ICJ PROCEDURES

The Watch Commander or the authorized designee shall:

- (a) Comply with all arrangements coordinated by the ICJ.
- (b) Acknowledge notification of the arrangements.
- (c) Provide safe and secure transportation of youth according to the ICJ.
- (d) Provide a documentation packet that includes a completed Out-of-State Transportation Checklist.
- (e) Notify the Transportation Security Administration (TSA) at the airport of the date and time of arrival.
- (f) Before departure, prepare a discharge packet and include the following:
 - 1. Copy of the face/fact sheet
 - 2. Youth's picture
 - 3. Copy of all court orders
 - 4. Copy of warrant/order to produce
 - 5. Copy of other legal documentation from both states
 - 6. Copy of travel information (e.g., flight itinerary, bus schedule, train schedule)
 - 7. Airport, bus station, or train station security information/contact numbers
 - 8. Out-of-State Transportation Checklist, completed by social worker
 - 9. Out-of-State Transportation Officer Summary
 - 10. Receiving agency contact information
- (g) When transporting a male youth, there must be at least one male transportation officer present. When transporting a female youth, there must be at least one female transportation officer present. If no female officer is available there shall be two male officers present (See the Transgender/Intersex Youth Policy and Procedures)
- (h) Before departing from the facility, email will be sent to the immediate supervisor and assigned Assistant Deputy Chief.
- (i) Youth shall not to be given any information regarding their travel arrangements or port of departure.
- (j) Transportation officers assigned to transportation duty must have Department identification as well as their valid driver's license.
- (k) Youth shall be transported and restrained according to the Use of Physical Restraints Policy and have restrained filled out and submitted to the program SJCO for review.

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- (l) Upon arrival at the airport, the transporting officers will request airport law enforcement to escort the transportation officers and the youth to the departure gate.
- (m) The transporting officers will accompany the youth, without restraining devices, except handcuffs, all waist chains and leg irons shall be removed, through airport security to the appropriate departure gate.
- (n) Once in the boarding area, one of the transporting officers will provide identification to the gate attendant and request to board the plane last.
- (o) After the youth boards the plane, the transporting officers will remain in the boarding area until the plane departs and the officer does not board the plane.
- (p) If at any time the transporting officers are instructed by an outside agency to deviate from the standard operating procedures, the transporting officers shall immediately contact the facility Watch Commander or the authorized designee.
- (q) The Watch Commander or the authorized designee will coordinate with the designated contact person at the outside agency to confirm the departure of the youth or inform them of any deviation from the original interstate compact agreement.

524.5 TRAINING

The Training Assistant Deputy Chief shall ensure that all officers charged with youth transportation duties receive training appropriate for the assignment.

Documentation of all training completed shall be retained in the officers' training files in accordance with established records retention schedules.

524.6 REFERENCES

See Transportation of Youth Outside the Secure Facility Procedures for additional guidance.

524.7 ISSUED DATE

- 08/04/2023

Pregnant Youth and Parental Information

527.1 INTRODUCTION

Juvenile Justice Campus (JJC) shall provide all pregnant youth with medical services. The JJC medical clinic shall assess each pregnant youth and provide intervention, education and a balanced nutritious diet approved by medical staff. The JJC shall ensure that the Youth Bill of Rights (Welfare and Institutions Code § 224.71), as well as all applicable laws, are followed.

527.2 MEDICAL CARE

- (a) In-custody medical care for pregnant youth will be provided at the JJC
- (b) Medical clinic, Community Medical Centers, or Public Health Department Clinics. Private medical treatment for a pregnant female youth may be authorized through the medical clinic, JJC Administration, and arranged for by a parent/guardian/family member at their own expense.
- (c) Youth confined in a juvenile facility shall have access to proper prenatal care, diet, vitamins, nutrition and medical treatment as recommended by a medical provider.
- (d) Youth confined in a juvenile facility shall have access to information pertaining to pregnancy, parenting, breastfeeding, childbirth education and infant care.
- (e) Any female in the custody of JJC shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. If she is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of those services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the female and/or her parents or guardians.
- (f) In accordance with Welfare and Institutions Code § 222(d) the rights provided to females shall be posted in the following areas at JJC to which female youth have access: booking, female living housing unit(s), and the clinic.

527.3 USE OF RESTRAINTS ON A PREGNANT YOUTH

- (a) The safe use of restraint devices in accordance with Welfare and Institutions Code § 222 and Penal Code § 3407 during pregnancy or in recovery from delivery shall be followed:
- (b) In all cases, the transportation of youth in labor shall be accomplished in the least restrictive way possible, consistent with the legitimate safety and security needs of each youth.
- (c) The use of waist chains and shackles on youth whose pregnancy has been verified by the Juvenile Justice medical clinic is prohibited. Handcuffs can be safely used with the hands placed in front of the body to limit the possibility of abdominal injury in the event of a fall.
- (d) A youth shall not be shackled by the wrists, ankles, or both during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth,

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subject to the safety and security needs of the inmate, the staff, or the public. Pregnant youth temporarily taken to a hospital outside the facility for the purposes of childbirth shall be transported in the least restrictive way possible, consistent with the legitimate safety and security needs of each youth. Upon arrival at the hospital, once the youth has been declared by the attending physician to be in active labor, the youth shall not be shackled by the wrists, ankles, or both, unless deemed necessary for the safety and security of the ward, the staff, and the public (Welfare and Institutions Code § 222, Penal Code § 3407).

- (e) A youth known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body (Penal Code § 3407).
- (f) A pregnant youth in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the youth, the staff, or the public (Penal Code § 3407).
- (g) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant youth during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary (Penal Code § 3407).
- (h) The correctional facility standards shall provide that a youth known to be pregnant or in recovery shall not be restrained except as provided in Penal Code § 3407 (Penal Code § 6030 (f)).
- (i) See Use of Physical Restraints Policy and Procedure.

527.4 YOUTH BILL OF RIGHTS - WIC § 224.71

- (a) Youth shall have information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children.
- (b) Youth shall have access to educational information or programming about pregnancy, infant care, parenting, breastfeeding, and childhood development.
- (c) Youth shall have proper prenatal care, diet, vitamins, nutrition, and medical treatment, counseling for pregnant and post-partum youth.
- (d) Youth shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery.
- (e) Youth shall not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary.
- (f) Youth shall have access to written policies about pregnant, post-partum, and lactating youth.
- (g) JJC will work in conjunction with community-based organizations, Fresno County Superintendent of Schools, Wellpath (Medical and Mental Health provider), Fresno County Public Health, and the Department of Social Services to meet the required mandates.

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527.5 ISSUED DATE

- 08/04/2023

Chapter 6 - Youth Due Process

Youth Discipline (Title 15, § 1390)

600.1 PURPOSE AND SCOPE

This policy addresses limitations on discipline for youth who fail to comply with Juvenile Justice Campus rules.

600.2 POLICY

It is the policy of this Department to protect youth from abuse and violations of their rights by limiting certain actions taken as discipline in response to youth who violate Juvenile Justice Campus rules.

600.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall develop and implement written procedures for youth discipline that shall promote acceptable behavior and include the use of positive behavior interventions and supports (15 CCR 1390).

The Deputy Chief or the authorized designee shall establish Juvenile Justice Campus rules of conduct and disciplinary penalties to guide the conduct of youth. Such rules and penalties shall include both major rule violations and minor rule violations, be stated simply and affirmatively, and be made available to all youth. Provision shall be made to provide accessible information to youth with disabilities, limited English proficiency, or limited literacy (see the Youth Discipline Process Policy) (15 CCR 1390).

600.4 LIMITATIONS ON DISCIPLINARY ACTIONS AND RIGHTS

The U.S. Constitution and California Constitution expressly prohibit all cruel or unusual punishment. Discipline shall be imposed at the least restrictive level that promotes the desired behavior and shall not include corporal punishment, group punishment, or physical or psychological degradation (see the Youth Discipline Process Policy). Limitations on discipline (15 CCR 1390) and the youth bill of rights (Welfare and Institutions Code § 224.71) include:

- (a) In no case shall any youth be deprived of a bed, bedding supplies, or sleep supplies.
- (b) In no case shall any youth or group of youth be delegated the authority to punish any other youth or group of youth.
- (c) In no case shall a safety room be used for disciplinary purposes.
- (d) In no case shall any restraint device be used for disciplinary purposes.
- (e) Food shall not be withheld as a disciplinary measure.
- (f) The right to send and receive mail shall not be withheld as a disciplinary measure.
- (g) In no case access to the courts and/or legal counsel shall be suspended as a disciplinary measure.
- (h) No youth may be deprived of the implements necessary to maintain an acceptable level of personal hygiene, including but not limited to a daily shower or access to a drinking fountain, clean water, a toilet, personal hygiene items, and clean clothing.

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- (i) Discipline may be imposed for sexual activity between youth. However, such activity shall not be considered sexual abuse for purposes of discipline unless the activity was coerced (28 CFR 115.378(g)).
- (j) No discipline may be imposed for sexual contact with staff members unless there is a finding that the staff member did not consent to such contact (28 CFR 115.378(e)).
- (k) No youth may be disciplined for falsely reporting sexual abuse or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation, if the report was made in good faith based upon a reasonable belief that the alleged conduct occurred (28 CFR 115.378(f)).
- (l) No youth may be deprived of exercise as a disciplinary measure.
- (m) No youth may be subject to a substantial change in heating, lighting, or ventilation.
- (n) No youth may be subject to restrictions on clothing, the use of hygienic facilities, or reading or writing materials as a disciplinary measure.
- (o) No youth shall be deprived of clean and sanitary living conditions.
- (p) Restrictions shall not be placed on medical and dental care services as a disciplinary measure.
- (q) Restrictions shall not be placed on a youth's access to government officials as a disciplinary measure.
- (r) Restrictions shall not be placed on a youth's access to grievance proceedings as a disciplinary measure.
- (s) No youth may be prohibited from contact with the youth's parents, guardians, or attorney as a disciplinary measure.
- (t) No youth may be deprived of education, exercise, counseling, rehabilitative programming, or access to religious services as a disciplinary measure.
- (u) No youth shall be subject to room confinement as a disciplinary measure.

Youth shall have access to written discipline policies and procedures.

Youth shall have the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.

600.5 ISSUED DATE

- 06/29/2023

Youth Discipline Process (Title 15, § 1391)

601.1 PURPOSE AND SCOPE

This policy addresses the application of Juvenile Justice Campus (JJC) rules and disciplinary sanctions for youth who fail to comply with those rules. Criminal acts may be referred to the appropriate law enforcement agency (15 CCR 1391).

601.2 POLICY

It is the policy of this Department to maintain written JJC rules that promote acceptable behavior, safety, security, order, and discipline and to impose disciplinary sanctions in a consistent, equitable, fair and timely manner.

601.3 DUE PROCESS

Youth who are subject to discipline as a result of any rule violations shall be afforded the procedural due process required by federal and state law. All youth will be made aware of the rules of conduct for which they will be held accountable, as well as any defined penalties for rule violations. Staff members will not engage in arbitrary actions against youth. All disciplinary actions will follow clearly established procedures. All disciplinary sanctions will be fairly and consistently applied. Statements made by or on behalf of the youth during a due process hearing shall only be considered for the administrative appeal process, and review and shall not be used or disclosed as part of youth's court cases, except as required by law (including, but not limited to, WIC 827) or by order of the Court.

The discipline process for a youth accused of a major rule violation includes (15 CCR 1391):

- (a) A fair hearing in which the discovering staff members or investigating Supervising Juvenile Correctional Officer (SJCO) or the authorized designee presents factual evidence supporting the rule violation and the disciplinary action.
- (b) Written notice of the violation to the youth before a disciplinary hearing, to allow the youth time to prepare a defense.
- (c) Hearing by a SJCO or the authorized designee who is not party to the incident.
- (d) The limited right to call witnesses and/or present evidence on the youth's behalf.
- (e) The assistance of a staff member upon the youth's request.
- (f) The appointment of a staff member to serve as an assistant or representative in cases where the youth may be incapable of self-representation.
- (g) If a youth has difficulty understanding disciplinary information due to limited English proficiency, disabilities, or limited literacy, the Senior Juvenile Correctional Officer (SrJCO) will find a staff member who can translate or explain the information (Title 15; 1390; CCR).
- (h) A formal written decision that shows the evidence considered by the SJCO or the authorized designee, the reasons for any sanctions, and an explanation of the appeal process.

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- (i) Reasonable sanctions for violating rules that relate to the severity of the violation.
- (j) The opportunity to appeal the finding.

601.3.1 YOUTH DISCIPLINE PROCEDURES

The Deputy Chief or the authorized designee shall develop and implement written procedures for the administration of discipline and ensuring that youth rules and disciplinary sanctions are developed, distributed, reviewed annually, and revised as needed, which shall include but not be limited to:

- (a) Designating staff members authorized to impose discipline on youth for violation of the rules (15 CCR 1391).
- (b) Prohibiting the delegation of discipline on any youth.

The administration of any form of discipline shall use trauma-informed approaches and positive behavior interventions (15 CCR 1391).

Youth cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in a detention facility. Therefore, a current list of recognized infractions that are generally prohibited should be accessible to all youth. Youth rules shall be translated into the languages that are understood by the youth (see the Youth Orientation Policy) and posted in each housing unit.

601.4 MINOR RULE VIOLATIONS

Minor rule violations are violations that do not affect the safety, security, and good order of the facility or disrupt the normal operation of a housing unit (15 CCR 1391).

Minor rules are in place to guide youth in behaving respectfully and to promote an environment conducive to rehabilitation (15 CCR 1391).

Minor rule violations may be handled informally by counseling, advising the youth of expected conduct, or by imposing a minor sanction such as a time out or a failure to earn "points" (15 CCR 1391).

Staff members are authorized to recommend informal discipline for minor rule violations.

Any staff member imposing informal discipline shall document the information in writing in the youth's electronic file (15 CCR 1391).

A youth may request that a supervisor review the imposed sanction. The supervisor should respond to the request within a reasonable time (within five days) via the Point Review Form and shall have final authority as to the imposition of informal discipline (15 CCR 1391).

601.5 MAJOR RULE VIOLATIONS

Major rule violations are considered a threat to the safety, security, or efficiency of the Juvenile Justice Campus, its staff members, youth, or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation,

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including notification of a supervisor as soon as practicable. The on-duty Watch Commander (WC) shall assess the situation and initiate any emergency action, if necessary (15 CCR 1391).

The staff member(s) who learned of the rule violation shall write and submit an incident report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift.

601.5.1 PREHEARING SEPARATION

Staff shall follow the Room Confinement Policy and Procedure.

601.5.2 INCIDENT REPORT AND DOCUMENTATION

An Incident report involving major rule violations shall be completed prior to the end of shift, unless directed by a SJCO that it can be completed at a later date and time.

If, upon completion of the investigation, the investigating SJCO or the authorized designee finds insufficient evidence to support a major rule violation, the investigating SJCO or the authorized designee may discuss alternative sanctions with the on-duty WC, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the youth's electronic file.

If the investigating SJCO or the authorized designee determines that sufficient evidence exists to support a major rule violation, the investigating SJCO or the authorized designee will act as the hearing coordinator and will be responsible for:

- (a) Reviewing all reports for accuracy and completeness.
- (b) Determining the final sanctions.

The WC investigating the violation and preparing the prehearing details for major rule violations shall ensure that documentation in the Redirection Contract (RDC) includes:

- (a) Date and time that the explanation and the written copy of the complaint and appeal process were provided to the youth.
- (b) The youth's response to the sanctions if one is provided.
- (c) The reasons for any sanctions.
- (d) The identity of any staff member or witnesses involved or requested by the youth.

601.5.3 NOTIFICATIONS

A youth charged with a major rule violation shall be given a written description of the incident and the rules violated before a disciplinary hearing (15 CCR 1391).

Unless waived in writing by the youth, hearings shall be held in less than 24 hours from the time of notification.

If the youth has been removed from the general population, written notice shall be given no later than two hours after the removal from the general population of youth.

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601.5.4 DUE PROCESS HEARING

The due process hearing shall be conducted by the PS (Program Supervisor) of the unit, if they are on duty. If the PS is unavailable to conduct the due process hearing, then the on duty WC will preside and conduct disciplinary due process hearings of major rule violations. The WC or PS will have the responsibility and authority to rule on charges of youth rule violations. The WC or PS shall also have the power to impose sanctions. The WC or PS shall not investigate or preside over any youth disciplinary hearing on cases where they were a witness or were directly involved in the incident that generated the complaint (15 CCR 1391).

Youth charged with major rule violations are entitled to be present at a hearing unless waived in writing or excluded because their behavior poses a threat to facility safety, security, and order.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented in the housing unit log and youth electronic file. The youth shall be advised of any delay in the process.

601.5.5 EVIDENCE

Accused youth shall have the right to be heard, present evidence and testimony, and call witnesses at the hearing (15 CCR 1391). Requests for witnesses shall be submitted in writing.

The WC or PS may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals, or when the witness's information is not relevant or would be unnecessarily duplicative or is otherwise unnecessary. The reason for denying a youth's request for witness testimony shall be documented in the RDC and youth's electronic file.

601.5.6 CONFIDENTIAL INFORMANTS

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the WC or PS prior to the hearing. The WC or PS shall review such information to determine whether the informant is reliable and credible.

601.5.7 STAFF MEMBER ASSISTANCE

Upon the request of the youth, a staff member shall assist the youth during the disciplinary hearing process. A staff member shall be assigned to assist a youth who is incapable of self-representation at a disciplinary hearing due to literacy, developmental disabilities, language barriers, or mental status (15 CCR 1391). The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the youth to fulfill the assistant's obligations. The hearing supervisor shall work with the youth to select an assistant to provide assistance to the youth for the due process hearing.

Youth discipline is an administrative and not a judicial process. Youth do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution as there is no double jeopardy defense for an administrative process.

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601.5.8 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence presented during the disciplinary hearing.

The due process hearing shall consider whether a youth's mental disabilities or mental illness contributed to the youth's behavior when determining what type of discipline, if any, should be imposed (28 CFR 115.378(c)).

601.5.9 REPORT OF FINDINGS

The WC or PS shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the youth once the process has been completed. All documentation related to the due process hearing shall be retained and a copy shall be provided to the youth.

If it is determined that the youth's sanction is not sustained at the end of the due process hearing, the documentation shall be maintained in accordance with records retention requirements.

601.5.10 DISCIPLINARY APPEALS

Youth wishing to appeal the decision of the supervisor must do so in writing within five days of the decision. All appeals will be forwarded to JJC Administration for a Administrative review (15 CCR 1391).

The following will be considered:

- (a) The disciplinary process or procedures were not followed.
- (b) There was insufficient evidence to support the hearing officer's decision.
- (c) The discipline imposed was not proportionate to the violation committed.

A final disposition shall be rendered as soon as practicable if the youth's appeal is granted, or discipline is reduced, but no later than five business days after notification of the appeal. The decision of the reviewing authority shall be final, and the result of the appeal shall be provided to the youth in writing.

601.5.11 ADMINISTRATIVE REVIEW

- (a) All discipline is subject to administrative review.
- (b) Youth shall have the right to appeal disciplinary decisions (Welfare and Institutions Code 224.71).

601.6 GUIDELINES FOR DISCIPLINARY SANCTIONS

The sanctions imposed for rule violations can include trauma-informed approaches and positive behavior interventions. Examples include counseling, loss of certain privileges or "points" associated with a rewards-based behavior management system, and restitution for damaging property,(15 CCR 1391).

The Deputy Chief or the authorized designee shall be responsible for developing and implementing a range of disciplinary sanctions for violations.

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601.6.1 STATE LAW GUIDELINES FOR DISCIPLINARY SANCTIONS

Violations that result in a removal from a camp or commitment program, but not a return to court, shall follow the due process provisions in this policy (15 CCR 1391).

601.7 RECORDS

A record of all rule violations and sanctions will be made and maintained in accordance with the JJC's records retention schedule and kept in the WC Armory for storage/review.

At a minimum, the Redirection Contract (RDC) and the incident report(s) are required for rule violations, plus any other supporting documents that are provided. The staff member(s) who observed the rule violation is responsible for completing the incident report and the RDC.

601.8 TRAINING

The Deputy Chief or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff members and that preprinted forms are available for documenting rule violations in a consistent and thorough manner.

601.9 REFERENCES

See Youth Discipline Process Procedures for additional guidance.

601.10 ISSUED DATE

- 06/29/2023

Room Confinement (Title 15, § 1354.5)

602.1 PURPOSE AND SCOPE

This policy provides guidance on removing youth from the general population for safety and security reasons (15 CCR 1354.5).

Separation of youth for housing is addressed in the Youth Classification Policy and the Youth Separation Policy.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Room confinement - The placement of a youth in a locked room with minimal or no contact with persons other than Juvenile Justice Campus staff members and attorneys. Room confinement does not include confinement of a youth in a locked single-person room or cell for a brief period lasting no longer than two hours when it is necessary for required institutional operations (Welfare and Institutions Code § 208.3).

602.2 POLICY

It is the policy of the Fresno County Probation Department to protect the rights and safety of youth removed from the general population of youth for safety and security reasons.

602.3 SEPARATION FROM OTHER YOUTH

Separation of a youth from the general population shall be done only as a short-term response to dangerous actions of that youth if the youth poses an immediate threat of self-harm or an immediate threat to the safety of youth or staff members.

The Deputy Chief shall develop and implement written procedures addressing the placement of a youth in room confinement, which shall be accomplished in accordance with the following guidelines (Welfare and Institutions Code § 208.3; 15 CCR 1354.5):

- (a) Room confinement shall not be used before other less restrictive options have been attempted and exhausted, unless attempting those options poses a threat to the safety or security of any youth or staff member.
- (b) Room confinement shall not be used for the purposes of punishment, coercion, convenience, or retaliation by staff members.
- (c) Room confinement shall not be used to the extent that it compromises the mental and physical health of the youth.

602.3.1 INCREASED MONITORING

Safety checks of youth on room confinement shall be performed by an assigned officer at random intervals not to exceed 15 minutes unless more frequent checks have been required by a supervisor or health care professional.

Safety checks shall be documented in writing and shall include reasonably observed behavioral or other concerns (see the Youth Safety Checks Policy).

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602.3.2 LOCATIONS AND ACCOMMODATIONS

Youth may be separated from other youth only in approved locations within the Juvenile Justice Campus with appropriate accommodations.

602.3.3 MATTRESSES AND BEDDING

Youth on room confinement may have their mattress or bedding removed temporarily only if the youth is either:

- (a) Actively damaging the mattress or bedding.
- (b) Using the mattress or bedding in a manner that presents a threat to safety or security, including but not limited to obstructing a doorway or window or folding the mattress to use as a makeshift stepstool.

The reason for a mattress or bedding removal shall be documented.

Bedding items may only be withheld from youth kept separate from other youth with supervisor approval and only during non-sleeping hours.

602.3.4 MEALS

Youth on room confinement may receive meals in their rooms. The meals shall meet the same nutritional guidelines as meals served to other youth in custody, unless the youth is being served a prescribed medical or religious diet.

602.3.5 ROOM CONFINEMENT

Confinement duration shall be in accordance with 15 CCR 1354.5:

- (a) A youth may be held up to four hours in room confinement. After the youth has been held in room confinement for a period of four hours, staff members shall do one or more of the following (Welfare and Institutions Code § 208.3):
 1. Return the youth to general population (See Room Confinement procedures).
 2. Consult with behavioral/mental health or medical personnel.
 3. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.
- (b) If room confinement must be extended beyond four hours, staff members shall do each of the following:
 1. Document the reason for room confinement and the basis for the extension, the date and time the youth was first placed in room confinement, and when the youth is eventually released from room confinement.
 2. Develop an individualized plan that includes the goals and objectives to be met in order to reintegrate the youth to general population.
 3. Obtain documented authorization by the Deputy Chief or the authorized designee every four hours thereafter.

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Room Confinement (Title 15, § 1354.5)

602.3.6 EXCEPTIONS

The following examples are exceptions to the room confinement guidelines outlined above (15 CCR 1354.5):

- (a) This policy is not intended to limit the use of single-person rooms or cells for housing youth in juvenile facilities and does not apply to normal sleeping hours.
- (b) This policy does not apply to youth or wards in court holding facilities or adult facilities. Nothing in this policy shall be construed to conflict with any law providing greater or additional protections to youth.
- (c) This policy does not apply during an extraordinary emergency circumstance that requires a significant departure from normal institutional operations, including a natural disaster or facility-wide threat that poses an imminent and substantial risk of harm to multiple staff members or youth. This exception shall apply for the shortest amount of time needed to address this imminent and substantial risk of harm (see Emergency Procedures Policy).
- (d) This policy does not apply when a youth is placed in a locked cell or sleeping room to treat and protect against the spread of a communicable disease for the shortest amount of time required to reduce the risk of infection, with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for an illness (see the Youth Separation Policy).
- (e) This policy does not apply when a youth is placed in a locked cell or sleeping room for required extended care after medical treatment with the written approval of a licensed physician or nurse practitioner, when the youth is not required to be in an infirmary for illness.

602.3.7 TOILET ACCESS

During any period of room confinement, youth shall be provided reasonable access to toilets at all hours, including during normal sleeping hours (Welfare and Institutions Code § 208.3).

602.4 STAFF MEMBER RESPONSIBILITIES

Staff members assigned to monitor youth who have been removed from the general population and placed in room confinement shall document any reasonably observed unusual behavior or failure to comply with facility rules.

602.5 REFERENCES

See Room Confinement Procedure for additional guidance

602.6 ISSUED DATE

- 08/31/2020

602.7 REVISED DATE(S)

- 04/17/2023

Youth Separation (Title 15, § 1354)

603.1 PURPOSE AND SCOPE

This policy describes the Fresno County Juvenile Justice Campus (JJC)'s youth separation process, which is designed to appropriately identify and address security and health issues so youth may be held in such a way as to foster a safe and secure facility (see the Youth Classification Policy) (15 CCR 1354).

603.2 POLICY

It is the policy of this Department to properly separate youth housed at the JJC according to security and health risks identified during intake, classifications, and throughout a youth's stay to ensure safety and security in the facility.

603.3 YOUTH SEPARATION REQUIREMENTS

The Deputy Chief or the authorized designee shall develop and implement written procedures that address the separation of youth for reasons that include but are not limited to (15 CCR 1354):

- (a) Medical and mental health conditions.
- (b) Assaultive behavior.
- (c) Disciplinary consequences.
- (d) Protective custody.

Decisions to separate youth should include consideration of the following:

1. Positive youth development
2. Trauma-informed care
3. Maintaining normal privileges
4. Room confinement
5. Daily review of separation decisions

When the objective of the separation is discipline, see the Youth Discipline Policy (15 CCR 1354).

Youth shall not be denied normal privileges during separation except when necessary to accomplish the objective of separation (15 CCR 1354).

This section does not prohibit officers from placing a youth in a single-occupancy room at the youth's specific request or in accordance with Youth Classification Policy guidelines regarding separation.

When youth separation results in room confinement, the separation shall occur in accordance with state law (Welfare and Institutions Code § 208.3 and § 15 CCR 1354.5; 15 CCR 1354). (See Room Confinement Policy and Procedure)

There shall be a daily review of separated youth to determine if separation remains necessary, unless more frequent review is required (15 CCR 1354).

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Youth Separation (Title 15, § 1354)

603.4 SEPARATING YOUTH FROM THE GENERAL POPULATION

Youth may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. During any period of isolation, agencies shall not deny youth daily large-muscle exercise and any legally required educational programming or special education services. Youths in isolation shall receive daily visits from a medical or mental health care clinician. Youths shall also have access to other programs and work opportunities to the extent possible. (28 CFR 115.342; 15)

603.5 REFERENCES

See Youth Separation Procedure for additional guidance.

603.6 ISSUED DATE

- 04/17/2023

Counseling and Casework Services (Title 15, § 1356)

604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for providing counseling and casework services to youth housed in the Juvenile Justice Campus.

Mental Health Care for youth with signs of mental illness or a developmental disability is covered in the Availability and Standards of Care Policy.

604.2 POLICY

It is the policy of the Department to provide counseling and casework services to any youth who requests services or is determined to need them.

604.3 COUNSELING SUPERVISOR RESPONSIBILITY

The facility administrator shall develop and implement written procedures ensuring the availability of appropriate counseling and casework services for all youth (15 CCR 1356).

Policies and procedures shall ensure:

- (a) Developing and maintaining procedures to facilitate the availability of appropriate counseling and casework services for all youth (15 CCR 1356). Services shall include:
 1. Youth will receive assistance with needs or concerns that may arise.
 2. Youth will be provided access to available resources to meet the youth's needs.
 3. Youth will receive assistance in requesting contact with parent/guardian, other supportive adults, attorney, clergy, probation officer, or other public official.
- (b) Developing and maintaining procedures to refer youth in need of counseling services when requested by the youth, the youth's parent/guardian, or Juvenile Justice Campus staff members.
- (c) Work with the Medical Director and Mental Health Director to have services available to youth.
- (d) Coordinating with the Medical Director and Mental Health Director to identify personnel who will provide counseling and casework services, which should include consideration of training, qualifications, and applicable licensing requirements.
 1. Services may be provided by medical and mental health personnel assigned to the facility, the chaplain or religious volunteers (see the Religious Programs Policy), staff members assigned to the facility who have specific training and expertise in this area, or other qualified professionals.

604.4 REQUESTS AND REFERRALS

The Senior Juvenile Correctional Officer (SrJCO) or acting SrJCO shall ensure that request forms are available and provided to youth who request counseling services. All youth requests for counseling shall be forwarded to the appropriate agency (15 CCR 1356).

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Counseling and Casework Services (Title 15, § 1356)

Staff members observing signs of suicidal thoughts or tendencies in a youth shall proceed according to the Suicide Prevention and Intervention Policy.

604.5 REQUIRED COUNSELING SERVICES

Staff members who reasonably believe that a youth has been a victim of sexual abuse shall inform the youth of the availability of counseling as provided in the Prison Rape Elimination Act (PREA) Policy and should proceed with any reporting and other applicable requirements in accordance with the PREA Policy. Staff members shall document their observations and or conversation with the youth on the appropriate form.

604.6 NON-CRISIS COUNSELING

The Department shall, when reasonably practicable, make counseling services and/or case management services available to assist youth who are being released into the community.

604.7 TRAINING

Staff members who interact with youth shall receive training on identifying behavior and other signs in youth that may indicate a need for counseling or casework services. Training should include familiarizing all staff members with all counseling programs available and the process for referring youth for counseling.

604.8 REFERENCES

See Counseling and Casework Procedure for additional guidance.

604.9 ISSUED DATE

- 04/17/2023

Youth Grievances (Title 15, § 1361)

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which youth may file grievances and receive a formal review regarding the conditions of their confinement (15 CCR 1361).

605.1.1 DEFINITIONS

Definitions related to this policy include:

Conditions of confinement - Any condition of a youth's confinement in the facility, including health care services; classification decisions; program participation; telephone, mail, or visiting procedures; food; clothing; bedding; mistreatment; and harassment or violations of the Youth Nondiscrimination Policy (15 CCR 1361).

605.2 POLICY

It is the policy of this Department that any youth may file a grievance relating to conditions of confinement including but not limited to health care services, classification decisions, program participation, telephone, mail, or visiting procedures, food, clothing, bedding, mistreatment, harassment, or violations of the Youth Nondiscrimination Policy (15 CCR 1361).

Retaliation for use of the grievance system is prohibited.

605.3 ACCESS TO THE GRIEVANCE SYSTEM

All youth shall be provided with a grievance process for resolving complaints arising from Juvenile Justice Campus matters with at least one level of appeal. There shall be no time limit on filing grievances.

Youth will receive information about the grievance procedure during the intake/orientation process. Information will also be contained in the youth brochure. Information regarding the grievance process will be provided to youth in the language they understand.

The information shall include (15 CCR 1361):

- (a) A grievance and instructions for registering a grievance, which includes provisions for the youth to have free access to the form.
- (b) Instructions for resolving the grievance at the lowest appropriate staff member level.
- (c) The appeal process to the next level of review that is not directly involved in the circumstances that led to the grievance
- (d) A provision for a written response to the grievance that includes the reasons for the decision.
- (e) Required time frames for responses. Within (3) business days a prompt review and initial response to the grievance. Resolution of the grievance must occur within ten (10) business days unless circumstances dictate a longer time. The youth shall be notified of the delay.

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- (f) Whether or not associated with a grievance, concerns of parents, guardians, staff or other parties shall be addressed and documented within five days and if the matter is not resolved a follow-up will occur every 30 days.
- (g) A provision for confidential filing or delivery to any staff member.
- (h) A provision that allows multiple internal and external methods to report sexual abuse and sexual harassment.

605.4 YOUTH GRIEVANCE PROCEDURES

The Deputy Chief or the authorized designee shall develop and implement written procedures whereby any youth may appeal and have resolved grievances relating to any condition of confinement including but not limited to health care services, classification decisions, program participation, telephone, mail, or visiting procedures, food, clothing, bedding, mistreatment, harassment, or violations of the Youth Nondiscrimination Policy. There shall be no time limit on filing grievances (15 CCR 1361).

Staff members shall attempt to informally resolve all grievances at the lowest level (15 CCR 1361). All attempts to resolve a grievance shall be documented in the youth's file. If there is no resolution at this level, the youth may file a grievance.

A youth may help another youth prepare a grievance. Staff members may take reasonable steps to help the youth prepare a grievance if requested (15 CCR 1361).

Upon receiving a completed youth grievance, the staff member shall document receipt of the grievance, gather associated paperwork and reports, and forward it to a supervisor as soon as reasonably practicable.

605.4.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Youth may request to submit the grievance directly to a supervisor, Assistant Deputy Chief, Deputy Chief, or deposit the grievance in a locked box within the youth's housing area.

In addition, the youth may tell any staff members, tell the youth's attorney of record, tell medical or mental health staff, or ask a third party to make a report on the youth's behalf.

A parent, guardian, or citizen may also mail a grievance via the United States Postal Service to the Assistant Deputy Chief, Deputy Chief, or a Supervising Juvenile Correctional Officer. Additionally, a parent, guardian, or citizen may file a citizen complaint. A citizen complaint may be given directly, or mailed, or the person may access the form on the Probation Department website (See Personnel Complaints policy).

605.4.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed youth grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner.

Findings relating to the investigation shall be forwarded to the Watch Commander. Any appeals shall be forwarded to the Deputy Chief as the final level of appeal.

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Grievances related to health and safety issues shall be addressed immediately. A review and initial response to other grievances shall be provided to the youth within three business days (15 CCR 1361).

Resolution of grievances shall occur within 10 business days, unless circumstances dictate a longer time frame. Youth shall be notified of any delay (15 CCR 1361).

605.4.3 APPEALS TO GRIEVANCE FINDINGS

Any appeal of a grievance submitted by a youth shall be heard by a person not directly involved in the circumstances that led to the grievance. Youth may appeal the finding of a grievance to an Assistant Deputy Chief or Deputy Chief as the final level of appeal. The Assistant Deputy Chief or Deputy Chief will review the grievance and either confirm or deny the grievance. If the Assistant Deputy Chief or Deputy Chief confirms the grievance, the Assistant Deputy Chief or Deputy Chief will initiate corrective actions. In either case, the youth shall receive a written response to the appeal (15 CCR 1361).

605.4.4 RECORDING GRIEVANCES

To ensure consistent documentation of the youth grievance procedure, numbered grievance forms will be located in the Watch Commander's office accompanied by a grievance log.

The Watch Commander has primary responsibility for issuing new forms, acceptance and distribution of completed forms, and the recording of information in the Grievance Log. The Watch Commander shall review the Grievance Log daily to ensure the prompt and timely processing of the grievance forms.

The original grievance shall be maintained in a file maintained by the Deputy Chief or the authorized designee and shall be retained in accordance with established records retention schedules. A copy of each grievance shall be filed in the youth's official record and maintained throughout the youth's incarceration.

605.4.5 STATE REQUIREMENTS

At any level of the grievance process, the Deputy Chief shall ensure (15 CCR 1361):

- (a) The youth may elect to be present to explain the youth's version of the grievance to a person not directly involved in the circumstances that led to the grievance.
- (b) Provisions exist for a staff member representative to assist the youth.
- (c) Provisions exist for concerns of parents, guardians, citizens, staff members, or other parties to be addressed (See Personnel Complaints Policy) and documented within 5 days, and if the matter is not resolved a follow-up will occur every 30 days.
- (d) Youth have the option to confidentially file the grievance or to deliver the form to any youth supervision staff member working in the facility.

605.5 GRIEVANCE AUDITS

The Deputy Chief and Assistant Deputy Chiefs shall perform an annual audit of all youth grievances and complaints filed the previous calendar year. The Chief Probation Officer or

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the authorized designee shall document the findings, including recommendations regarding any changes to policy or procedures, or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times, or individuals named in the complaints are not part of this process and shall not be included in the memorandum.

The Chief Probation Officer shall evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit shall be forwarded to the Training Assistant Deputy Chief and JJC Training Officer, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

605.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.352):

- (a) Youth may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow youth, staff members, family members, attorneys, and outside advocates, are permitted to assist youth in filing such grievances and may file such grievances on behalf of youth. Staff members who receive a grievance filed by a third party, other than a parent or legal guardian, on behalf of a youth shall inquire whether the youth wishes to have the grievance processed and shall document the youth's decision, and may condition the processing of the grievance on the youth's consent. Depending on the allegations brought forth, Administration may look into the matter even though the youth does not wish to proceed. Staff members who receive a grievance filed by a parent or legal guardian of a youth shall process the grievance with or without the consent of the youth.
- (c) Grievances may be submitted to any staff member and need not be submitted to the staff member who is the subject of the complaint.
- (d) Staff members receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint or shared with the officer who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Assistant Deputy Chief or the Deputy Chief. Youth and staff members are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) If the grievance is related to sexual abuse is not resolved within 10 days of the initial filing, the youth shall be notified and shall be informed of the new timeframe (15 CCR 1361). If a grievance is not resolved within 90 days, the Assistant Chief or the Deputy Chief may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the youth shall be notified in writing and provided a date by which a decision will be made. Based on the extent of the investigation, JJC Administration reserves the right to move the staff member(s) or other individual alleged to have committed sexual abuse, to protect the youth who filed the grievance.
- (f) At any level of the process, including the appeal, if the youth does not receive a response within the allotted time, including any properly noticed extension, the youth shall ask to speak with a supervisor regarding their grievance. The supervisor has the

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responsibility to follow up on behalf of the youth or take the necessary action within their role if applicable. The supervisor shall follow up with the youth within 24 hours if the matter had not been resolved. may consider the absence of a response to be a denial at that level.

- (g) The facility shall provide youth with access to tools necessary to make a written report (28 CFR 115.351).

605.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Youth who believe they are, or any other youth is, at substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the youth and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Assistant Deputy Chief or the Deputy Chief, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the youth is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.352).

605.7 TRAINING

The Training Assistant Deputy Chief and the JJC Training Officer shall ensure that all staff members receive training regarding all aspects of this policy.

605.8 REFERENCES

See Youth Grievances Procedure for additional guidance.

605.9 ISSUED DATE

- 04/17/2023

Youth Rights - Protection from Abuse

607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that youth are afforded a safe, healthy environment free from abuse, physical punishment, harassment, intimidation, and theft or other loss of property (see the Juvenile Detention Manual Policy).

607.2 POLICY

It is the policy of this Department to make every reasonable effort to protect youth from abuse, physical punishment, injury, harassment, intimidation, or loss or damage to personal property by other youth or staff members. Staff members shall take reasonable actions to safeguard vulnerable youth from others, maintaining open communication with youth, and shall use the classification policies and procedures to make housing decisions that will provide for youth safety. Abuse of youth by staff members or other youth will not be tolerated.

Youth shall live in a safe, healthy, and clean environment conducive to treatment, positive youth development, and healing and where they are treated with dignity and respect. Youth shall be free from physical, sexual, emotional, or other abuse, or corporal punishment (Welfare and Institutions Code 224.71).

607.3 RESPONSIBILITY

It shall be the responsibility of all facility staff members to adhere to policies, procedures, and practices to protect youth. These procedures include but are not limited to:

- (a) Following the classification guidelines for youth housing (See Youth Classification policy).
- (b) Closely supervising youth activities and interceding as needed to prevent violence, harassment, or abuse of youth.
- (c) Using force only when necessary and to the degree that is reasonable (See Use of Force policy and procedure).
- (d) Reporting all youth injuries, investigating the cause of reported injuries, and documenting these efforts in an incident report.
- (e) Enforcing all rules and regulations in a fair and consistent manner.
- (f) Preventing youth from conducting kangaroo courts or dispensing discipline on any other youth.
- (g) Conducting required safety checks of all youth housing areas (see the Youth Safety Checks Policy).
- (h) Checking all safety equipment for serviceability and reporting any defective equipment to the appropriate supervisor or the Deputy Chief.
- (i) Referring sick or injured youth to a qualified health care professional without unnecessary delay.
- (j) Maintaining high standards of cleanliness throughout the Juvenile Justice Campus.

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- (k) Documenting all abuse protection efforts in facility logs and incident reports as applicable.
- (l) Accepting, documenting, and reviewing all grievances (see the Youth Grievances Policy).

607.4 TRAINING

The Training Assistant Deputy Chief in conjunction with the JJC training officer, shall be responsible for developing and delivering a training curriculum to all staff members on the topic of protecting youth from abuse (see the Youth Supervision Staff Member Orientation and Training Policy). A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each staff member's training file.

607.5 ISSUED DATE

- 10/13/2020

607.6 REVISED DATE(S)

- 04/17/2023
- 08/04/2023

Youth Nondiscrimination

608.1 PURPOSE AND SCOPE

The constitutional rights of youth to be free from discrimination are protected during incarceration. These protections extend to administrative decisions (e.g., classification, access to programs, and availability of services). This policy is intended to guide staff members toward nondiscriminatory administrative decisions by defining classes protected by the 1964 Civil Rights Act, Title II of the American Disabilities Act (ADA), and to detail a process for complaint and discrimination investigations (see the Juvenile Detention Manual Policy).

608.2 POLICY

All decisions concerning youth housed at this facility shall be based on reasonable criteria that support the health, safety, security, and good order of the facility.

608.3 DISCRIMINATION PROHIBITED

All youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits.

Youth shall have fair and equal access to all services, housing, care, treatment, and benefits. No person shall be discriminated against or harassed on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, immigration status, color, religion, gender, sexual orientation, gender identity or expression, mental or physical disability, HIV status, age, pregnancy, genetic information, veteran status, marital status, or any other classification or status protected by law (Welfare and Institutions Code 224.71). Restrictive housing or classification decisions based solely on any of the above-mentioned categories are prohibited.

Reasonable and comparable opportunities for participation in vocational, educational, and religious programs shall be provided to all youth. Youth shall have comparable access to all services and programs regardless of sex, gender orientation, gender identity, and/or gender expression.

The Deputy Chief or the authorized designee shall periodically conduct interviews with youth and staff members to identify and resolve potential problem areas related to discrimination before they occur.

608.4 REPORTING DISCRIMINATION

Youth who wish to report an allegation of discrimination may communicate with JJC Administration in the following ways:

- (a) Confidential correspondence addressed to the Chief Probation Officer or the authorized designee, or other government official, including the courts or legal representatives.
- (b) Verbally to any Supervising Juvenile Correctional Officer or other staff member of the JJC.

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- (c) Through a youth grievance; all blank youth grievance forms shall be made freely available in the housing units.

608.4.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff members shall promptly forward all written discrimination allegations made by youth to the Watch Commander. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved, and any other pertinent information that would be useful to investigating the allegation.

Unless the complaint submitted by the youth is clearly identified as confidential and addressed to the Chief Probation Officer or the authorized designee, or other official, the Watch Commander shall review the complaint and attempt to resolve the issue. The Watch Commander shall document the circumstances of the allegation and the actions, if any, taken to investigate or resolve the complaint. All reports of alleged discrimination shall be forwarded to the Deputy Chief or the authorized designee for review and further investigation or administrative action as needed.

Administrative evaluations and responses to allegations of discrimination shall be based upon objective criteria:

- (a) The youth's classification
- (b) The youth's criminal history
- (c) Current and past behavior and disciplinary history
- (d) Housing availability
- (e) The availability of programs
- (f) The ability to safely provide the requested services

608.5 DISCRIMINATION COMPLAINT AUDITS

The Deputy Chief or the authorized designee shall perform an annual audit of all discrimination complaints to evaluate whether any policy or procedure changes or training are indicated. The Deputy Chief shall record these findings in a confidential memorandum and send it to the Chief Probation Officer. Specific details of complaints and identifying information, such as names of the involved persons, dates, or times, are not part of this process and should not be included in the memorandum. If the audit identifies any recommended changes or content that may warrant a critical revision to this manual, the Chief Probation Officer or the authorized designee shall be promptly notified.

Any training issues identified by this audit shall be forwarded to the Training Assistant Deputy Chief, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

608.6 ISSUED DATE

- 09/14/2020

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608.7 REVISED DATE(S)

- 04/17/2023
- 08/04/2023

Youth Voting

609.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible youth the opportunity to vote during elections, pursuant to election statutes (Elections Code 2105.6).

609.2 POLICY

The Department shall assist youth who wish to vote in an election.

609.3 PROCEDURES

Prior to each election, the Deputy Chief will designate a Juvenile Correctional Officer to be a liaison between the Department and the local Registrar of Voters. The designated Juvenile Correctional Officer shall be responsible for assisting youth who have requested to vote. Postage shall be provided to youth who cannot afford to mail an absentee ballot.

Youth should be advised of voting methods during the youth orientation.

609.4 REFERENCES

See Youth Voting Procedure for additional guidance.

609.5 ISSUED DATE

- 10/26/2020

Foreign Nationals and Diplomats

610.1 PURPOSE AND SCOPE

This policy addresses the privileges and immunities afforded to certain youth who are family members of individuals assigned to foreign diplomatic missions and consular posts.

This policy also addresses the legal requirements related to consular notifications that should occur when a foreign national is in custody.

610.2 POLICY

The Fresno County Juvenile Justice Campus (JJC) will treat youth who are family members of foreign diplomatic and consular personnel with due regard for the privileges and immunities to which they are entitled under international law. The Department will investigate all claims of immunity and accept custody of the youth when appropriate and follow all applicable laws related to foreign nationals and diplomats.

The JJC shall also honor the laws related to foreign nationals who are detained by making proper legal guardian and consular notifications.

610.3 ISSUED DATE

- 05/27/2022

Chapter 7 - Medical/Mental Health

Suicide Prevention and Intervention (Title 15, § 1329)

706.1 PURPOSE AND SCOPE

This policy is intended to reduce the risk of youth suicide through risk identification and appropriate intervention (15 CCR 1329).

706.2 POLICY

The Fresno County Juvenile Justice Campus (JJC) shall develop a suicide prevention plan to identify and monitor potentially suicidal youth and appropriately intervene.

706.3 STAFF MEMBER RESPONSIBILITIES

Any staff member who identifies a youth who displays suicidal signs shall immediately notify the on-duty Watch Commander (WC) and the appropriate qualified medical/mental health professional (QMHP) as described in the Health Authorities Policy. The youth shall be personally monitored until a behavioral/mental health professional approves another form of monitoring. The youth shall be provided direct visual supervision by a youth supervision staff until a QMHP can be consulted regarding the level of supervision.

The Deputy Chief or the authorized designee shall determine the supervision level of all suicidal youth in consultation with the QMHP (15 CCR 1329).

A staff member will assist with contacting a QMHP and implementing precautionary steps, as provided in this policy.

706.4 SUICIDE PREVENTION PLAN

The Health Administrator and the Deputy Chief, in cooperation with the behavioral/mental health administrator, shall develop a suicide prevention plan. The plan shall consider the needs of youth experiencing past or current trauma. Suicide prevention responses should be respectful and facilitated in the least invasive manner consistent with a youth's level of suicide risk. The plan shall address these protocols and procedures (15 CCR 1329):

- (a) Suicide prevention training as required in the Youth Supervision Staff Member Orientation and Training Policy and the Juvenile Corrections Officer Core Course
- (b) Screening, identification assessment, and precautionary protocols
 1. All youth shall be screened for risk of suicide at intake and as needed during detention
 2. All staff members who perform intake processes shall be trained in screening youth for suicide
 3. All youth who have been identified during the intake screening process to be at risk of suicide shall be referred to behavioral/mental health staff members for a suicide risk assessment

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4. Precautionary protocols shall be developed to ensure the youth's safety pending the behavioral/mental health assessment
- (c) Process for referral to QMHP for assessment and/or services
- (d) Procedures for monitoring youth identified at risk for suicide
- (e) Safety interventions:
 1. Procedures to address intervention protocols for youth identified at risk for suicide which may include but not be limited to:
 - (a) Housing considerations
 - (b) Treatment strategies including trauma-informed approaches
 2. Procedures to instruct youth supervision staff members how to respond to youth who exhibit suicidal behaviors.
- (f) Communication:
 1. The intake process shall include communication with the arresting officer and family/guardians regarding the youth's past or present suicidal ideations, behaviors or attempts.
 2. Procedures for clear and current information sharing about youth at risk for suicide with youth supervision staff members, healthcare, and behavioral/mental health staff members.
- (g) Debriefing of critical incidents related to suicides or attempts:
 1. Process for administrative review of the circumstances and responses proceeding, during and after the critical incident.
 2. Process for a debriefing event with affected staff members.
 3. Process for a debriefing event with affected youth.
- (h) Housing considerations
- (i) Documentation process shall be developed to ensure compliance with this regulation
- (j) Facility inspections
- (k) Other precautionary practices
- (l) Trauma-informed approaches for treatment strategies

Youth identified as at risk for suicide shall not be denied the opportunity to participate in facility programs, services, and activities available to other non-suicidal youth, unless denial is deemed necessary for the safety of the youth or the security of the facility. Any deprivation of programs, services, or activities for youth at risk for suicide shall be documented and approved by the Deputy Chief or the authorized designee (15 CCR 1329).

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706.5 SCREENING FOR SUICIDE RISK

The Deputy Chief or the authorized designee shall ensure that all youth are screened for risk of suicide at intake and as needed during detention. All youth supervision staff members who perform intake processes shall be trained in screening youth for risk of suicide (15 CCR 1329).

Any youth who has been identified during the intake screening process to be at risk of suicide shall be referred to QMHP for a suicide risk assessment and/or services, as needed (15 CCR 1329). Staff members who make a referral for assessment and/or services shall document the referral in the youth's health care record and electronic file, as provided in this policy.

706.6 PRECAUTIONARY PROTOCOLS

Precautionary protocols shall be developed to ensure the youth's safety pending the behavioral health assessment (15 CCR 1329).

The following youth shall be placed on a Precautionary Watch:

- (a) An acute suicidal juvenile (a youth engaging in self-injurious behavior or threatens suicide with a specific plan) is placed on a Constant Watch.
- (b) A non-acute suicidal juvenile (a youth who expresses current suicidal ideations without a specific threat or plan, have a recent history or self-destructive behavior indicating the potential for self-injury) is placed on a Stagger Watch.

Youth placed on precautionary watch shall be housed in a room based on the level of suicide risk. Staff members may consult with a Watch Commander or Mental Health professional for guidance. If a youth is placed in a safety room, staff members shall follow Safety Room policy and procedures (15 CCR 1329). Before placing a suicidal youth in any room, youth supervision staff members should carefully inspect the area for objects that may pose a threat to the youth's safety.

Physical restraints shall only be used as a last resort. The decision to use or discontinue use of restraints should be made in consultation with the Watch Commander and a qualified health care professional. If a youth is placed in restraints, a staff shall continuously supervise the youth while they are in restraints (See Physical Restraints policy and procedure).

If safety rooms or other temporary holding areas are not available, immediate arrangements should be made to transfer the youth to a designated medical or mental health facility.

Until the youth is evaluated by a QMHP, the youth shall be subject to continuous direct visual observation. The Medical Director or the authorized designee will make a determination when the youth no longer requires continuous direct visual observation.

A youth shall be removed from a precautionary suicide watch when the Medical Director or a QMHP determines the youth no longer poses a threat of self-harm. The youth shall be referred to classification for an appropriate housing assignment. The fact that the youth was on precautionary watch shall be communicated to housing youth supervision staff members whenever and wherever a youth is assigned, throughout the youth's detention (15 CCR 1329).

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706.7 PRECAUTIONARY WATCH SHEETS

Precautionary Watch sheets shall be maintained and documented contingent upon a youth's precautionary watch status. For youth placed on a staggered watch, staff members shall document on the precautionary watch sheet at irregular intervals with no more than 15 minutes between checks. For youth placed on a constant watch, youth supervision staff shall document on the precautionary watch sheet every 5 minutes. The Watch Commander shall observe the youth at least once during each shift and make a notation on the observation log precautionary watch sheet with their initials and time they observed the youth. Each staff member who is required to observe the youth shall make notations on the precautionary watch sheet, including the time of observation, a brief description of the youth's behavior (15 CCR 1329), and the staff member's initials.

706.8 DOCUMENTATION

Staff members shall document, in accordance with the Safety Rooms and Camera Rooms Policy and Daily Activity Logs and Shift Reports Policy, any time a youth's suicide watch status and housing assignment changes, and the reasons for not providing clothing, personal items, and issued items as applicable (15 CCR 1329). Placement on a precautionary watch status and removal shall also be documented in the youth's electronic file and Inter-Unit Transfer shift if youth is transferred to another housing assignment.

The youth's health care record shall be updated to reflect all contacts, treatment, and any other relevant information.

706.9 SUICIDE ATTEMPTS

Any suicide attempt is a medical emergency, and life-saving measures shall be initiated by a trained staff member until the staff member is relieved by a qualified healthcare professional, who shall initiate appropriate medical evaluation and intervention.

The Medical Director or the authorized designee shall be notified when referral and transportation to an emergency room or local hospital are required.

Staff members shall preserve evidence as necessary. The Deputy Chief or the authorized designee, parent/guardian, program supervising juvenile correctional officer, court of jurisdiction, and youth's probation officer shall be notified of the suicide attempt.

706.9.1 SUICIDES

All deaths resulting from suicide shall be investigated and documented in accordance with the Notification and Reporting Requirements for In-Custody Deaths and Serious Illness or Injury of a Youth Policy and In-Custody Death Reviews Policy (15 CCR 1329).

706.10 DEBRIEFING OF CRITICAL INCIDENTS RELATED TO SUICIDE OR ATTEMPTS

Any suicide or attempted suicide requires a staff member and youth debriefing. Information will be communicated to the oncoming Watch Commander and staff members to apprise them of the incident and actions taken. Such debriefing will be appropriately documented and shall be reviewed by JJC administration.

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Critical incident stress management debriefings for involved staff members and youth to discuss post-incident thoughts and reactions shall be provided (15 CCR 1329).

706.11 TRANSFER AND RELEASE

Ongoing care of suicidal youth during transfers and after release shall be considered. When a youth is being transferred for observation or treatment, a staff member shall complete the necessary forms, documenting the reasons why the youth is believed to be suicidal. The completed forms shall accompany the released youth to the designated facility.

When a youth with a history or risk of suicide is transferred, the transporting officer shall ensure that the suicide threat or other danger is clearly communicated to personnel at the receiving facility.

Youth who are at risk for suicide and are being released shall be encouraged to work with local or area behavioral/mental health resources and shall be provided with the appropriate contact information.

706.12 REFERENCES

See Suicide Prevention and Intervention Procedures for additional guidance.

706.13 ISSUED DATE

- 06/21/2023

Chapter 8 - Clothing, Personal Hygiene, and Environmental Health

Standard Facility Clothing Issue (Title 15, § 1480)

801.1 PURPOSE AND SCOPE

This policy outlines the procedures used to issue facility clothing to youth admitted to the Juvenile Justice Campus.

801.2 POLICY

It is the policy of the Fresno County Probation Department to maintain a high standard of hygiene in compliance with the requirements established by all state laws, ordinances, and regulations. Compliance with laws and regulations relating to issuing facility clothing to youth is closely linked with good sanitation practices.

Youth shall have clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing shall be adequate and respect the child's culture, ethnicity, and gender identity and expression (Welfare and Institutions Code 224.71).

801.3 RESPONSIBILITIES

The Deputy Chief shall ensure that a process to provide facility-issued clothing and footwear to each youth as needed is established.

Clothing exchange shall occur in accordance with the Clothing Exchange Policy and shall be documented in the daily activity log.

The program supervisor in charge of a housing unit shall conduct both scheduled and unannounced inspections of the housing unit to ensure that clothing issuance policies and procedures are carried out in accordance with all applicable laws and regulations (See the Unannounced Inspection of Housing Units form located in the Department's case management system).

801.4 STANDARD FACILITY CLOTHING ISSUE

A youth's personal clothing, undergarments, and footwear may be substituted for the institutional clothing and footwear specified in this policy. The Juvenile Justice Campus has the primary responsibility to provide clothing and footwear (15 CCR 1480).

A youth admitted overnight or longer and assigned to a living unit shall be issued a set of facility clothing. Clothing provisions shall ensure that (15 CCR 1480):

- (a) Clothing is clean, reasonably fitted, durable, easily laundered, and in good repair (e.g., free of holes and tears).
- (b) The standard issue of clothing appropriate for the climate for youth shall consist of but not be limited to:
 1. Socks and serviceable footwear.
 2. Suitable outer garments.
 3. New non-disposable underwear, which shall remain with the youth throughout their stay.

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4. Undergarments, including T-shirts and bras, that are freshly laundered and free of stains.
 - (c) Clothing shall be laundered at the temperature required by local ordinance for commercial laundries and dried completely in a mechanical dryer or other laundry method approved by the local health officer (see the Clothing Exchange Policy for site-specific laundry procedures).
 - (d) Suitable clothing shall be issued to pregnant youth.

All facility clothing issued to youth shall be exchanged and documented in accordance with the Clothing Exchange Policy. Additional clothing may be issued for changing weather conditions or as seasonally appropriate.

A youth's personal undergarments and footwear may be substituted for the institutional undergarments and footwear with the approval of the Deputy Chief or the authorized designee.

Youth assigned to a special work area shall be issued facility clothing and protective equipment appropriate to the requirements of their work assignment in accordance with the Special Clothing Policy.

The Deputy Chief or the authorized designee shall ensure that the facility maintains a sufficient inventory of extra youth clothing that is seasonally appropriate (see the Clothing, Bedding, and Linen Supply Policy).

All youth personal property shall be properly identified, inventoried, and secured. Youth shall sign and receive a copy of the inventory record.

801.5 ISSUED DATE

- 04/17/2023

801.6 REVISED DATE(S)

- 08/04/2023

Special Clothing (Title 15, § 1481)

802.1 PURPOSE AND SCOPE

This policy outlines the procedures to ensure that suitable additional clothing is maintained and issued to youth whose special work assignments in the Juvenile Justice Campus (JJC) require non-standard, facility-issued clothing.

802.2 POLICY

It is the policy of the Fresno County Probation Department to provide additional clothing and gear for work assignments to adequately protect youth workers (e.g., from the weather, chemical exposure, physical injuries), and to maintain a high standard of hygiene in compliance with state laws, ordinances, and regulations.

802.3 SPECIAL CLOTHING ISSUE

Each youth assigned to a special work detail where the issue of regular clothing would be unsanitary or inappropriate shall be issued suitable additional clothing essential for youth to perform the special work assignments (15 CCR 1481).

Youth at JJC who participate in a special work assignment will be provided appropriate clothing. Some examples are a polo shirt, khakis etc.

802.4 ISSUED DATE

- 04/17/2023

Clothing Exchange (Title 15, § 1482)

803.1 PURPOSE AND SCOPE

This policy provides guidance regarding the cleaning and exchange of youth clothing (see the Standard Facility Clothing Issue Policy) (15 CCR 1482).

803.2 POLICY

It is the policy of the Fresno County Probation Department to comply with all state laws, ordinances, and regulations pertaining to the site-specific cleaning and scheduled exchange of youth clothing.

803.3 CLOTHING EXCHANGE

The Deputy Chief or the authorized designee shall develop and implement written site-specific procedures for the cleaning and scheduled exchange of clothing. Unless work, climatic conditions, or illness necessitates more frequent exchange, outer garments (except footwear) shall be exchanged daily. T-shirts, bras, and underwear shall be exchanged daily; youth shall receive their own underwear back in the exchange (15 CCR 1482).

All clothing exchanges shall be documented on the daily activity log. The Watch Commander or housing unit supervisor shall review the daily activity log at least once per shift.

803.4 YOUTH ACCOUNTABILITY

To ensure youth accountability, youth must exchange item for item when clean clothing exchange occurs.

Youth shall be provided with a youth pamphlet once they are placed in a housing unit listing this requirement.

803.5 REFERENCES

See Clothing Exchange Procedure for additional guidance.

803.6 ISSUED DATE

- 04/17/2023

Clothing, Bedding, and Linen Supply (Title 15, § 1483)

804.1 PURPOSE AND SCOPE

This policy provides guidance to ensure the Juvenile Justice Campus complies with applicable standards in the acquisition, handling, storage, transportation, and processing of clothing, bedding, and linen in a clean and sanitary manner (15 CCR 1483).

804.2 POLICY

It is the policy of the Fresno County Probation Department to maintain adequate and appropriate quantities of clothing, bedding, and linen sufficient to meet the actual and replacement needs of the Juvenile Justice Campus youth population.

804.3 CLOTHING, BEDDING, AND LINEN SUPPLY

There shall be a quantity of clothing, bedding, and linen available for actual and replacement needs of the facility population. For each facility that the Fresno County Probation Department operates, the Deputy Chief or the authorized designee shall develop and implement written procedures for acquisition, handling, storage, transportation, and processing of clothing, bedding, and linen in a clean and sanitary manner (15 CCR 1483).

There shall be adequate and appropriate storage space for youth bedding, linen, and clothing. The inventory of clothing, bedding, linen, and towels shall exceed the maximum youth population so that a reserve is always available (15 CCR 1483).

The facility shall have a sufficient quantity of clothing, bedding, and linen available for the daily operation of the facility, including the exchange or disposal of soiled or depleted items. The assigned staff member shall ensure that the storage areas are properly maintained and stocked (15 CCR 1483). The Deputy Chief should be notified if additional storage space is needed.

804.3.1 HEALTH-RELATED CONSIDERATIONS

When issuing mattresses to youth who are pregnant or who have other medical needs, staff members shall consider the youth's known or suspected disability or medical condition in regard to the mattress type, as well as the youth's safety, security, and comfort (15 CCR 1483).

804.4 SCHEDULED AND UNANNOUNCED INSPECTIONS

The program supervisor shall conduct both scheduled and unannounced inspections of the housing unit they are assigned to ensure that clothing, bedding, and linen supply policies and procedures are carried out in accordance with all applicable standards. The Unannounced Inspection of Housing Units form is located in the Department's Case Management system.

804.5 REFERENCES

See Clothing, Bedding, and Linen Exchange Procedure for additional guidance.

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Clothing, Bedding, and Linen Supply (Title 15, § 1483)

804.6 ISSUED DATE

- 04/17/2023

Pest Control (Title 15, § 1484)

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish inspection, identification, and eradication processes designed to keep pests controlled in accordance with the requirements established by all applicable laws, ordinances, and regulations of the local public health entity (15 CCR 1484).

805.2 POLICY

It is the policy of this Department to control pests within the facility to assure the health and safety of youth, staff members, and visitors.

805.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall be responsible for developing and implementing site-specific procedures, in cooperation with the Medical Director and the local public health entity, to control the contamination and/or spread of vermin and ectoparasites in all youths' personal clothing. Infested clothing shall be cleaned or stored in a closed container so as to eradicate or stop the spread of the vermin (15 CCR 1484).

The Deputy Chief or the authorized designee shall also establish specific medical guidelines for treating infected youth to include youth clothing, personal effects, and living areas.

The Deputy Chief or the authorized designee shall be responsible for procuring the services of a licensed pest control professional to inspect the facility at least monthly and to treat areas as needed to ensure that pests are controlled.

805.4 PREVENTION AND CONTROL

Many infestations and infections are the result of a recently admitted youth who is pest-infested or whose property is pest-infested. Most infestations are spread by direct contact with an infected person or with infested clothing and bedding. Youth with lice or mites shall be treated with approved pediculicides as soon as the infestation is identified to avoid spreading the infestation. To reduce the chance of further transmission, separate quarters for youth undergoing treatment for lice shall be used.

Because the treatment chemicals can cause allergic reactions and other negative effects, treatment shall be done only when an infestation is identified and not as a matter of routine.

Clothing, bedding, and other property suspected of being infested shall either be removed from the facility or cleaned and treated by the following methods, as appropriate or as directed by the pest control provider or the Medical Director (15 CCR 1484):

- (a) Washing in water at 140 degrees for 20 minutes
- (b) Tumbling in a clothes dryer at 140 degrees for 20 minutes
- (c) Dry cleaning
- (d) Storing in sealed plastic bags for 30 days

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Pest Control (Title 15, § 1484)

- (e) Treating with an insecticide specifically labeled for this purpose

Head lice and their eggs are generally found on the head hairs. There may be uncertainty about the effectiveness of some pediculicides to kill the eggs of head lice. Therefore, some products recommend a second treatment seven to 10 days after the first. During the interim, before the second application, eggs of head lice could hatch, and lice could be transmitted to others.

Pubic lice and their eggs are generally found on the hairs of the pubic area and adjacent hairy parts of the body, although they can occur on almost any hairy part of the body, including the hair under the arms and on the eyelashes.

Pubic lice and their eggs are generally successfully treated by pediculicides. However, when the eyelashes are infested with pubic lice and their eggs, a physician should perform the treatment.

Successful treatment depends on careful inspection of the youth and proper application of the appropriate product. The area used to delouse youth must be separate from the rest of the facility. All the surfaces in the treatment area must be sanitized. There must be a shower as part of the delousing area.

The supervisor shall document the date of treatment, the area treated, the pest treated, and the treatment used.

805.5 LABELING AND SECURE STORAGE OF COMPOUNDS

Containers of pest exterminating compounds shall be conspicuously labeled to identify the contents. The containers shall be securely stored separately from food and kitchenware, and shall not be accessible by youth.

805.6 ISSUED DATE

- 04/17/2023

Issuance of Personal Care Items (Title 15, § 1485)

806.1 PURPOSE AND SCOPE

This policy provides guidance regarding the issuance of personal care items to youth as required by 15 CCR 1485.

806.2 POLICY

It is the policy of the Fresno County Probation Department to provide appropriate personal care items to youth as required by applicable laws, regulations, and standards.

Youth shall have sufficient personal hygiene items; grooming, and hygiene products shall be adequate and respect the child's culture, ethnicity, and gender identity and expression (Welfare and Institutions Code 224.71).

806.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall ensure that written, site-specific procedures are developed and implemented for the availability of personal hygiene items (15 CCR 1485). Additional appropriate personal care items may be available for purchase (see procedures).

The housing unit Supervising Juvenile Correctional Officer or the authorized designee shall conduct both scheduled and unannounced inspections of the facility to ensure that personal care item issuance policies and procedures are carried out in accordance with this policy and applicable laws, regulations, and standards. See Unannounced Inspections of Housing Units form in the Department's Case Management system.

806.4 ISSUANCE OF PERSONAL CARE ITEMS TO YOUTH

Personal hygiene items and facilities for showers will be provided in accordance with applicable laws, regulations, and standards. This is to maintain a standard of hygiene among youth in compliance with the requirements established by state laws as part of a healthy living environment (also see the Youth Hygiene Policy) (15 CCR 1485).

Each female youth shall be provided with sanitary napkins, panty liners, and tampons, which items youth shall be able to access themselves, and as requested (15 CCR 1485).

Each youth to be held more than 24 hours shall be issued, at a minimum, the following personal care items (15 CCR 1485):

- (a) Toothbrush
- (b) Toothpaste
- (c) One bar of bath soap or equivalent
- (d) One unbreakable comb or brush
- (e) Shaving equipment (see Shaving Policy/Procedure)
- (f) Deodorant
- (g) Lotion

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Issuance of Personal Care Items (Title 15, § 1485)

- (h) Shampoo
- (i) Post-shower conditioning hair products
- (j) Toilet paper

The Deputy Chief or the authorized designee may modify this list to accommodate the use of liquid soap and shampoo dispensers (15 CCR 1485). Personal hygiene items shall be appropriate for the youth's sex and/or gender. Additional hygiene items may be provided to youth upon request, as needed (15 CCR 1485).

Youth shall not be required to share personal care items listed in (a) through (d). Liquid soap provided through a common dispenser is permitted (15 CCR 1485).

Youth shall not share disposable razors (15 CCR 1485). Used razors shall be disposed of after use. Double-edged safety razors, electric razors, and other shaving equipment capable of breaking the skin, when shared among youth, shall be disinfected between individual uses by the method prescribed by the California Board of Barbering and Cosmetology to meet the requirements of 16 CCR 979 and 16 CCR 980, Chapter 9 of Title 16 of the California Code of Regulations (15 CCR 1267(c); 15 CCR 1485).

806.5 REFERENCES

See Issuance of Personal Care Items Procedure for additional guidance.

806.6 ISSUED DATE

- 04/17/2023

806.7 REVISED DATE(S)

- 08/04/2023

Youth Hygiene (Title 15, § 1486)

807.1 PURPOSE AND SCOPE

This policy outlines the procedures to ensure that the personal hygiene of every youth housed in this facility is maintained. The Juvenile Justice Campus recognizes the importance of each youth maintaining acceptable personal hygiene practices by providing youth with access to adequate facilities for showering/bathing, using the bathroom, hand-washing, and teeth brushing (15 CCR 1486).

Guidelines for providing necessary personal hygiene items are addressed in the Issuance of Personal Care Items Policy. Shaving equipment is addressed in the Shaving Policy.

807.2 POLICY

It is the policy of the Fresno County Probation Department to provide youth housed in this facility with adequate access to showering/bathing facilities, toilets/urinals, and washbasins, and opportunities for brushing their teeth (15 CCR 1486; 24 CCR 1230 et seq.).

It is also the policy of the Juvenile Justice Campus to make nail clippers available to youth for trimming their nails to ensure the health, safety, and security of staff members, youth, and visitors.

Youth shall have clean water at any time, timely access to toilets, access to daily showers, and sufficient personal hygiene items (Welfare and Institutions Code 224.71).

807.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief or the authorized designee shall ensure that written, site-specific procedures are developed and implemented for youth showering/bathing and teeth brushing (15 CCR 1486).

The Deputy Chief or the authorized designee shall ensure that basic necessities related to showering/bathing, oral hygiene, and using the bathroom are provided to each youth upon entry into a housing unit.

The Deputy Chief or the authorized designee shall ensure that nail clippers are securely stored in each housing unit at the control desk so they can be issued to youth to trim their nails upon request, or as needed.

The Supervising Juvenile Correctional Officer in charge of a housing unit shall conduct both scheduled and unannounced inspections of the housing unit to ensure that youth hygiene policies and procedures are carried out in accordance with applicable laws, regulations, and standards. See Unannounced Inspections of Housing Units document located in the Department's case management system.

807.4 PERSONAL HYGIENE OF YOUTH

Personal hygiene items and facilities for showering/bathing, going to the bathroom, hand-washing, and brushing teeth will be provided to youth in accordance with applicable laws, regulations, and standards. This is to maintain a standard of personal hygiene among youth in compliance with the

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requirements established by state laws as part of a healthy living environment (see the Issuance of Personal Care Items Policy) (15 CCR 1486).

Youth shall be given an opportunity to brush their teeth after each meal (15 CCR 1486).

807.5 AVAILABILITY OF PLUMBING FIXTURES IN THE JUVENILE JUSTICE CAMPUS

Youth confined to rooms or sleeping areas shall have access to toilets and washbasins with hot and cold running water or tempered water. Access shall be available at all hours of the day and night without staff member assistance.

The minimum number of plumbing fixtures provided for youth in housing units is:

- (a) One sink/washbasin for every six youth (24 CCR 1230.2.2).
- (b) One toilet to every six youth (one toilet and one urinal may be substituted for every 15 males) (24 CCR 1230.2.1).

All housing areas with more than five youth shall have at least two toilets. Toilet areas shall provide privacy for youth without interfering with a staff member's ability to supervise the youth.

807.5.1 AVAILABILITY OF PLUMBING FIXTURES IN CAMPS

The minimum number of plumbing fixtures provided for youth in camps is:

- (a) One sink/washbasin for every 10 youth (24 CCR 1230.2.2).
- (b) One toilet to every 10 youth (one toilet and one urinal may be substituted for every 15 males) (24 CCR 1230.2.1).

Washbasins must be provided with hot and cold or tempered water. Toilet areas shall provide privacy for youth without interfering with a staff member's ability to supervise the youth.

807.6 YOUTH SHOWERS

Youth shall be permitted to shower/bathe upon assignment to a housing unit and on a daily basis thereafter (15 CCR 1486). There shall be one shower for every six youth (24 CCR 1230.2.4). Showering/bathing facilities for youth housed at this facility shall be clean and properly maintained. Shower shall be provided with tempered water

Shower areas shall provide privacy for youth without mitigating a youth supervision staff member's ability to supervise youth (24 CCR 1230.2.4).

807.6.1 ADDITIONAL PRIVACY REQUIREMENTS

Youth shall be permitted to shower/bathe and go to the bathroom without staff members of the opposite sex viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine room checks. (28 CFR 115.315).

807.7 NAIL CARE

One set of nail and toe clippers will be kept at each housing unit safe room.

When a youth is issued a set of nail or toe nail clippers to trim their nails, the youth will sit at a table in the day room near the counselor's station.

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Youth Hygiene (Title 15, § 1486)

Nail toe clippers shall be sanitized by a staff member after each use and promptly returned to a staff member. On a yearly basis, new nail and toenail clippers will be issued for each housing unit and the old ones will be discarded.

807.8 SHOWERING/BATHING, ORAL, AND OTHER PERSONAL HYGIENE ITEMS

Youth are expected to maintain their personal hygiene using approved showering/bathing, oral, and other personal hygiene items.

No youth will be denied necessary showering/bathing, oral, and other personal hygiene items.

For sanitation and security reasons, staff members should not allow showering/bathing, oral, and other personal hygiene items to be shared (see the Issuance of Personal Care Items Policy).

Youth shall have grooming and hygiene products, which shall be adequate and respect the child's culture, ethnicity, and gender identity and expression (Welfare and Institutions Code 224.71).

807.9 ISSUED DATE

- 04/17/2023

807.10 REVISED DATE(S)

- 08/04/2023

Shaving (Title 15, § 1487)

808.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that youth are provided with access to shaving and the necessary supplies in compliance with state laws and regulations, and that facility shaving standards are based upon legitimate governmental interests.

808.2 POLICY

It is the policy of this facility to allow youth choice in personal grooming, except when a legitimate government interest justifies adherence to an established shaving standard. The Deputy Chief or the authorized designee shall establish youth shaving standards specific to youth classification, work status, facility safety and security, and youth health and hygiene. Any established standards should not unreasonably interfere with religious observances. Shaving standards shall be identified in the youth brochure.

808.3 SHAVING

Youth shall have access to a razor daily unless their appearance must be maintained for reasons of identification in court. All youth shall have equal opportunity to shave their face and body hair (15 CCR 1487).

The Deputy Chief or the authorized designee may suspend the requirement for access to shaving and related supplies for youth who are considered to be a danger to themselves or others (15 CCR 1487).

Facial hair shall be clean and well groomed. Long beards may allow youth to conceal weapons or contraband. Youth may be required to trim facial hair if it poses a security or safety risk. Youth may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Youth with facial hair who work around food shall wear appropriate facial coverings.

No alternative hair removal shall be permitted (i.e. threading, tape, etc.)

808.4 REFERENCES

See Shaving Procedure for additional guidance.

808.5 ISSUED DATE

- 10/01/2020

808.5.1 REVISED DATE(S)

- 04/17/2023

Hair Care Services (Title 15, § 1488)

809.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that standards and procedures for hair care services are based on legitimate governmental interests.

809.2 POLICY

It is the policy of this facility to allow youth choice in personal hair care, except when a legitimate government interest justifies adherence to an established hair care standard. The Deputy Chief or the authorized designee shall establish hair care standards specific to youth classification, work status, facility safety and security, and youth health and hygiene. Any established standards should not unreasonably interfere with religious observances. Hair care standards shall be identified in the youth brochure.

809.3 HAIRCUTS

Youth will be provided haircuts subject to established facility rules. If hair length, style, or condition presents a security or sanitation concern, haircuts may be mandatory. Youth whose appearance is significantly altered by receiving hair care services may be required to submit to additional admission photos.

Youth shall not cut names, numbers, or other designs into their hair.

809.3.1 HAIR CARE SERVICES

The Deputy Chief or the authorized designee shall establish written site-specific procedures for youth hair care services that comply with 16 CCR 979 and 16 CCR 980, Chapter 9 of Title 16 of the California Code of Regulations. Hair care services shall be available in all juvenile facilities operated by the Department (15 CCR 1488).

Youth shall receive hair care services monthly (15 CCR 1488).

Staff members may suspend access to hair care services if the youth appears to be at risk of self-injury or to be a danger to others or to the safety and security of the facility.

809.4 HAIR CARE SPACE

The hair care services area shall be maintained and kept clean according to the State Board of Barbering and Cosmetology or local board of barbering and cosmetology and the local health department standards.

Regulations with detailed hair care cleaning and sanitation requirements shall be posted in a conspicuous place for use accessible to all hair care personnel and youth. Single-use items, such as cotton pads and neck strips, shall be properly disposed of immediately after a single use.

Each barbering area should have all the equipment for maintaining sanitary procedures for hair care, including approved, covered metal containers for waste, disinfectants, laundered towels, and a means of separating sanitized equipment from soiled equipment.

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Hair Care Services (Title 15, § 1488)

After each haircut, all tools and equipment that came into contact with the youth shall be cleaned and disinfected according to this facility's established guidelines and procedures, and by a method approved by the State Board of Barbering and Cosmetology (15 CCR 1488, 16 CCR 979 and 980).

Barbers, beauticians, or staff members shall not provide hair care service to any youth when the skin of the face, neck, or scalp is inflamed, or when there is scaling, pus, or other evidence of skin eruptions, unless it is performed under the specific written authorization of the Medical Director or the authorized designee. Any person infested with head lice shall not be given hair care services until cleared by medical staff members.

809.5 REFERENCES

See Hair Care Services Procedure for additional guidance.

809.6 ISSUED DATE

- 10/01/2020

809.6.1 REVISED DATE(S)

- 04/17/2023

Standard Bedding and Linen Issue (Title 15, § 1500)

810.1 PURPOSE AND SCOPE

This policy outlines the procedures to assure that youth receive sufficient facility-issued bedding and linens in compliance with applicable state laws and regulations.

810.2 POLICY

It is the policy of the Fresno County Probation Department that youth admitted overnight or longer and assigned to a living unit shall be issued a set of facility bedding and linen.

Youth shall have the right to clean bedding (Welfare and Institutions Code 224.71).

810.3 STANDARD BEDDING AND LINEN ISSUE

Upon entering a living area of the Juvenile Justice Campus, every youth who is expected to remain in the facility overnight shall be issued laundered, suitable bedding and linens, in good repair, including but not limited to (15 CCR 1500):

- (a) One mattress or mattress-pillow combination that meets the requirements of the Mattresses Policy.
- (b) One pillow and a pillowcase, unless provided for in (a) above.
- (c) One mattress cover and a sheet or two sheets.
- (d) One towel.
- (e) Sufficient laundered blankets to provide comfort under existing temperature conditions. Blankets shall be exchanged and laundered in accordance with facility operational laundry rules.
 1. One blanket or more shall be provided upon request (15 CCR 1500).
 2. Covering blankets shall be cleaned or laundered in accordance with the Bedding and Linen Exchange Policy.

Linen exchange, including towels, shall be conducted in accordance with the Bedding and Linen Exchange Policy

810.4 SCHEDULED AND UNANNOUNCED INSPECTIONS

The Supervising Juvenile Correctional Officer in charge of the housing unit shall conduct both scheduled and unannounced inspections of the housing unit to ensure that bedding and linen issuance policies and procedures are carried out in accordance with the applicable laws and regulations.

810.5 REFERENCES

See Standard Bedding and Linen Issue Procedure for additional guidance.

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Standard Bedding and Linen Issue (Title 15, § 1500)

810.6 ISSUED DATE

- 04/17/2023

810.7 REVISED DATE(S)

- 08/04/2023

Bedding and Linen Exchange (Title 15, § 1501)

811.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the exchange of laundered facility-issued bedding and linen to each youth housed in the facility (15 CCR 1501).

811.2 POLICY

It is the policy of the Fresno County Probation Department to ensure that bedding and linen issued to youth are exchanged for clean, laundered replacements in compliance with the requirements established by state standards (15 CCR 1501).

811.3 BEDDING AND LINEN EXCHANGE

The Deputy Chief shall develop and implement site-specific written procedures for the scheduled exchange of laundered bedding and linen issued to each youth housed in the facility. Washable items such as sheets, mattress covers, pillowcases, and towels shall be exchanged for clean replacements at least once each week. The covering blanket shall be cleaned or laundered at least once a month (15 CCR 1501).

811.4 DAILY ACTIVITY LOG DOCUMENTATION AND REVIEW

All bedding and linen exchanges shall be documented in the daily activity log.

811.5 SCHEDULED AND UNANNOUNCED INSPECTIONS

The Supervising Juvenile Correctional Officer in charge of the housing unit shall conduct both scheduled and unannounced inspections of the housing unit to ensure that bedding and linen exchanges are carried out in compliance with this policy.

811.6 YOUTH ACCOUNTABILITY

To ensure youth accountability, youth must exchange item for item when the clean bedding and linen exchange occurs.

Before being placed in a housing area, youth shall be provided with a youth handbook listing this requirement.

811.7 REFERENCES

See Bedding and Linen Exchange Procedure for additional guidance.

811.8 ISSUED DATE

- 04/17/2023

Mattresses (Title 15, § 1502)

812.1 PURPOSE AND SCOPE

This policy provides guidelines regarding inspections, storage space, and type and style of mattresses to be purchased and issued to youth housed in this facility.

812.2 POLICY

It is the policy of the Fresno County Probation Department to purchase and store mattresses that comply with all federal, state, and local laws, regulations, and standards to ensure the health and safety of youth, staff members, and visitors.

812.3 PURCHASE OF MATTRESSES

Any mattress purchased for issuance to a youth housed in this facility, which is locked to prevent unimpeded access to the outdoors, shall be certified by the manufacturer as meeting all requirements of the State Fire Marshal and Bureau of Household Goods and Services (BHGS) (formerly the Bureau of Home Furnishings) test standard for penal mattresses at the time of purchase (15 CCR 1502).

812.4 ISSUANCE OF MATTRESSES

Upon entering a living area of the Juvenile Justice Campus, every youth who is expected to remain in the facility overnight shall be issued one clean, firm, nontoxic, fire-retardant mattress in accordance with 15 CCR 1502 (see the Standard Bedding and Linen Issue Policy):

- (a) Any mattresses issued to a youth in any facility of this Department shall conform to the size of the bed as referenced in Title 24, § 1230.2.5 and shall be enclosed in an easily cleanable, nonabsorbent ticking material. All mattresses will be cleaned and disinfected when a youth is released or upon reissue (15 CCR 1502).
- (b) The Deputy Chief or the authorized designee with the assistance of medical staff, shall consider what mattress type is suitable for pregnant youth or youth with other medical needs in accordance with the Clothing, Bedding, and Linen Supply Policy.

812.5 SCHEDULED AND UNANNOUNCED INSPECTIONS

The Supervising Juvenile Correctional Officer (SJCO) in charge of a housing unit shall conduct both scheduled and unannounced inspections of the housing unit to ensure that mattress purchasing, issuance, maintenance, and storage policies and procedures are carried out in compliance with this policy.

812.6 STORAGE SPACE

There should be adequate and appropriate storage space for youth mattresses. The inventory of mattresses should exceed the maximum youth population so that a reserve is always available.

The facility should have a sufficient supply of mattresses required for the daily operation of the facility, including the exchange or disposal of soiled or depleted mattresses. Assigned staff

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Mattresses (Title 15, § 1502)

members shall ensure that mattress storage areas are properly maintained and stocked. The Deputy Chief or the authorized designee should be notified if additional storage space is needed.

812.7 REFERENCES

See Mattresses Procedure for additional guidance.

812.8 ISSUED DATE

- 04/17/2023

Facility Sanitation, Safety, and Maintenance (Title 15, § 1510)

813.1 PURPOSE AND SCOPE

The Juvenile Justice Campus (JJC) has established a plan to promote and comply with the environmental safety and sanitation requirements established by applicable laws, ordinances, and regulations. This policy establishes a plan for sanitation, safety, and maintenance tasks and inspections required to identify and correct unsanitary or unsafe conditions or work practices in a timely manner this facility (15 CCR 1510).

813.2 POLICY

It is the policy of the JJC to maintain a safe and sanitary facility. To accomplish this goal, the Department will maintain a written plan that contains schedules and procedures for conducting weekly and monthly sanitation inspections of the facility, and a preventive maintenance schedule designed to keep the facility and equipment clean and in good repair.

813.3 FACILITY SANITATION, SAFETY, AND MAINTENANCE PLAN

The Deputy Chief or authorized designee shall develop and implement written, site-specific procedures for the maintenance of an acceptable level of cleanliness, repair, and safety throughout the facility. The procedures shall provide for a regular schedule of housekeeping tasks, equipment (to include restraint devices), institution plant maintenance and inspections to identify and correct unsanitary or unsafe conditions or work practices in a timely manner (15 CCR 1510).

The Deputy Chief shall ensure that the safety and sanitation plan addresses, at a minimum:

- (a) Schedules of functions (e.g., daily, weekly, monthly, or seasonal cleaning, maintenance, pest control, safety surveys).
- (b) Supervision of staff members and youth workers to ensure proper implementation of the procedures.
- (c) Self-inspection checklists to identify problems and to ensure cleanliness of the facility (Weekly inspection checklist).
- (d) Procedures, schedules, and responsibilities for coordinating annual inspections by the county public health department, including how deficiencies on the inspection report are to be corrected in a timely manner.
- (e) JJC Administration will create a list of approved equipment, cleaning compounds, chemicals, and related materials used in the facility, and instructions on how to safely operate, dilute, or apply the material.
- (f) Record-keeping of self-inspection procedures, forms, work orders and actions taken to correct deficiencies by the Internal Services Department (ISD).
- (g) A process to ensure that deficiencies identified during inspections are satisfactorily corrected and documented by both JJC personnel and ISD.

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- (h) Detailed processes for the procurement, storage, and inventory of cleaning supplies and equipment by the ISD.
- (i) A process for the preventive maintenance of equipment and systems throughout the facility by the ISD.
- (j) Staff member supervision of the provision and use of cleaning tools and supplies.
- (k) Youth shall not handle any chemicals.

Cleaning and janitorial supplies shall be nontoxic to humans. Any poisonous, caustic, or otherwise harmful substances shall be clearly labeled, kept in a locked storage area, and only used by staff members.

Consideration shall be given to general job descriptions and/or limitations relating to personnel or youth assigned to carrying out the plan. Specialized tasks, such as changing air filters, cleaning ducts, and facility pest control, are more appropriately handled by ISD or by a contract with private firms.

Youth engaged in sanitation duties shall do so only under the direct supervision of staff members. When youth work crews are used, additional controls should be implemented to account for all equipment and cleaning materials.

All staff members shall report any unsanitary or unsafe conditions to a supervisor. Staff members shall report repairs needed to the institution and to equipment by submitting a work order to a supervisor. While conducting facility rounds, the WC shall address and note any sanitation or safety concerns in the SJCO log in PRIMIS.

813.4 WORK ORDERS

All reports of unsafe or unsanitary conditions, as well as repairs needed to the physical plant and equipment, shall be documented in a work order. The Deputy Chief will designate a staff member to ensure the repairs are made or action is taken. All work and action taken will also be documented. Requests for budget resources above and beyond already budgeted maintenance items shall be reported to the Deputy Chief.

813.5 SAFETY DATA SHEETS

Materials and substances used in the operation and maintenance of the facility may qualify as hazardous material. Hazardous materials are required to have a companion Safety Data Sheet (SDS) that is provided by the manufacturer or distributor of the material. The SDS provides vital information on individual hazardous materials and substances, including instructions on safe handling, storage, disposal, prohibited interactions, and other details relative to the specific material.

The Deputy Chief shall be responsible for ensuring that a written hazard communication plan is developed, implemented, and maintained at each workplace. Each area of the facility in which any hazardous material is stored or used shall maintain an SDS file in an identified location that includes (see the Juvenile Detention Manual Policy) (29 CFR 1910.1200(e)):

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- (a) A list of all areas where hazardous materials are stored.
- (b) A diagram and legend identifying the storage areas of the hazardous materials.
- (c) A log for identifying new or revised SDS materials.
- (d) A log for documenting training for users of the hazardous materials.

813.5.1 SDS USE, SAFETY, AND TRAINING

All supervisors and users of SDS information must review the latest issuance from the manufacturers of the relevant substances. Staff members and youth shall have ready and continuous access to the SDS for the substance they are using while working. In addition, the following shall be completed (29 CFR 1910.1200(e)):

- (a) The JJC Probation training officer shall train all staff members on using the SDS for the safe use, handling, and disposal of hazardous material in areas they supervise.
- (b) Upon completion of the training, staff members shall sign an acknowledgement form.
- (c) Staff members using the SDS shall review the information as necessary to be aware of any updates and to remain familiar with the safe use, handling, and disposal of any hazardous material.

The use of chemicals shall be used in accordance with the manufacturer's recommendation, product label and SDS, which may include the use of personal protection equipment (PPE) (15 CCR 1510).

813.5.2 SDS DOCUMENTATION MAINTENANCE

Changes in SDS information occur often and without general notice. Any person accepting a delivery, addition, or replacement of any hazardous material shall review the accompanying SDS. If additions or changes have occurred, staff shall incorporate the revised SDS into the file and make a notation shall be made in the SDS revision log.

Supervisors shall review SDS information in their work areas annually to ensure that the information is current and that appropriate training has been completed.

813.5.3 SDS RECORDS MASTER INDEX

JJC Administration will compile a master index of all hazardous materials in the facility, including locations, along with a master file of SDS information. The ISD Maintenance Supervisor will maintain this information in the safety office (or equivalent), with a copy sent to the local fire department. Documentation of the annual reviews will be maintained in the SDS master file. The master index should also include a comprehensive, current list of emergency phone numbers (e.g., fire department, poison control center) (29 CFR 1910.1200(g)(8)).

813.5.4 CLEANING PRODUCT RIGHT TO KNOW ACT

In addition to SDS information, printable information regarding ingredients of certain products used by staff members and youth shall be readily accessible and maintained in the same manner as an SDS (Labor Code § 6398.5; Health and Safety Code § 108952(f); Health and Safety Code § 108954.5(c)).

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813.6 YOUTH SAFETY

The Chief Probation Officer shall appoint a Department Safety Coordinator under the direction of the Administrative Deputy Chief who will be responsible for the development, implementation, and oversight of the safety program. This program will include, but is not limited to (15 CCR 1510):

- (a) A system to identify and evaluate hazards, including scheduled inspections to identify unsafe conditions.
- (b) Analysis of youth injury reports to identify causes and to recommend corrective actions.
- (c) Established methods and procedures to promptly correct unsafe and/or unhealthful conditions and work practices.

813.6.1 INVESTIGATION OF REPORTED YOUTH INJURY

Whenever there is a report of serious illness, or an injury to a youth that results from accidental or intentional acts, other than an authorized use of force by officers, the Chief Probation Officer or the authorized designee will initiate an investigation alongside with the Internal Services Department to determine the cause of the injury and correct any structural damage or issues.

Develop a plan of action whenever a deficiency is identified (see the Notification and Reporting Requirements for In-Custody Deaths and Serious Illness or Injury of a Youth Policy). Injuries resulting from use of force incidents will be investigated and reported under the Use of Force Policy.

813.6.2 INVESTIGATION REPORTS

The Watch Commander shall ensure that reports relating to a youth's injury are completed and include:

- (a) Incident reports.
- (b) Any other relevant documents.

813.6.3 ANNUAL REVIEWS

The Chief Probation Officer and or the authorized designee(s) which includes Safety Committee Members shall meet annually to review all injuries involving youth to identify problem areas and document a plan of action to abate circumstances relating to youth injuries.

The plan of action should include but is not limited to:

- (a) The area where the deficiencies have been identified.
- (b) Strategies to abate the deficiency.
- (c) Resources needed to correct a deficiency.
- (d) Who is responsible for taking corrective action.
- (e) The target completion date.

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The Chief Probation Officer or authorized designee shall consult with the Fresno County Risk Management to coordinate corrective action or to seek managerial/administrative guidance for implementing corrective action.

813.7 JANITORIAL CLOSETS

At least one securely lockable janitorial closet shall be provided within the secure area of the facility. Each secure janitorial closet shall contain a mop sink and sufficient area for storing cleaning implements (24 CCR 1230.1.21).

Access to secure janitorial closets in all housing units shall be controlled and supervised by officers. Youth shall not be allowed access to the janitorial closets except under the direct supervision of an officer.

813.8 SANITATION SCHEDULE

A daily, weekly, and monthly cleaning schedule will be established by each housing unit Lead Officer. Facility staff members shall implement a site-specific plan for cleaning and maintaining each area of the facility (e.g., housing, food preparation, laundry, loading dock/trash storage, barber shop, warehouse, and common areas). The following recommendations include but are not limited to specific areas and items (15 CCR 1510):

- (a) Daily cleaning: See Facility Sanitation, Safety, and Maintenance procedures.
- (b) Weekly cleaning: See Facility Sanitation, Safety, and Maintenance procedures
- (c) Monthly cleaning: See Facility Sanitation, Safety, and Maintenance procedures.

Staff members and youth workers assigned cleaning duties shall receive instruction commensurate with their tasks, including proper cleaning techniques, the safe use of cleaning chemicals, and areas of responsibility.

813.9 INFIRMARY CLEANING

Medical care housing as described in Title 24 of the California Code of Regulations, § 13-201(c)6 shall be cleaned and sanitized according to policies and procedures as established by the Health Administrator of the contracted vendor (15 CCR 1510).

813.10 INSPECTION CHECKLIST

The Deputy Chief or the authorized designee shall develop a weekly inspection checklist that will be completed by the on-duty graveyard Watch Commander(s) throughout the facility (Weekly inspection checklist).

The completed forms shall be kept in the WC office.

813.11 REFERENCES

See Facility Sanitation, Safety, and Maintenance Procedures for additional guidance.

813.12 ISSUED DATE

- 08/21/2023

Chapter 9 - Food Services

Frequency of Serving Food (Title 15, § 1460)

900.1 PURPOSE AND SCOPE

This policy provides guidelines on the frequency of serving food as well as dietary considerations for youth housed in the facility (15 CCR 1460 et seq.).

900.2 POLICY

It is the policy of this Department that all youth shall be served healthy meals and snacks in accordance with applicable laws, regulations, and standards (Welfare and Institutions Code 224.71).

900.3 MEAL AND SNACK SERVING INTERVALS AND TIMING

Meals shall be served at least three times during each 24-hour period, and at least one of those meals must include hot food. Any deviation from this requirement shall be subject to the review and approval of a registered dietitian to ensure that youth receive meals that meet nutritional guidelines (see the Dietary Guidelines Policy). Food shall be offered to youth at the time of initial intake (15 CCR 1460).

Food shall be served to youth if more than 14 hours pass between a substantial evening meal and breakfast (15 CCR 1460). A substantial evening meal is classified as a serving of three or more menu items at one time, including a high-quality protein, such as meat, fish, eggs, or cheese. The meal shall represent no less than 20% of the day's total nutrition requirements.

A nourishing snack shall be provided to all youth between two to four hours after the dinner meal is served (15 CCR 1460). If more than 14 hours pass between meals approved snacks should be provided. A nourishing snack is classified as a combination of two or more food items from two of the four food groups, such as cheese and crackers or fresh fruit and cottage cheese.

900.4 REQUIREMENTS FOR DINING PERIODS

Youth shall be provided at least 20 minutes of dining time for the actual consumption of each meal. Youth on medical diets shall be prescribed additional time by the Medical Director (15 CCR 1460).

The dining room shall have an area designated for youth who have been prescribed a longer time to eat by a qualified health care professional or a dietitian, or as deemed appropriate by a supervisor.

900.5 MISSED MEALS

Youth who miss, or may miss, a regularly scheduled meal shall be provided with a beverage and a substitute meal (15 CCR 1460).

Youth on medical diets who miss their regularly scheduled meal shall be provided with their prescribed meal (15 CCR 1460).

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900.6 YOUTH WHO RECEIVE MEDICAL OR OTHER APPROVED DIETS

Staff members shall identify youth who have prescribed medical or authorized religious diets so those youth receive their meals accordingly. Food shall be served to youth on medical diets as prescribed by the attending physician (15 CCR 1460).

900.7 STAFF GUEST MEAL SERVICE

The provisions in Chapter 10 of the Fresno County Salary Resolution, Section 1011 and 1012 allows for Employee and guest meals that may be provided at no cost.

900.8 REFERENCES

See Frequency of Serving Food Procedures for additional guidance.

900.9 ISSUED DATE

- 06/21/2023

Dietary Guidelines (Title 15, § 1461)

901.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the nutritional needs of youth are met and that overall health is promoted through balanced, nutritious diets (15 CCR 1461).

901.2 POLICY

It is the policy of this Department that diets provided by this facility will meet or exceed the guidelines established in the current publication of the U.S. Department of Agriculture's Dietary Guidelines for Americans (DGA).

901.3 REVIEW OF DIETARY ALLOWANCES

The food services manager "Contracted Food Services provider" is responsible for developing the facility's menus and shall ensure that all menus served by food services comply with the DGA and U.S. Department of Agriculture (USDA) Free Lunch Program guidelines. Any deviation from the DGA or USDA guidelines shall be reviewed by the Chief Probation Officer or the authorized designee and the Medical Director.

The food services manager "Contracted Food Services provider" or the authorized designee shall ensure that the facility's dietary allowances are evaluated annually by a registered dietitian, and that any changes meet the DGA and the requirements of 15 CCR 1461 (see the Menus Policy).

Menus shall be evaluated at least quarterly by the food services manager "Contracted Food Services provider" or the authorized designee (see the Menus Policy).

901.4 MINIMUM DIETARY STATE REQUIREMENTS

Juvenile Justice Campus meals shall be based on nutritional standards that may include the Federal Child Nutrition Meal Program. The minimum diet provided shall be based on the nutritional and caloric requirements found in the 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies; the 2008 California Food Guide, and the 2015-2020 Dietary Guidelines for Americans (15 CCR 1461).

Snacks may be included as part of the minimum diet. A wide variety of foods shall be served.

The nutritional requirements for the minimum diet include but are not limited to the following (15 CCR 1461):

- (a) Protein Group includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter, and textured vegetable protein (TVP). One serving is 14 grams or more of protein; the daily requirements shall equal two servings (a total of 196 grams per week). In addition, there shall be a requirement for a third serving of legumes three days a week, and/or three servings from another protein group. One serving equals but is not limited to one of the following examples:
 1. 2 to 3 oz. (without bone) lean, cooked meat, poultry, or fish
 2. 2 medium eggs

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3. 1 cup cooked dry beans, peas, or lentils
 4. 4 Tbsp. peanut butter
 5. 8 oz. tofu
 6. 2 1/4 oz. dry, or 1 cup rehydrated, canned, or frozen TVP
 7. 1/2 cup seeds
 8. 2/3 cup nuts
- (b) Dairy Group includes milk (e.g., fluid, evaporated or dry; nonfat; 1% or 2% reduced fat); cheese (e.g., cottage, cheddar); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg of calcium. All milk shall be pasteurized and fortified with vitamins A and D. For youth 9-18 years of age, including pregnant and lactating youth, the daily requirement is four servings. One serving equals but is not limited to one of the following examples:
1. 8 oz. fluid milk (nonfat, 1% or 2% reduced fat)
 2. 1 1/2 oz. natural cheese
 3. 2 oz. processed cheese
 4. 1 1/2 cups of low-fat or nonfat cottage cheese
 5. 1 1/2 cups of ice milk or ice cream
 6. 1/3 cup nonfat dry milk
 7. 1/2 cup nonfat or low-fat evaporated milk
 8. 1 cup nonfat or low-fat plain yogurt
 9. 1 cup pudding
- (c) Vegetable-Fruit Group includes fresh, frozen, dried, and canned vegetables and fruits. One serving equals 1/2 cup vegetable or fruit; 6 oz. of 100% juice; one medium apple, orange, banana, or potato; 1/2 grapefruit; or 1/4 cup dried fruit. The daily requirement shall be at least six servings; at least one serving per day, or seven servings per week, shall be from each of the following three categories:
1. One serving of a fresh fruit or vegetable.
 2. One serving of a Vitamin C source containing 30 mg or more. One serving equals but is not limited to the following examples:
 - (a) Broccoli
 - (b) Brussels sprouts
 - (c) Cabbage
 - (d) Cantaloupe or honeydew melon
 - (e) Cauliflower
 - (f) Green and red peppers (not dehydrated)

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- (g) Greens, including collard, kale, turnip, and mustard greens
 - (h) Grapefruit
 - (i) Grapefruit juice
 - (j) Orange
 - (k) Orange juice
 - (l) Potato (baked only)
 - (m) Strawberries
 - (n) Tangerine, large
 - (o) Tomato paste
 - (p) Tomato puree
 - (q) Tomato juice
 - (r) Tomato sauce (6 oz.)
 - (s) Vegetable juice cocktail
3. One serving of a Vitamin A source fruit or vegetable containing 200 micrograms Retinol Equivalents (RE) or more. One serving equals but is not limited to the following:
- (a) Apricot nectar (6 oz.)
 - (b) Apricots
 - (c) Cantaloupe
 - (d) Carrots
 - (e) Greens, including kale, spinach, chard, beet, mustard, or turnip greens
 - (f) Mixed vegetables with carrots
 - (g) Peas and carrots
 - (h) Pumpkin
 - (i) Red peppers
 - (j) Sweet potatoes or yams
 - (k) Vegetable juice cocktail (6 oz.)
 - (l) Winter squash
- (d) Grain Group includes but is not limited to bread, rolls, pancakes, sweet rolls, ready-to-eat or cooked cereals, cornbread, pasta, rice, tortillas, and any food item containing whole or enriched grains. At least four servings from this group must be made with some whole grains. The daily requirement for youth shall be a minimum of six servings, or 42 servings per week. One serving equals but is not limited to one of the following examples:

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1. Bread, white (including French and Italian), whole wheat, rye, pumpernickel, or raisin - 1 slice
 2. Bagel, small - 1/2
 3. English muffin, small - 1/2
 4. Plain roll, muffin, or biscuit - 1
 5. Frankfurter roll - 1/2
 6. Hamburger bun - 1/2
 7. Dry breadcrumbs - 3 Tbsp.
 8. Arrowroot crackers - 3
 9. Graham crackers, 2 1/2" - 2
 10. Matzo, 4" x 6" - 1/2
 11. Oyster crackers - 20
 12. Pretzels, 3 1/8" long, 1/8" diameter - 25
 13. Rye wafers, 2" x 3 1/2" - 3
 14. Soda crackers, 2 1/2" sq. - 6
 15. Ready-to-eat unsweetened cereal - 3/4 cup
 16. Cereal, cooked - 1/2 cup
 17. Barley, couscous, grits, macaroni, noodles, pastas, rice, spaghetti, etc. - 1/2 cup
 18. Cornmeal, dry - 2 Tbsp.
 19. Flour (such as wheat, whole wheat, carob, soybean, cornmeal) - 2 1/2 Tbsp.
 20. Wheat germ 1/4 cup
 21. Pancake, 5" - 1
 22. Waffle, 5" - 1
 23. Tortilla, 6" (corn/flour) - 1
- (e) The following are examples of whole grains and whole-grain products:
1. Barley
 2. Pumpernickel bread
 3. Bran
 4. Rolled oats
 5. Brown rice
 6. Rye
 7. Cornmeal
 8. Whole grain

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9. Tortilla
 10. Bagels, muffins, graham crackers
 11. Baked taco/tostada shell
 12. Hot cereal
 13. Cracked wheat (bulgur)
 14. Pancakes and waffles
 15. Flour
 16. Ready-to-eat cereal
 17. Carob
 18. Whole wheat
 19. Soybean
 20. Bread
 21. Rolls
 22. Oatmeal
 23. Popcorn
- (f) Calories. Recommended daily caloric allowances for both female and male youth is a minimum of 2,500 calories, not to exceed 3,000. Calorie increases with the exception of a medical diet may be collaboratively determined by the Deputy Chief, dietitian, food service manager "Contracted Food Services provider" and the Medical Director in accordance with the Menus Policy.
1. Pregnant youth shall be provided with a diet as approved by a doctor in accordance with Penal Code § 6030(e). They may also receive a supplemental snack, if medically indicated.
 2. In keeping with chronic disease prevention goals, total dietary saturated fat shall not exceed 10% of total calories on a weekly basis. Facility dietitians shall consider the recommendations and intent of the 2015-2020 DGA of reducing overall added sugar and sodium levels. Herbs and spices may be used to improve the taste and appearance of food served.

901.5 REQUESTS FOR SPECIAL DIETS

The food services manager "Contracted Food Services provider" or the authorized designee shall have a written process for how vegetarian or vegan diets may be requested and granted or denied. Religious diets, and when provided, vegetarian or vegan diets, must conform to these nutrition standards (15 CCR 1461).

901.5.1 MEDICAL DIETS

Only the attending physician shall prescribe a medical diet. The medical diets utilized by the Juvenile Justice Campus shall be planned, prepared and served with the consultation of a

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registered dietitian. The food services manager "Contracted Food Services provider" shall be responsible for ensuring that all youth who have been prescribed medical diets by qualified health care professionals are provided with diet-compliant meals. A diet manual, which includes samples of medical diets, shall be maintained in the food services areas. Diet orders shall be maintained on file for at least one year. The facility manager and responsible physician shall ensure that the medical diet manual, with sample menus for medical diets, shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the responsible physician shall approve the diet manual on an annual basis.

See the Prescribed Medical Diets Policy for more information.

901.5.2 RELIGIOUS DIETS

The food services manager, "Contracted Food Services provider", to the extent reasonably practicable, will provide special diets for youth in compliance with the parameters of the Religious Programs Policy and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

901.5.3 SPECIAL DIET MEAL RECORDS

All special diet meal records shall be retained in accordance with established retention schedules and applicable statutory regulations.

901.6 ISSUED DATE

- 06/21/2023

Prescribed Medical Diets (Title 15, § 1462)

902.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that youth who require prescribed medical diets because of a diagnosed medical condition are provided with nutritionally balanced meals that are medically approved and meet nutritional and safety standards (15 CCR 1462).

902.2 POLICY

It is the policy of this Department to provide medical diet meals as prescribed by qualified health care professionals in conjunction with the registered dietitian that has been contracted by the Probation Department.

902.3 PRESCRIBED MEDICAL DIETS

Only the attending physician shall prescribe a medical diet for a youth. The medical diets utilized by a facility shall be planned, prepared, and served with the consultation of a registered dietitian. The Deputy Chief shall comply with any medical diet prescribed for a youth (15 CCR 1462).

Medical diet orders shall be maintained on file for at least one year and in accordance with established retention schedules and applicable statutory regulations (15 CCR 1462).

The Deputy Chief and the Medical Director shall ensure that the medical diet manual including sample menus of medical diets shall be available in both the medical unit and the food service office for reference and information. A registered dietitian shall review, and the Medical Director shall approve, the diet manual annually (15 CCR 1462).

As a best practice, all medical diet prescriptions shall be reviewed and rewritten, if appropriate, on a quarterly basis. This is to reduce the risk of a youth developing an adverse medical condition or nutritional defect as the result of a diet that is inconsistent with the youth's current medical needs. A diet request form shall be provided to youth.

Pregnant and lactating females shall be provided a balanced, nutritious diet approved by a physician in accordance with the Pregnant/Postpartum Youth Policy and the Dietary Guidelines Policy.

902.4 STAFF MEMBER COMMUNICATION/COORDINATION

It is the responsibility of the Medical Director and its providers to compile a daily list of all youth prescribed medical diets. The list shall contain:

- (a) The youth's name.
- (b) The youth's identification number.
- (c) The housing location or dining location where the meals will be delivered.
- (d) The youth's medical diet type.
- (e) Special remarks or instructions.

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Any time a youth is assigned to a different housing area, detention staff members must notify the food services personnel immediately.

902.5 PREPARATION AND DELIVERY OF MEDICAL DIET MEALS

The food services manager "Contracted food service provider" or the authorized designee is responsible for reviewing the medical diet lists prepared by the attending physician and/or its providers in cooperation with the registered dietitian or the authorized designee, counting the number and type of medical meals to be served, and preparing the food according to the medical diet menu designed by the registered dietitian.

Medical diets may include snacks and oral supplements. Snacks and supplements shall be distributed with regularly scheduled meal service or may be distributed with youth medications. Individual labels or written documents clearly identifying each meal and any included snacks shall be prepared by the food services staff members and shall contain:

- (a) The youth's name.
- (b) The youth's identification number.
- (c) The housing location or dining location where the meals will be delivered.
- (d) The youth's medical diet type.
- (e) A list of items provided for the meal.

The housing unit staff member responsible for meal distribution shall ensure that any youth prescribed a medical diet meal by the attending physician receives the prescribed meal.

Unless a medical diet was prescribed with a specific end date, only the attending physician may order that a medical diet be discontinued.

If prescribed by the attending physician, supplemental food shall be served to youth more frequently than the regularly scheduled meals. A youth who misses a regularly scheduled meal shall receive the prescribed meal.

902.6 MEDICAL DIET MEAL RECORDS

All information regarding a medical diet is part of a youth's medical record and is therefore subject to state and federal privacy laws concerning medical records.

Dietary Aides at Juvenile Justice Campus shall keep a record of all current Medically Prescribed Diets for youth in custody. Dietary Aides shall insure that all Medically Prescribed Diets be specially labeled with Youth's name, housing unit, and type of diet on the serving container(s) prior to delivery to housing units.

902.7 ISSUED DATE

- 04/17/2023

Menus (Title 15, § 1463)

903.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines on food service menu planning and dietary considerations for youth housed in the facility (15 CCR 1463).

903.2 POLICY

It is the policy of this Department that the food service menu provided by this facility will meet or exceed the guidelines established in the current publication of the U.S. Department of Agriculture's Dietary Guidelines for Americans.

903.3 MENU PLANNING

All menus shall be planned, dated, and available for review at least one month in advance of their use (see the Food Services and Supervision Policy). Menus shall be planned to provide a variety of foods considering the cultural and ethnic demographics of the youth population within the facility, thus preventing repetitive meals. Menus shall be approved by a registered dietitian or nutritionist before being served, in accordance with the Dietary Guidelines Policy (15 CCR 1463).

If any meal served varies from the planned menu, or practices, these changes shall be carefully evaluated by the food services manager "Contracted Food Services provider" in consultation with the Deputy Chief, dietitian, medical staff members, and other professionals, and shall be noted in writing on the planned menu and/or production worksheet (15 CCR 1463). Any substitutions of the planned menu will be of equal or better nutritional value.

Menus as planned, including changes, shall be retained for one year and evaluated by a registered dietitian at least annually (15 CCR 1463).

Facility menus shall be evaluated at least quarterly by the food services supervisory staff members to ensure adherence to established daily servings.

Copies of menus, foods purchased, annual reviews, and quarterly evaluations shall be maintained by the food services manager "Contracted Food Services provider" in accordance with established records retention schedules (15 CCR 1463).

903.4 ISSUED DATE

- 06/21/2023

Food Services and Supervision (Title 15, § 1464 and § 1467)

904.1 PURPOSE AND SCOPE

The Department recognizes the importance of providing nutritious food and services to youth to promote good health, to reduce tension in the Juvenile Justice Campus, and ultimately to support the safety and security of the Juvenile Justice Campus. This policy provides guidelines on the preparation of food services items and dietary considerations for youth housed in the facility.

904.2 POLICY

It is the policy of this Department that food services shall provide youth with a nutritionally balanced diet in accordance with federal, state, and local laws and with regulations for daily nutritional requirements, and that food services shall adhere to all sanitation and food safety requirements.

The food services operation shall be sanitary and shall meet the acceptable standards of food procurement, planning, preparation, service, storage, and sanitation in compliance with Food and Drug Administration (FDA) and United States Department of Agriculture (USDA) requirements and standards set forth in Health and Safety Code § 113700 et seq. (California Retail Food Code).

904.3 FOOD SERVICES MANAGER RESPONSIBILITIES

The food services manager "Contracted Food Services provider" shall be responsible for developing and implementing procedures to ensure that all meals are prepared, delivered, and served in accordance with applicable laws, regulations, and standards.

The food services manager, "Contracted Food Services provider," in cooperation with the Deputy Chief or the authorized designee, shall ensure that site-specific procedures are developed and implemented and to ensure that appropriate work assignments are made and food handlers are adequately supervised. Food shall be prepared and/or served only under the immediate supervision of a youth supervision staff member (15 CCR 1467).

The food services manager "Contracted Food Services provider" shall be responsible for overseeing the day-to-day management and operation of the food services area and ensuring adherence to safe and effective site-specific food services practices (see the Staffing Plan Policy) (15 CCR 1464; 15 CCR 1467). Such practices shall include but not be limited to:

- (a) Developing, implementing, and managing a budget for food services.
- (b) Ensuring sufficient staff members are assigned and scheduled to efficiently and safely carry out all functions of the food services operation and the supervision of youth food services workers (15 CCR 1467).
 1. Ensuring that food is prepared and/or served only under the immediate supervision of a staff member (15 CCR 1467).
- (c) Establishing, developing, and coordinating appropriate training for staff members and youth workers.

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- (d) Developing a menu plan that meets all nutrition and portion requirements and can be produced within the available budget.
- (e) Ensuring the food services operation is sanitary and meets the acceptable standards of food procurement, planning, preparation, service, storage, and sanitation in compliance with FDA and USDA requirements and standards.
- (f) Performing other duties and activities as determined by the Deputy Chief.
- (g) Developing a food service plan (15 CCR 1464).

904.4 FOOD SERVICES PLAN - STATE REQUIREMENTS

The Department shall maintain a written site-specific food service plan that complies with the applicable California Retail Food Code (15 CCR 1464).

In facilities with an average daily population of 50 or more, there shall be employed or available, a trained and experienced food service manager "Contracted Food Services provider" or designee to complete a written food service plan (15 CCR 1464).

The plan shall include but not be limited to the following policies and procedures (15 CCR 1464):

- (a) Menu planning
- (b) Purchasing
- (c) Storage and inventory control
- (d) Food preparation
- (e) Food serving
- (f) Transporting food
- (g) Orientation and on-going training
- (h) Personnel supervision
- (i) Budgets and food costs accounting
- (j) Documentation and record-keeping
- (k) Emergency feeding plan
- (l) Waste management
- (m) Maintenance and repair
- (n) Hazard Analysis Critical Control Point plan
- (o) Provision for maintaining three days' worth of meals for testing in the event of food-borne illness

904.4.1 VENDOR SERVICES

The Deputy Chief or the authorized designee is responsible for seeing that vendor food services, where applicable, comply with the scope and quality of services specified in the contract.

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904.5 MENU PLANNING

All menus shall be planned, dated, and available for review at least one month in advance. Menus shall provide a variety of foods reflecting the demographics of the youth/staff member population and shall consider appearance, dietary allowances, flavor, nutrition, palatability, temperature, and texture. Menus shall be approved by a registered dietitian or nutritionist before being served (see the Menus Policy) (15 CCR 1464).

904.6 FOOD SAFETY

Temperatures in all food storage areas shall be checked and recorded at the beginning of each shift. Holding temperatures for cold and hot foods shall be checked and recorded every two hours. Hot food shall be reheated to 165 degrees if it falls below 135 degrees at any time. Once the food arrives at JJC, a Dietary Aide shall take the temperature of the hot food and if the temperature falls below 135 degrees, they shall immediately notify JJC Administration.

All reach-in or walk-in refrigerators and cold storage must maintain food temperature as outlined in the Kitchen Facilities, Sanitation, Inspections, and Food Storage Policy.

One sample from each meal served shall be dated and maintained under refrigeration for testing in the event of a food-borne illness outbreak. Sample meals shall be discarded at the end of three days if no food-borne illness is reported (15 CCR 1464).

Food production shall be stopped immediately if there is any sewage backup in the preparation area or if there is no warm water available for washing hands. Food production shall not resume until these conditions have been corrected.

904.7 FOOD SERVICES REQUIREMENTS

All reasonable efforts shall be made to protect youth from food-borne illness. Food services staff members shall adhere to sanitation and food storage practices, and there shall be proper medical screening and clearance of all food handlers in accordance with the Food Services and Supervision Policy and FDA and USDA requirements and standards.

Food production and services (excluding meal service) will be under staff member supervision (see the Staffing Plan Policy). Food production, storage and inventory control, and food-handling practices will follow the appropriate federal, state, or local sanitation laws in accordance with Health and Safety Code § 113947 (see the Food Services Training Policy) (15 CCR 1464).

904.7.1 PREPARED FOOD

Food services staff members may serve food prepared by an outside source provided that the food meets the nutritional standards contained in this policy and the Dietary Guidelines Policy (15 CCR 1464).

904.8 SAFETY, SECURITY, AND SANITATION GUIDELINES

As the mealtime approaches, officers shall direct the youth to get dressed and be ready for meals. Youth shall be assembled and a head count taken to verify all youth in the housing location are present. Officers shall watch for signs of injury or indications of altercations and should investigate

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any such signs accordingly. Officers shall remain alert to the potential for altercations during youth movement and meals. Meals shall be served under the direct supervision of officers (15 CCR 1464).

Officers shall direct an orderly filing of youth to the dining room or assigned seating in the dayroom.

Officers shall be responsible for maintaining order and enforcing rules prohibiting excessive noise and intimidation of other youth to relinquish food during mealtime.

To the extent reasonably practical, an adequate number of food services staff members and officers should supervise meal services in central dining areas. If reasonably possible, the Watch Commander should be present (see the Staffing Plan Policy).

The Watch Commander shall make every attempt to be present during meal services in central dining areas to assess the meal service process, the quality of food, and any health or security issues.

In the interest of security, sanitation, and vermin control, youth shall not be allowed to take food to their rooms unless approved by a supervisor for a specific need.

904.9 MEAL SERVICE LOCATION

Youth meals that are served in a dining room or dayroom shall be provided in a space that allows groups of youth to dine together, with at least 15 square feet of space per youth. A dining area shall not contain toilets or showers in the same room without appropriate visual barriers.

904.10 SUPERVISION OF THE FOOD SUPPLY

The risk of conflict and protest is reduced when the youth population has confidence in the safety and quality of their food. Staff members shall supervise the transport and delivery of food to the respective serving areas. Staff members shall ensure the food is protected during transportation and delivered to the right location efficiently and under the right temperatures (15 CCR 1464).

Food services staff members shall report any suspected breach in the safety or security of the food supply. Staff members shall be alert to youth behavior when serving food, and cognizant of any comments concerning perceived contamination or portioning issues. Staff members shall report any suspicion of youth unrest to a supervisor.

Any change to the published menu or the standard portioning shall be documented and reported to the food services manager "Contracted Food Services provider" as soon as practicable.

904.11 SUPERVISION OF FOOD PREPARATION AND DELIVERY

Only staff members authorized to work in the food preparation area will be allowed inside. Food services staff members shall adhere to the following (15 CCR 1464):

- (a) Correct ingredients are used in the proper proportions.
- (b) Food is maintained at proper temperatures.
- (c) Food is washed and handled properly.
- (d) Food is served using the right utensils and in the proper portion sizes.

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- (e) Utensils such as knives, cutting boards, pots, pans, trays, and food carts used in the preparation, serving, or consumption of food are properly washed and sanitized after use. Disposable utensils and dishes will not be reused.
- (f) All utensils are securely stored under sanitary conditions when finished.

904.12 EMERGENCY MEAL SERVICE PLAN

The food services manager "Contracted Food Services provider" shall establish and maintain an emergency meal service plan for the facility (15 CCR 1464).

Such a plan shall ensure that there is at least a seven-day supply of food maintained in storage for youth. If an emergency precludes the preparation of at least one hot meal per day, the Deputy Chief may declare an emergency suspension of standards for the duration of the emergency.

During an emergency suspension, the food services manager shall assign a registered dietitian to ensure that minimum nutritional and caloric requirements are met.

If the youth food supply drops below that which is needed to provide meals for two days, the Deputy Chief or the authorized designee shall purchase food from wholesale or retail outlets to maintain at least a four-day supply during the emergency.

Depending on the severity and length of the emergency, the Chief Probation Officer shall consider requesting assistance from allied agencies through mutual aid or the National Guard.

904.13 FOOD BUDGETING AND ACCOUNTING

The food services manager "Contracted Food Services provider" in cooperation with the Probation Business Office and JJC administration is responsible for establishing a per-meal, per-youth budget for food, equipment, and supplies needed for the effective operation of the facility food services. This includes monitoring purchases according to the budgeted weekly and monthly spending plans (15 CCR 1464).

The volume for purchasing shall be based on the food services needs and storage availability. The food services manager is responsible for establishing and maintaining detailed records and proper accounting procedures, and shall be prepared to justify all expenditures and establish future budget requirements.

904.13.1 FOOD BUDGETING AND ACCOUNTING PROCEDURES

The food services manager "Contracted Food Services provider" is responsible for ensuring that food services are delivered in an efficient and cost-effective manner by employing procedures, including but not limited to (15 CCR 1464):

- (a) Developing an annual budget that is realistically calculated according to previous spending data and available revenue and lists all anticipated costs for the food services operation for the coming year.
- (b) Establishing a per-meal, per-youth cost using an inventory of existing supplies and planned purchases, minus the anticipated ending inventory.

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- (c) Ensuring that accurate meal record data is collected and maintained. Meal records shall include but are not limited to the date and time of service and the number of:
 - 1. Meals prepared and served for each meal period.
 - 2. Meals served per location.
 - 3. Prescribed medical diet meals served.
 - 4. Authorized religious diet meals served.
- (d) Ensuring that food is purchased from an approved wholesale/institutional vendor to ensure food safety.
- (e) Purchasing nonperishable items in bulk to maximize the budget.
- (f) Continuous monitoring and improvement to minimize poor food management and/or accounting, including but not limited to:
 - 1. Following planned menus.
 - 2. Inspecting food deliveries to ensure the right quantity is delivered and the condition of the food is acceptable.
 - 3. Purchasing food that is in season.
 - 4. Purchasing the grade of product best suited to the recipe.
 - 5. Following standard recipes.
 - 6. Producing and portioning only what is needed.
 - 7. Minimizing food waste and establishing food storage and rotation practices, including proper refrigeration.
 - 8. When reasonably practicable, responding to youth' food preferences.
 - 9. Establishing minimum staffing requirements based on facility layout and security requirements.
 - 10. Budgeting adequately for equipment repair and replacement, factoring in any labor cost savings and the need for heavy-duty equipment.
- (g) Establishing purchasing specifications, which are statements of minimum quality standards and other factors such as quantity and packaging. A basic specification shall contain:
 - 1. The common name of the product.
 - 2. The amount to be purchased.
 - 3. The trade, federal, or other grade or brand required.
 - 4. The container size and either an exact number or number range of pieces in a shipping container.
 - 5. The unit on which prices are to be quoted (e.g., 6/#10 cans, 10/gallons).
- (h) Establishing accounting procedures for financial statements and inventory control.

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- (i) Maintaining records of invoices, purchase orders, meal count sheets, food production records, medical and religious diet records, and inventory of food, supplies, and equipment for the required period, as mandated by the governing body of the facility to include but not be limited to:
 - 1. A monthly report summarizing all data shall be provided to the Probation Business office.
 - 2. Retention of all meal records in accordance with Department retention schedules and state statutory regulations.

904.14 WASTE MANAGEMENT

The food services manager "Contracted Food Services provider" shall develop and maintain a waste management plan that ensures the garbage is removed daily. This plan also shall include methods to minimize the waste of edible food and to dispose of non-edible food or waste material without using a landfill (15 CCR 1464).

904.15 TRAINING

The food services manager "Contracted Food Services provider" under the direction of the Deputy Chief is responsible for ensuring that an orientation and training curriculum is developed in accordance with USDA guidelines and implemented in the use of equipment and safety procedures for all food services personnel, including all custody staff members and contractors (see the Food Services Training Policy) (15 CCR 1464).

904.16 ISSUED DATE

- 06/21/2023

Food Services Training (Title 15, § 1465)

905.1 PURPOSE AND SCOPE

The purpose of this policy is to implement a training program for food services workers that includes food safety, proper food-handling techniques, and personal hygiene to ensure the appropriate handling and delivery of food and reduce the risk of potential injury and food contamination (15 CCR 1465).

905.2 POLICY

It is the policy of the Fresno County Probation Department that all food services workers satisfactorily complete initial and ongoing training in safe food-handling techniques, including personal hygiene, in accordance with applicable health and safety laws, regulations, and standards.

It is also the policy of this Department to monitor compliance for appropriate food-handling and personal hygiene requirements.

905.3 DEPUTY CHIEF RESPONSIBILITIES

The Deputy Chief, in cooperation with the food services manager "Contracted food service provider," shall develop and implement written procedures to ensure that supervisory staff members and food services workers receive ongoing training in safe food-handling techniques, including personal hygiene, in accordance with California Retail Food Code (CalCode), Health and Safety Code § 113947. The procedures shall include provisions for monitoring compliance that ensure appropriate food-handling and personal hygiene requirements (15 CCR 1465).

905.4 TRAINING REQUIREMENTS FOR FOOD SERVICES WORKERS

The food services manager "Contracted Food Services provider," under the direction of the Deputy Chief, is responsible for ensuring that a training curriculum is developed in accordance with U.S. Department of Agriculture (USDA) guidelines and implemented in the use of equipment and safety procedures for all food services personnel, including staff members and contractors (15 CCR 1465).

Each youth food services worker shall satisfactorily complete the initial training before being assigned to prepare, deliver, or serve food. Food services workers should receive periodic supplemental training as determined by the food services manager "Contracted Food Services provider."

The training shall include, at a minimum:

- (a) Work safety practices and use of safety equipment.
- (b) Sanitation in the facility's food services areas.
- (c) Reducing risks associated with operating machinery.
- (d) Proper use of chemicals in food services areas.
- (e) Employing safe practices.

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- (f) Facility emergency procedures.

A statement describing the duties and proper time schedule shall be developed for each job function in the facility's kitchen and food services operation. The food services manager, at the direction of the Deputy Chief, should establish an employee/kitchen worker training course, and all staff members shall be trained on how to assemble, operate, clean, and sanitize kitchen equipment.

Information about the operation, cleaning, and care of equipment, including manufacturer's literature, that is suitable for use as reference material shall be kept in the food services operation area. The reference material should be used in developing training on the use of the equipment and the maintenance and cleaning procedures.

Safety and sanitation shall be the primary consideration in equipment purchase and replacement. Placement and installation of equipment must be carefully planned to facilitate cleaning, sanitizing, service, and repairs. The equipment must also meet any applicable government codes.

905.4.1 FOOD PREPARATION TRAINING

In addition to kitchen equipment and safety procedures general training, the curriculum for staff members and youth working in food services shall address safe food-handling techniques, including (15 CCR 1465):

- (a) Proper hand-washing techniques and personal hygiene as it applies to food services work.
- (b) Proper application and rotation of gloves when handling food.
- (c) Proper use of protective hair coverings, such as hats or hairnets.
- (d) Wearing clean aprons and removing aprons before entering toilet facilities.
- (e) Maintaining proper cooking and holding temperatures for food.
- (f) Proper portioning and serving of food.
- (g) Covering coughs and sneezes to reduce the risk of food-borne illness transmission.
- (h) Reporting illness, cuts, or sores to the staff member in charge.
- (i) Proper storage of all food items, including refrigerating and freezing food.

905.5 ISSUED DATE

- 06/21/2023

Kitchen Facilities, Sanitation, Inspections, and Food Storage (Title 15, § 1466)

906.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper design, construction, maintenance, sanitation, and inspection requirements of the food preparation, service, and storage areas, and to ensure sufficient access to toilets and washbasins near the food preparation area for convenient sanitation and proper hygiene (15 CCR 1466).

906.2 POLICY

It is the policy of this Department to comply with all federal, state, and local health and safety laws, regulations, and standards concerning the institutional preparation, service, and storage of food.

906.3 COMPLIANCE WITH CODES

The Deputy Chief is responsible for ensuring that food preparation, service, and storage areas comply with all applicable laws, regulations, and standards and that food preparation areas are sanitary, well lit, and ventilated, and have adequate temperature-controlled storage for food supplies (15 CCR 1466).

Any physical changes in the food preparation area, such as changing equipment or making major menu changes (from cold production to hot food), must be approved by the local public health entity to ensure adequate food protection.

Living or sleeping quarters are prohibited in the food preparation and food services areas (Health and Safety Code § 114286).

The food preparation area must avoid cross-contamination and remain free from pest infestation (Health and Safety Code § 114259).

906.3.1 COMPLIANCE WITH OUT-SOURCED FOOD SERVICES

The Deputy Chief shall ensure the requirements of Health and Safety Code § 114381 are met when youth prepare meals for self-consumption or when frozen meals or pre-prepared food from other permitted food facilities is reheated and served (15 CCR 1466).

906.4 CONSTRUCTION REQUIREMENTS

All remodeling and new construction of food preparation areas shall comply with federal, state, and local building codes, comply with food and agricultural laws and standards, and include any required approvals from any local regulatory authority (Health and Safety Code § 113715).

The size of the food preparation area shall be adequate for the facility's population.

Floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth, nonabsorbent, and attached so that they are easily cleanable (Health and Safety Code § 114268; Health and Safety Code § 114271; 15 CCR 1466).

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Except in the area used only for dry storage, porous concrete blocks or bricks used for interior walls shall be finished and sealed for a smooth, nonabsorbent, easily cleanable surface.

Food storage areas shall be appropriately clean, sized, typed, and temperature-controlled for the food being stored (Health and Safety Code § 114047; 15 CCR 1466).

Lighting throughout the kitchen and storage areas shall be sufficient for staff members and youth to perform necessary tasks (Health and Safety Code § 114252; 15 CCR 1466).

Mechanical ventilation of sufficient capacity to keep rooms free of excessive heat, steam, condensation, vapors, noxious odors, smoke, and fumes shall be provided, if necessary (Health and Safety Code § 114149(a); 15 CCR 1466).

All equipment used in the food preparation area shall be commercial grade and certified by the American National Standards Institute or approved by a registered environmental health professional/sanitarian (Health and Safety Code § 114130; 15 CCR 1466).

Dishwashing machines will operate in accordance with the manufacturer recommendations, and hot water temperatures will comply with federal, state, and local health requirements (Health and Safety Code § 114101; 15 CCR 1466).

Equipment must be smooth, easy to clean, and easy to disassemble for frequent cleaning. Equipment shall be corrosion resistant and free of pits, crevices, and sharp corners.

Dry food storage must have sufficient space to store at least 15 days of supplies. All food must be stored in sealed containers at least 6 inches off the floor (Health and Safety Code § 114047; 15 CCR 1466).

906.5 TOILETS AND WASHBASINS

A sufficient number of toilets and washbasins shall be located near the food preparation area for convenient sanitation and proper hygiene. Toilet facilities shall be enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning and maintenance.

Signs shall be conspicuously posted throughout the food preparation area and in each restroom instructing all food services staff members and youth workers to wash their hands after using the restroom. Signs shall be printed in English and in other languages as dictated by the demographics of the youth/staff member population.

To reduce the potential for contaminants being brought into the food preparation area, toilet facilities near the food preparation area shall be limited to use by the food services staff members and youth workers only. Anyone working in the food services area must store their aprons in a designated clean area before entering the toilet facilities.

The food services manager "Contracted Food Service provider" shall be responsible for procedures to ensure:

- (a) All fixtures in the toilet facilities are clean and in good operating condition.

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- (b) A supply of toilet paper is maintained at each toilet. Toilet facilities used by females shall have at least one covered waste receptacle.
- (c) The hand-washing station located adjacent to the toilet facility has warm water available and is kept clean and in good operating condition. Single-dispensing soap and a method for drying hands shall be provided (Health and Safety Code § 113953.3; 15 CCR 1466).

If the toilet facility is outside of the kitchen area, food services workers must wash their hands after using the toilet facility and again upon returning to the kitchen area before preparing or serving food.

906.6 CLEANING AND INSPECTIONS BY STAFF MEMBERS

A cleaning schedule for each food services area shall be developed by staff members, and shall include areas such as floors, walls, windows, and vent hoods. Equipment, such as chairs, tables, fryers, and ovens, shall be grouped by frequency of cleaning:

- (a) After each use
- (b) Each shift
- (c) Daily
- (d) Weekly
- (e) Monthly
- (f) Semiannually
- (g) Annually

The food services manager "Contracted Food Services provider" is responsible for establishing and maintaining a record-keeping system to document the periodic testing of sanitary conditions and safety measures, in accordance with established records retention schedules (see the Staffing Plan Policy). At the direction of the Deputy Chief or the authorized designee, the food services manager shall take prompt action to correct any identified problems.

906.6.1 SAFETY INSPECTION CHECKLIST

The following items shall be part of the weekly inspection:

- (a) Lighting is adequate and functioning properly
- (b) Ample working space is available
- (c) Equipment is securely anchored
- (d) There are suitable storage facilities, minimizing the risk of falling objects
- (e) Floors are clean, dry, even, and uncluttered
- (f) Machines have proper enclosures and guards
- (g) A clear fire safety passageway is established and maintained
- (h) Fire extinguishers and sprinkler systems are available, not expired, and are tested regularly

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- (i) The food preparation area has good ventilation
- (j) Furniture and fixtures are free from sharp corners, exposed metal, and splintered wood
- (k) All electrical equipment complies with codes and regulations
- (l) All workers wear safe clothing, hair coverings, gloves, and protective devices while working
- (m) All workers are in good health, with no symptoms of illness or injury that would pose a risk to food safety
- (n) All ranges, ovens, and hot holding equipment are clean and in good operating condition
- (o) Mixers and attachments are clean and in good operating condition
- (p) Dishwashing machines are clean and in good operating condition, and proper chemicals are in use
- (q) Water temperatures for hand sinks, washing sinks, and dishwashing machines meet minimum acceptable temperatures as required
- (r) Appropriate hand-washing stations are provided
- (s) Toilet facilities are in good repair and have a sufficient supply of toilet paper
- (t) All temperature charts and testing documents are current, accurate, and periodically reviewed and verified by the food services manager
- (u) Only authorized personnel are allowed in the kitchen area
- (v) Foods are labeled and stored properly using the first-in, first-out system
- (w) The refrigerators and freezers are in good operating condition and maintain proper temperature
- (x) There is no evidence of cross-connection or cross-contamination of the potable water system

906.7 REQUIRED INSPECTIONS

The food services manager "Contracted food service provider" is responsible for ensuring that the food services operation works in accordance with all state and local laws and regulations.

The Deputy Chief shall ensure inspections are conducted of the food services facilities and equipment in accordance with Health and Safety Code § 101045 (see the Annual Facility Inspection Policy).

Documentation of the inspections, findings, deficiencies, recommended corrective actions, and verification that the corrective standards were implemented will be maintained by the facility in accordance with established records retention schedules.

The inspection shall include but is not limited to the following components:

- (a) The inspector shall conduct a pre-inspection briefing with the Deputy Chief and other appropriate personnel, including the food services manager, to identify the applicable

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government health and safety codes and the areas to be inspected. The inspector shall provide the necessary equipment to conduct the inspection.

- (b) The inspector shall audit the policies and procedures of the food services operation.
- (c) During the inspection, the inspector shall study and report on whether the following meet acceptable standards:
 - 1. Walls, ceilings, and floors are in good condition, smooth, and easily cleanable
 - 2. The kitchen layout is properly designed to avoid cross-contamination
 - 3. The kitchen is properly lighted and ventilated
 - 4. The temperature-controlled storage areas are in good operating condition and proper temperatures are being maintained
 - 5. Dry foods are properly stored off the floor, away from the walls and ceilings
 - 6. There is no sign of pest infestation
 - 7. All equipment is properly maintained, in a sanitary condition, and is certified by one of the American National Standards Institute certification agencies (e.g., Underwriters Laboratories, the National Science Foundation product certification mark)
 - 8. The dishwashing equipment is clean, in good operating condition, and maintains proper washing and rinsing temperatures
 - 9. There is no evidence of cross-contamination between the potable and contaminated water systems
 - 10. The dishware washing area is clean and supplied with proper chemicals and Safety Data Sheets
 - 11. The food is properly stored, labeled, and rotated according to first-in, first-out procedures
 - 12. The food services workers are wearing clean uniforms and practice proper personal hygiene
 - 13. All food services workers are trained for proper food handling, and there is a person in charge who is responsible for the food safety of the facility
 - 14. Appropriate hand-washing stations are provided

Any deficiencies shall be noted by the inspector in the inspection report, with recommendations made for corrective action.

At the exit interview, the inspector shall cite any violations according to the government health and safety codes.

The inspector shall conduct a follow-up inspection to verify the deficiencies have been corrected as recommended.

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The food services manager "Contracted Food Service Provider" shall provide the Deputy Chief with a plan to implement the recommended corrections in a timely manner and schedule a post-correction inspection with the original independent inspector.

906.8 FOOD STORAGE PROCEDURES

The food services manager "Contracted Food Services provider" shall be responsible for establishing procedures to ensure the safe preservation and storage of food in the most cost-effective manner, beginning with the receipt of the raw materials through the delivery of prepared meals.

When receiving food deliveries, food services staff members shall inspect the order for quality and freshness and shall ensure that the order is correct by checking the order received against the order form. All delivery vehicles shall be inspected by food services staff members to make certain that the vehicles are clean, free from pest infestations, and maintained at the appropriate temperature for the food being carried.

If food quality and freshness do not meet commonly accepted standards, or if it is determined that proper storage temperatures have not been maintained, the employee checking the order in will refuse the item and note the refusal on the invoice.

Any food destined for return to the vendor shall be stored separately from any food destined for consumption. The food services manager "Contracted Food Service Provider" will contact the vendor and arrange for replacement of the unacceptable food items.

Storage temperatures in all food storage areas shall be checked and logged daily. Records of the temperature readings should be maintained in accordance with established records retention schedules.

An evaluation system shall be established for food stored in any area with temperature readings outside the normal range and shall include contingency plans for menu changes, food storage relocation, or food destruction, as indicated. All actions taken to ensure the safety of the food served shall be documented and retained in accordance with established records retention schedules.

906.8.1 DRY FOOD STORAGE

Canned items and dry food that does not need refrigeration shall be stored in a clean, dry, secure storage area where temperatures are maintained between 45 and 80 degrees. Temperatures shall be monitored and recorded once each day on a checklist.

All dry items shall be stored at least 6 inches off the floor and at least 6 inches away from any wall. Only full, unopened cans and containers shall be stored in the storerooms. Open containers and packages shall be appropriately stored in the working or holding areas.

All storage areas will be kept locked when they are not in actual use. New food shipments shall be placed behind existing like items and rotated using a first-in, first-out rotation method.

Personal clothing and personal items shall not be stored in food storage areas.

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906.8.2 MAINTENANCE OF DRY FOOD STORAGE AREAS

Youth workers or staff members shall clean the storage areas at least once each day by sweeping and mopping all floors and wiping down shelves and walls. Any damaged items shall be inspected for spoilage and repackaged or discarded as appropriate. Food services staff members shall inspect the storage areas to ensure they are clean and orderly. Staff members will document the inspection and record the daily temperature on the storage area checklist.

906.8.3 REFRIGERATED AND FROZEN STORAGE

Unless health codes dictate otherwise, refrigerators must be kept between 32 and 41 degrees. Deep-chill refrigerators will be set between 28 and 32 degrees for cook-chill products, dairy, and meat items to extend shelf life. Other than the defrosting cycle, all freezers must maintain a temperature of 0 degrees or lower.

All freezer and refrigerator storage areas shall have at least two thermometers to monitor temperatures. One thermometer shall have a display visible to the outside. The second thermometer shall be placed in the warmest place inside the storage area. Daily temperature readings shall be recorded on the storage area checklist. Any variance outside the acceptable temperature range shall be immediately addressed.

All food must be covered and dated when stored. Cooked items shall not be stored beneath raw meats. Cleaned vegetables shall be stored separately from unwashed vegetables. Storage practices shall use a first-in, first-out rotation method.

906.8.4 MAINTENANCE OF REFRIGERATED AND FREEZER AREAS

Refrigeration storage units shall be cleaned daily, including mopping floors and wiping down walls. A more thorough cleaning shall occur weekly, including dismantling and cleaning shelves. Food services staff members shall inspect the contents of freezers and storage units daily to ensure all items are properly sealed and labeled.

906.8.5 STORAGE OF CLEANING SUPPLIES AND MATERIALS

Soaps, detergents, waxes, cleaning compounds, insect spray, and any other toxic or poisonous materials shall be kept in a separate, locked storage area to prevent cross-contamination with food and other kitchen supplies.

906.9 STATE-SPECIFIC REQUIREMENTS

The following state-specific standards and regulations apply to facilities with on-site kitchen facilities, sanitation, food preparation, service and storage areas and shall comply with standards set forth in Health and Safety Code Division 104, Part 7, Chapters 1-13, § 113700 et seq.; California Retail Food Code (CalCode) (15 CCR 1466).

In facilities where youth prepare meals for self-consumption, or where frozen meals or preprepared food from other permitted food facilities (see Health and Safety Code § 114381) are re-heated and served, the following applicable CalCode standards may be waived by the local health officer (15 CCR 1466):

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- (a) Health and Safety Code Sections 114130 - 114141.
- (b) Health and Safety Code Sections 114099.6, 114095 - 114099.5, 114101 - 114109, 114123, and 114125. If a domestic or commercial dishwasher, capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit, is used for the purpose of cleaning and sanitizing multi-service kitchen utensils and multi-service consumer utensils.
- (c) Health and Safety Code Sections 114149 - 114149.3 except that, regardless of such a waiver, the Juvenile Justice Campus shall provide mechanical ventilation sufficient to remove gases, odors, steam, heat, grease, vapors, and smoke from the kitchen.
- (d) Health and Safety Code Sections 114268 - 114269.
- (e) Health and Safety Code Sections 114279 - 114282.

906.10 ISSUED DATE

- 06/21/2023

Chapter 10 - Programs, Activities and Education

Youth Educational Services (Title 15, § 1370)

1001.1 PURPOSE AND SCOPE

This policy provides guidelines and assigns responsibilities for establishing and maintaining an education program that complies with federal, state, and local laws and educational requirements (15 CCR 1370).

1001.2 POLICY

It is the policy of this Department to provide youth with an education program that complies with federal, state, and local laws and educational standards.

1001.3 SCHOOL PROGRAMS

The County Board of Education provides for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer or the authorized designee pursuant to applicable state laws. The Deputy Chief, in coordination with school administrators, shall develop and implement written procedures to ensure communication and coordination between educators and the Department staff members (15 CCR 1370).

Culturally responsive and trauma-informed approaches should be applied when providing instruction. Education staff members shall collaborate with the Deputy Chief to use technology to facilitate learning and ensure safe technology practices (15 CCR 1370(a)).

The Deputy Chief shall request an annual review of each required element of the education program by the Superintendent of Schools, and a report or review checklist on compliance, deficiencies, and corrective action needed to achieve compliance with 15 CCR 1370. Such a review, when conducted, cannot be delegated to the principal or any other staff members of any juvenile court school (15 CCR 1370(a)).

The Superintendent of Schools shall conduct this review in conjunction with a qualified outside agency or individual. Upon receiving the review, the Deputy Chief or the authorized designee shall review each item with the Superintendent of Schools and shall take whatever corrective action is necessary to address each deficiency and fully protect the educational interests of all youth in the facility (15 CCR 1370).

1001.3.1 EDUCATION PROGRAM REQUIRED ELEMENTS

The facility school program shall comply with the State Education Code and County Board of Education policies, all applicable federal education statutes and regulations, and provide for an annual evaluation of the education program offerings. As stated in the 2009 California Standards for the Teaching Profession, teachers shall establish and maintain learning environments that are physically, emotionally, and intellectually safe. Youth shall be provided a rigorous, quality educational program that responds to the different learning styles and abilities of students and prepares them for high school graduation, career entry, and post-secondary education (15 CCR 1370(b)).

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All youth shall be treated equally, and the education program shall be free from discriminatory action. Staff members shall refer to transgender, intersex, and gender nonconforming youth by their preferred name and gender (15 CCR 1370(b)).

Youth shall have the right to receive a rigorous, quality education that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary academic and career technical education courses and programs; to attend appropriate level school classes and vocational training, to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical status, and to have access to information about the educational options available for youth. (Welfare and Institutions Code 224.71).

1001.4 EDUCATIONAL SCREENING AND ADMISSION

Youth shall be interviewed after admittance and a record maintained that documents a youth's educational history, including but not limited to (15 CCR 1370):

- (a) School progress/school history.
- (b) Home Language Survey and the results of the state test used for English language proficiency.
- (c) Needs and services of special populations as defined by the State Education Code, including but not limited to students with special needs.
- (d) Discipline problems.

Youth will be immediately enrolled in school. Education staff members shall conduct an assessment to determine the youth's general academic functioning levels to enable placement in core curriculum courses (15 CCR 1370).

After each youth's admission to the facility, a preliminary education plan shall be developed within five school days (15 CCR 1370).

Upon enrollment, education staff members shall comply with the State Education Code and request the youth's records from their prior school(s), including but not limited to the following (15 CCR 1370):

- 1. Transcripts
- 2. Individual Education Program (IEP)
- 3. Section 504 plan
- 4. State language assessment scores
- 5. Immunization records
- 6. Exit grades
- 7. Partial credits

Upon receipt of the transcripts, the youth's educational plan shall be reviewed with the youth and modified as needed. Youth should be informed of the credits they need to graduate (15 CCR 1370).

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1001.5 COURSE OF STUDY

Youth shall be provided with a quality education program that responds to their different learning styles and abilities. The education program course of study shall include but not be limited to the following (15 CCR 1370):

- (a) The course of study shall comply with the State Education Code and include but not be limited to courses required for high school graduation.
- (b) Information and preparation for the high school equivalency test as approved by the California Department of Education shall be made available to eligible youth.
- (c) Youth shall be informed of post-secondary education and vocational opportunities.
- (d) Administration of the high school equivalency tests as approved by the California Department of Education shall be made available when possible.
- (e) Supplemental instruction shall be provided to youth who do not demonstrate sufficient progress toward grade level standards.
- (f) The minimum school day shall be consistent with State Education Code requirements for juvenile court schools. The Deputy Chief, in cooperation with education staff members, must ensure that operational procedures do not interfere with the time afforded for the minimum instructional day. Absences, time out of class or educational instruction, both excused and unexcused, shall be documented.
- (g) Education shall be provided to all youth regardless of classification, housing, security status, disciplinary or separation status, medical status, including room confinement, except when providing education poses an immediate threat to the safety and security of the youth or others. Education includes but is not limited to related services as provided in a youth's Section 504 plan or IEP (Welfare and Institutions Code 224.71).

1001.5.1 ADDITIONAL COURSE OFFERINGS

Youth who have obtained a high school diploma or GED equivalent may participate in college courses, and post-secondary education offered with the approval of the Deputy Chief. Beyond mandated education requirements, additional educational services and curriculum may be offered to youth, including but not limited to (WIC § 889.2) :

- (a) English as a Second Language (ESL).
- (b) Basic literacy.
- (c) Substance abuse and healthy lifestyles education.
- (d) Parenting courses.
- (e) Basic computer instruction.
- (f) Basic life skills.
- (g) Vocational skills such as:
 - 1. Cooking and food services.
 - 2. Landscaping and horticulture.
 - 3. Basic woodworking.

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4. Auto body repair and painting.
 5. Basic auto repair.
 6. Basic office skills.
- (h) Other courses as deemed appropriate by school administrators.

1001.6 PROVISIONS FOR SPECIAL POPULATIONS

State and federal laws and regulations shall be observed for all individuals with disabilities or suspected disabilities. This includes but is not limited to Child Find, assessment, continuum of alternative placements, manifestation determination reviews, and implementation of Section 504 plans and IEP (Individuals with Disabilities Education Act (IDEA, Part B), 20 USC § 1400 et. seq.; Section 504 of the Rehabilitation Act of 1973, 29 USC § 701 et. seq.; and the Americans with Disabilities Act, 42 USC § 12101 et. seq.; 15 CCR 1370(d)).

Youth identified as English Learners (EL) shall be afforded an education program that addresses their language needs pursuant to all applicable state and federal laws and regulations governing programs for EL youth (15 CCR 1370(d)(2)).

1001.7 SCHOOL DISCIPLINE

Positive behavior management will be implemented to reduce the need for disciplinary action in the school setting and be integrated into the facility's overall behavior management plan and security system as follows (15 CCR 1370(c)(1)):

- (a) School staff members shall as soon as practicable be advised of administrative decisions made by facility staff members that may affect the educational programming of youth (15 CCR 1370(c)(2)).
- (b) Except as otherwise provided by the State Education Code, expulsion or suspension from school shall be imposed only when other means of correction fails to bring about proper conduct. School staff members shall follow the appropriate due process safeguards as set forth in the State Education Code, including the rights of youth with special needs. School staff members shall document the other means of correction used before imposing expulsion or suspension if an expulsion or suspension is ultimately imposed (15 CCR 1370(c)(3)).
- (c) The Deputy Chief, or the authorized designee, in conjunction with education staff members, will develop procedures that address the rights of any youth who has continuing difficulty completing a school day (15 CCR 1370(c)(4)).

1001.8 EDUCATIONAL RECORDS

Education program staff members are responsible for (15 CCR 1370):

- (a) Forwarding the complete facility educational record of youth to the youth's next educational placement in accordance with the State Education Code.
- (b) Making timely requests to the County Superintendent of Schools to provide appropriate credit (full or partial) for the youth's course work completed while in juvenile court school in accordance with the State Education Code.

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- (c) Retaining youth education records in compliance with local, state, and federal laws (20 USC § 1232g).

1001.9 TRANSITION AND RE-ENTRY PLANNING

The Chief Probation Officer or the authorized designee, in cooperation with the Superintendent of Schools, shall develop procedures to meet the transition needs of youth, including the development of an education transition plan, in accordance with the State Education Code and in alignment with the Case Management Policy (15 CCR 1370. See Release procedures for further information.

1001.10 POST-SECONDARY EDUCATION OPPORTUNITIES

The Superintendent of Schools and the Deputy Chief shall ensure that youth with a high school diploma or California high school equivalency certificate who are in custody have access to and can choose to participate in, rigorous public post-secondary academic and career technical courses and programs that fulfill the requirements for transfer to the University of California and the California State University for career entry (Welfare and Institutions Code § 889.2; 15 CCR 1370(h)).

Youth shall have the right to have access to postsecondary academic and career technical education courses (Welfare and Institutions Code § 224.71).

The school and Deputy Chief shall ensure that youth are provided reasonable access to computer technology and the internet for educational purposes (Welfare and Institutions Code § 851.1; Welfare and Institutions Code § 889.1).

Access to computer technology or the internet may be limited or denied by the Chief Probation Officer or the authorized designee for safety, security, or staffing reasons (Welfare and Institutions Code § 851.1; Welfare and Institutions Code § 889.1).

1001.11 SELF-STUDY PROGRAM

Self-study may be offered when it is determined to be in the best educational interest of a youth or when recommended as part of a youth's IEP or Section 504 plan.

1001.12 CLASSROOM USE AND DESIGN

Youth classification and separation requirements should be considered when the space for the education program is being allocated and designed (24 CCR 1230.1.12).

The Chief Probation Officer or the authorized designee shall encourage and include educators in the set-up and design of classrooms that have been identified for youth education. To the extent reasonably possible, in consideration of space design and the ability to provide adequate security, teachers, education managers, and administrators should be consulted to ensure their needs are met.

In addition to the traditional classroom approach to education, the Department should explore other educational methods as part of the education program (e.g., using computers).

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1001.13 NEW CONSTRUCTION OR RENOVATION

Whenever building new facilities is considered, the Chief Probation Officer or the authorized designee may include education specialists during the design phase to ensure that the needs of education providers are met regarding security, sound levels, and educational equipment.

The Department may seek technical assistance from consultants to school districts that provide education programs in detention settings.

1001.14 ISSUED DATE

- 04/17/2023

1001.15 REVISED DATE(S)

- 08/04/2023

Programs, Exercise, and Recreation (Title 15, § 1371)

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures ensuring that the Fresno County Probation Department facility will have sufficiently scheduled programs, exercise, and recreation periods, and sufficient space for these activities, as required by law (15 CCR 1371).

1002.1.1 DEFINITIONS

Definitions related to this policy include:

Exercise - An activity that requires physical exertion of the large muscle groups.

Programs - Structured programs that include but are not limited to trauma-focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism.

Recreation - The youth's free time to choose from activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games, and letter writing.

1002.2 POLICY

It is the policy of this Department to provide youth with access to programs, exercise opportunities, and recreation activities in accordance with state laws or requirements.

In addition, youth shall have daily opportunities for age-appropriate physical exercise and recreation, including time spent outdoors and access to leisure reading, letter writing and entertainment (Welfare and Institutions Code § 224.71).

1002.3 RESPONSIBILITIES

Youth shall be provided the opportunity for programs, recreation, and exercise a minimum of three hours a day during the week and five hours a day each Saturday, Sunday, or non-school day, of which one hour shall be an outdoor activity, weather permitting (15 CCR 1371).

The Deputy Chief or the authorized designee shall develop and implement procedures ensuring there is sufficient secure space for programming, physical exercise, and recreation for all youth. The intent is to minimize the amount of time youth are in their rooms or their bed area (15 CCR 1371). A schedule should be developed to ensure accessibility for all youth without interfering with other daily activity requirements (meals, education, religious services, other regularly scheduled events). The program, exercise, and recreation schedule shall be posted in the living areas (15 CCR 1371).

Officers shall use the approved recreation schedule and document in the housing unit the actual time of an activity and if a youth has declined participation.

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Recreation schedules shall be forwarded to the Deputy Chief. Documentation shall be maintained in accordance with established records retention schedules.

There will be an annual written review of the programs, exercise, and recreation by the Department to ensure content offered is current, consistent, and relevant to the population (15 CCR 1371).

If the Deputy Chief or the authorized designee denies any youth or group of youth the programs, exercise, or recreation time, documentation shall substantiate the denial is based on good cause in relation to a safety or security need.

1002.4 ACCESS TO EXERCISE

Youth shall have an opportunity for at least one hour of large-muscle activity each day. When weather permits, the youth's exercise time shall be outdoors (15 CCR 1371).

1002.5 ACCESS TO RECREATION

All youth shall be provided the opportunity for at least one hour of daily access to unscheduled activities such as leisure reading, letter writing, and entertainment. Activities shall be supervised and shall include orientation and may include coaching of youth (15 CCR 1371).

Televisions, newspapers, table games, and other items may also be provided to enhance recreation time.

1002.6 ACCESS TO PROGRAMS

All youth shall be provided with the opportunity for at least one hour of daily programming to include but not be limited to trauma focused, cognitive, evidence-based, best practice interventions that are culturally relevant and linguistically appropriate, or pro-social interventions and activities designed to reduce recidivism. The programs shall be structured and designed to enhance socialization, and youth participation shall be monitored. Programs should be based on the youth's individual needs in accordance with the Case Management Policy and the Counseling and Casework Services Policy (15 CCR 1371).

Programs may be provided under the direction of the Chief Probation Officer or the County Office of Education and can be administered by county partners such as mental health agencies, community-based organizations, faith-based organizations, or probation staff members (15 CCR 1371).

Programs may include but are not limited to the following (15 CCR 1371):

- (a) Cognitive behavior interventions
- (b) Management of stress and trauma
- (c) Anger management
- (d) Conflict resolution
- (e) Juvenile justice system
- (f) Trauma-related interventions
- (g) Victim awareness

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- (h) Self-improvement
- (i) Parenting skills and support
- (j) Tolerance and diversity
- (k) Healing-informed approaches
- (l) Best practice interventions that are culturally relevant and linguistically appropriate by credible messengers
- (m) Gender-specific programming
- (n) Art, creative writing, or self-expression
- (o) CPR and first-aid training
- (p) Restorative justice or civic engagement
- (q) Career and leadership opportunities
- (r) Other topics suitable for the youth population

1002.6.1 COMPUTER AND INTERNET ACCESS

The Deputy Chief may authorize providing a youth with reasonable access to computer technology and the internet so that the youth can maintain relationships with family members. This section does not limit the authority of the Chief Probation Officer or the authorized designee to limit or deny access to computer technology or the internet for safety and security reasons (Welfare and Institutions Code § 851.1; Welfare and Institutions Code § 889.1; Welfare and Institutions Code § 224.71).

1002.7 SECURITY AND SUPERVISION

The staff members supervising youth during programs, exercise, and recreation time shall document when each youth actively participates.

Staff members shall be responsible for inspecting exercise and recreational equipment to ensure it appears safe for use. Broken equipment or equipment that is in an unsafe condition shall not be used. Youth may not use equipment without supervision. All equipment shall be accounted for before youth return to their housing unit.

The supervising staff member may terminate the exercise or recreation period and escort back to the housing unit any youth who continues to act in an aggressive or disorderly manner after being ordered to stop by the staff member. Whenever an exercise or recreation period is involuntarily terminated, the staff member will document the incident and the rationale for terminating the exercise period. The Watch Commander will determine whether disciplinary action is warranted. The Deputy Chief may suspend access to recreation and programs for a period not to exceed 24 hours (15 CCR 1371).

A youth's participation in programs, recreation, and exercise may only be suspended upon a written finding by the Deputy Chief or the authorized designee that a youth presents a threat to the safety and security of the facility (15 CCR 1371).

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The Deputy Chief or the authorized designee shall document the reasons why suspension of recreation and programs occurs (15 CCR 1371).

1002.8 EXERCISE SPACE

Exercise areas, as specified by federal, state, and/or local laws or requirements, shall be sufficient to allow each youth at least one hour of exercise every day. Use of outdoor exercise is preferred, but weather conditions may require the use of covered/enclosed space. Dayroom space is not considered exercise space (24 CCR 1230.1.11).

1002.9 STAFF PARTICIPATION IN ACTIVITIES

Officers may participate in tabletop activities such as cards, puzzles, dominos, chess, checkers, and ping pong. Staff members may coordinate a housing unit activity, referee or coach. Officers shall not participate in any strenuous activities such as: physical, competitive, sporting activities, or utilize exercise equipment. Participation in those outlined activities may occur based on the following:

- (a) The Senior Juvenile Correctional Officer receives approval from the on-duty Watch Commander prior to the participation in the activity as outlined above.
- (b) There are dedicated officers to provide adequate supervision.
- (c) Officer participation does not interfere with general supervision responsibilities.
- (d) Officers have an individual responsibility to be aware of their physical abilities or limitations.
- (e) The Deputy Chief or the authorized designee may modify the above guidelines.

1002.10 REFERENCES

See Programs, Exercise, and Recreation Procedures for additional guidance.

1002.11 ISSUED DATE

- 06/21/2023

Religious Programs (Title 15, § 1372)

1003.1 PURPOSE AND SCOPE

This policy provides guidance regarding the right of youth to exercise their religion and for evaluating accommodation requests for youths' faith-based religious practices (15 CCR 1372).

1003.1.1 DEFINITIONS

Definitions related to this policy include:

Compelling government interest - A method for determining the constitutionality of a policy that restricts the practice of a fundamental right. For such a policy to be valid, there must be a compelling government interest that is necessary or crucial to the mission of the Department, as opposed to something merely preferred, that can be furthered only by the policy under review.

Least restrictive means - A standard imposed by the courts when considering the validity of policies that touch on constitutional interests. If the Department adopts a policy that restricts a fundamental religious liberty, it must employ the least restrictive measures possible to achieve its goal.

Religious exercise - Any exercise of religion, whether or not it is compelled by, or central to, a system of religious belief. The key is not what a faith requires but whether the practice is included in the youth's sincerely held religious beliefs.

Substantial burden - For the purposes of this policy, substantial burden means either of the following:

- (a) A restriction or requirement imposed by the Department that places a youth in a position of having to choose between following the precepts of the youth's religion and forfeiting benefits otherwise generally available to other youth, or having to abandon one of the precepts of the youth's religion to receive a benefit
- (b) When the Department pressures youth to substantially modify their behavior in violation of their beliefs

1003.2 POLICY

It is the policy of this Department to permit youth to engage in the lawful practices and observances of their sincerely held religious beliefs consistent with the legitimate government objectives of the facility.

Youth shall have the right to exercise the religious or spiritual practice of their choice and to participate in or refuse to participate in religious services and activities (Welfare and Institutions Code 224.71).

1003.3 STAFF MEMBER RESPONSIBILITIES

Staff members shall not show favoritism or preference to any religion and will not discriminate or retaliate against any youth for participating or not participating in any religion or religious practice. Youth are not required to participate in religious programs or activities.

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Staff members shall provide youth choosing not to participate in religious programs with alternative activities outside their rooms (15 CCR 1372).

Facility staff members will not allow their personal religious beliefs to influence them in the daily management of the youth population, particularly as it relates to religious practices.

1003.4 CHAPLAIN

The Chief Probation Officer shall appoint an individual to serve as the chaplain for the facility. The chaplain shall be responsible for assisting the Deputy Chief or the authorized designee with supervising, planning, directing, and coordinating youth religious programs. The chaplain may be responsible for other duties, including but not limited to:

- (a) Coordinating religious services.
- (b) Reviewing requests for religious accommodations.
- (c) Providing or arranging for grief counseling for youth.
- (d) Developing and maintaining a liaison with a variety of religious faiths in the community.
- (e) Making reasonable efforts to enlist religious leaders from outside the community as necessary.
- (f) Working with youths' families when requested.
- (g) Periodically surveying the facility population to assist in determining whether current resources are appropriate for the youth population.
- (h) Guiding the Chief Probation Officer or the authorized designee on issues related to religious observance.
- (i) Baptisms or marriages require authorization by the Deputy Chief and parental consent if the youth is under the age of 18, or a Court Order
- (j) Youth will have the opportunity to visit with their personal Minister, Priest, or Rabbi. The following is required:
 1. The clergy member must provide picture identification.
 2. The clergy member must provide verification of their position such as ministerial license or ordination documentation.
 3. The Watch Commander has been notified.
 4. The visit does not create a security issue and proper supervision is available.

1003.5 RELIGIOUS BELIEFS AND ACCOMMODATION REQUESTS

Youth are not required to identify or express a religious belief. Youth may designate any belief, or no belief, during the intake process and may change a designation at any time by declaring their religious beliefs in writing to the chaplain. Youth seeking to engage in religious practices shall submit a request through the established process. Requests to engage in practices that are on the facility's list of accepted practices shall be granted. Requests to engage in religious practices that are not on the approved list shall be processed as provided in this policy.

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All requests for accommodation of religious practices shall be treated equally, regardless of the religion that is involved. Equal and consistent treatment of all religions and religious beliefs shall not always require all youth of the same religion receive the same accommodations. Requests for accommodation of religious practices shall be submitted to a supervisor. In determining whether to grant or deny a request for accommodation of a religious practice, the supervisor, if necessary, will work with the chaplain to determine the sincerity of the youth's religious claim. Requests should be denied only if the denial or reason for denial would further a compelling interest of the facility and is the least restrictive means of furthering that compelling interest.

A supervisor who does not grant the accommodation, either in part or in full, should promptly forward the request to the Assistant Deputy Chief who shall decide regarding the request within 14 days following the youth's original request. The Assistant Deputy Chief or the authorized designee will respond to the requesting youth as soon as reasonably practicable.

The Deputy Chief or the authorized designee shall be informed of all approved accommodations. The chaplain shall make any necessary notifications to staff members as necessary to meet an approved accommodation.

All youth requests for religious accommodations and related determinations shall be fully documented in the youth's record and shall include a description of the accommodation and justifications for any denials.

1003.5.1 SUSPENSION OR REVOCATION OF ACCOMMODATIONS

In an emergency or extended disruption of normal facility operations, the Deputy Chief may suspend any religious accommodation. The Deputy Chief temporarily may also revoke or modify an approved religious accommodation if the accommodated youth violates the terms or conditions under which the accommodation was granted.

1003.5.2 APPEALS OF SUSPENSION OR REVOCATION OF ACCOMMODATIONS

Youth may appeal the denial, suspension, or revocation of an accommodation through the youth grievance process.

1003.6 RELIGIOUS DIETS AND MEAL SERVICE

The Deputy Chief shall provide youth requesting a religious diet, including fasting and/or hour of dining, a reasonable and equitable opportunity to observe their religious dietary practice. This shall be done within budgetary constraints and be consistent with the security and orderly management of the facility. The chaplain shall provide a list of youth authorized to receive religious diets to the food services manager. The supervisor in charge of the Housing unit shall provide a list of youth authorized to receive religious diets to the facility Dietary Aides so an appropriate order can be made to the outside vendor who prepares the food for the facility (see the Food Services and Supervision Policy and Prescribed Medical Diets Policy) (15 CCR 1372).

1003.7 HAIR STYLES AND GROOMING

Unless it is necessary for the health and sanitation of the facility, youth who wear head and facial hair in the observance of their religion will generally not be required to shave or cut their hair. To

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the extent reasonably practicable, alternative housing may be considered to accommodate the need for religious hair and grooming, while meeting the health and sanitation needs of the facility.

Any youth whose appearance is substantially altered due to changes in facial hair or hair length may be required to submit to additional identification photographs.

1003.8 UNAUTHORIZED PRACTICES OR MATERIAL

The following list, which is not intended to be exhaustive, includes materials or practices that shall not be authorized:

- (a) Animal sacrifice
- (b) Language or behaviors or materials that could reasonably be construed as presenting a threat to facility safety or security
- (c) Self-mutilation
- (d) Use, display, or possession of weapons
- (e) Self-defense or military training
- (f) Disparagement of other religion
- (g) Nudity or sexual acts
- (h) Profanity
- (i) Use of illegal substances or controlled substances without a prescription

1003.9 RELIGIOUS SERVICES AND RELIGIOUS COUNSELING

The Deputy Chief or the authorized designee shall provide access to religious services and/or religious counseling at least once each week (15 CCR 1372). Group religious services may be allowed after due consideration of the youth's classification or other concerns that may adversely affect the order, safety, and security of the facility.

Attendance at religious services and/or counseling shall be voluntary (15 CCR 1372).

A youth shall be allowed to participate in an activity outside of their room if they elect not to participate in religious programs (15 CCR 1372).

Religious programs shall provide for (15 CCR 1372):

- (a) Opportunity for religious services and practices.
- (b) The availability of clergy.
- (c) The availability of religious diets.

Alternatives to attending group religious services may include but are not limited to:

- (a) Access to religious books and reading materials.
- (b) Access to religious counselors.
- (c) Recorded religious media (e.g., DVDs, CDs).

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1003.10 RELIGIOUS SYMBOLS AND IMPLEMENTS

Alternatives to the religious symbols and implements may be considered when security, safety, or efficient operations may be jeopardized (e.g., substitution of a towel in lieu of a prayer rug).

1003.11 RELIGIOUS GARMENTS AND CLOTHING

Youth who practice a religion that requires particular modes of dress, garments, or headgear, other than standard-issue clothing, should generally be accommodated subject to the need to identify youth and maintain security.

Head coverings shall be searched before being worn in the housing areas of the facility and shall be subject to random searches for contraband. Personal head coverings shall be exchanged in favor of Department-supplied head coverings when available and appropriate.

Youth wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex, if they so desire. Religious garments that substantially cover the youth's head and face shall be temporarily removed for taking booking and identification photographs.

To the extent reasonably practicable, alternative housing may be considered to accommodate youths' needs for religious attire, while meeting the security needs of the facility.

1003.12 FAITH- AND MORALS-BASED COUNSELING

The Deputy Chief shall be responsible for establishing a plan for youth to receive faith- and morals-based counseling from the chaplain or religious volunteers. Youth who want/seek/request counseling shall be reasonably accommodated, including reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith- and morals-based programs, and other secular volunteer programs (15 CCR 1372).

No youth shall be required to participate in any such program.

1003.13 SPACE AND EQUIPMENT FOR RELIGIOUS OBSERVANCES

The Deputy Chief shall ensure there are sufficient facilities and resources for the chaplain to serve the youth population, including providing access to designated secure areas of the facility. Space for group worship will be dictated by the availability of secure areas and the classification status of the youth to be served. All recognized religious groups shall have equal access to the space, equipment, and services that the facility normally provides for religious purposes.

1003.14 COMMUNITY RESOURCES

The chaplain may minister a particular faith and any other similar faiths to youth but should also establish contacts with clergy of other faiths who can provide services to youth of other religious denominations.

Whenever the chaplain is unable to represent or provide faith-based services to youth, a religious leader or other volunteer from the community, credentialed by the faith, shall be sought to help provide services. All individuals providing faith-based services shall be supervised by the chaplain.

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All efforts to contact faith-based representatives shall be documented and retained in accordance with established records retention schedules.

Volunteers are another valuable resource that could be utilized extensively in the delivery of the religious program (see the Vendors, Volunteers and Student Interns Policy). The Deputy Chief or the authorized designee, in cooperation with the chaplain shall ensure that religious personnel who provide programming in the facility possess the required credentials and have the security clearance required to enter the facility.

The chaplain, in cooperation with the Deputy Chief or the authorized designee, shall develop and maintain communication with faith communities.

1003.15 TRAINING

The Department shall provide training to facility staff members on the requirements of this policy. The Department shall also provide training in safety and security to the chaplain. The chaplain shall approve and train clergy and religious volunteers.

1003.16 REFERENCES

See Religious Programs Procedure for additional guidance.

1003.17 ISSUED DATE

- 04/17/2023

1003.18 REVISED DATE(S)

- 08/04/2023

Youth Work Program (Title 15, § 1373)

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines and requirements for the Youth Work Program if one is available at the JJC. The Youth Work Program allows youth to improve and/or develop useful job skills, work habits, and experiences that may facilitate a successful transition back to the community (15 CCR 1373).

1004.2 POLICY

The Fresno County Probation Department shall operate the Youth Work Program (if one is available) in accordance with all applicable federal, state, and local work safety and labor laws, rules, and regulations, and to the extent that the operation of youth work programs does not pose a risk to the safety of staff members, youth, or the public. This policy establishes the requirements, selection process, supervision, and training of youth before and after entering the facility's Youth Work Program.

1004.3 WORK PROGRAM CRITERIA

The Deputy Chief shall develop procedures regarding the fair and consistent assignment of youth to work programs. Work assigned to a youth shall be meaningful, constructive, and related to vocational training or increasing the youth's sense of responsibility (15 CCR 1373).

Work programs shall not be imposed as a disciplinary measure (15 CCR 1373).

1004.4 YOUTH WORKER SELECTION

The Youth Work Program coordinator shall be responsible for selecting and assigning youth to work. The coordinator should solicit input from other custody staff members to assist with youth selection and assignment. Youth who have posed a threat in the past or have been charged with escape or attempted escape shall be carefully screened for youth work assignments. Staff members shall take into consideration these eligibility criteria:

- (a) The youth's charges and classification are such that the youth will not pose a security risk to other youth, staff members, or the public.
- (b) The youth's capacity to perform physical tasks, including tasks that can be performed by the youth while pregnant, will match the job requirements.
- (c) The youth's ability to learn the necessary work routines.
- (d) The youth's special interests, abilities, or skills will benefit the work assignment.

Youth must receive a health care screening for work and program assignments that have health care implications, including but not limited to youth food services workers and those who serve meals to the youth population, in accordance with the Health Clearance for In-Custody Work and Program Assignments Policy and must meet all statutory and regulatory requirements.

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1004.5 COMMUNITY SERVICE PROGRAM

Post-disposition youth may be assigned to public works projects with state, municipal, or local government agencies, or to community service projects, with the approval of the Deputy Chief or the authorized designee.

Assigning youth to activities that benefit individuals, businesses, or other private entities that are not considered public works projects is prohibited and may violate the law.

1004.5.1 PROGRAM GUIDELINES

Any community service program is subject to the approval of the Deputy Chief or the authorized designee.

Any such program shall be subject to these guidelines:

- (a) The program complies with all statutes, ordinances, regulations, labor agreements, permissions, and restrictions relating to youth whenever they are assigned to public works and community service projects.
- (b) There are youth available who, as a matter of classification, are deemed eligible and suitable for participating in the community service programs.
- (c) The number of work opportunities available in the community will determine the availability of opportunities to participate in the community service program.
- (d) Staff members assigned to manage the program should strive to develop work assignments that give youth an opportunity to develop good work habits and attitudes that can be applied to jobs obtained after release.
- (e) Poor performance in the work program or violating rules may render a youth ineligible to participate in the work program.

1004.5.2 COMMUNITY WORK SELECTION PROCESS

Participation in any community service program is strictly voluntary. A classification process that clearly describes the criteria for program participation will be developed by the supervisor in charge of the program.

Any youth who wants to participate in the community service program must:

- (a) Submit to a screening process, including a criminal history check, to ensure that the youth's criminal history is compatible with work in non-secure areas.
- (b) Agree in writing to participate in the community service program.

1004.6 SUPERVISION OF YOUTH WORKERS

Facility staff members responsible for the supervision of youth on work crews shall receive training in basic safety, security, and reporting procedures.

Facility staff members in charge of work programs and those who supervise youth assigned to work crews shall adhere to the following:

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- (a) Youth workers shall be provided with safety equipment, clothing, and footwear appropriate for the work performed. Safety equipment may include but is not limited to eye/ear protection, gloves, hard hat or headwear, and sunscreen.
- (b) Work periods shall follow state and federal child labor laws.
- (c) Youth workers shall be provided with work breaks to allow them to take care of personal needs.
- (d) Youth workers shall have access to nutritious meals and a reasonable amount of time to consume those meals during their work period.
- (e) Youth workers shall not access youth records or youth monies.
- (f) Youth workers shall not participate in maintaining locking systems or other security detention devices.

Youth workers shall be under the direct supervision of facility staff members at all times and shall not be supervised by other youth when they are on assignment through the Youth Work Program.

1004.7 YOUTH WORKER TRAINING

Youth who are assigned to work in any area that may require using any equipment shall receive training from the respective supervisor before using the equipment. Work-crew supervisors shall also train youth workers on safety practices. Youth shall never be assigned to handle chemicals or equipment that normally requires a level of expertise and competency beyond their demonstrated ability.

1004.8 YOUTH WORKER INCENTIVES

The Deputy Chief or the authorized designee establish an incentive program for youth assigned to the Youth Work Program. Incentives for youth may include:

- (a) Granting distinctive housing assignments, extra privileges, recreation, and special rewards, as allowed by law, regulation, and policy. Youth welfare funds may be used to offset the cost of a reward program.
- (b) Awarding certificates of achievement for successfully completing work programs.
- (c) When allowed by law, ordinance, and in consideration with local labor relations, giving monetary compensation for work on government projects.
- (d) A modification of their sentence that could result in an early release.

1004.9 ISSUED DATE

- 04/17/2023

Youth Visitation (Title 15, § 1374)

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish rules for visitation and provide a process for youth visits and visitors.

1005.2 POLICY

It is the policy of the Fresno County Juvenile Justice Campus (JJC) that youth shall have the right to maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members. Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting (Welfare and Institutions Code 224.71). The JJC shall support, encourage, and allow reasonable and equitable visitation, including technological visitation if available and appropriate, for all youth. Parents/guardians shall have the right to visiting privileges unless prohibited by the court.

1005.3 PROCESS

The JJC shall provide adequate facilities for visiting, including appropriate space for screening and searching youth and visitors and securely storing visitors' personal belongings that are not allowed in the visiting area.

The Deputy Chief or the authorized designee shall develop and implement written procedures and rules for visitation, that shall be posted at the visitors' entrance or provided to visitors upon entry (15 CCR 1374). The procedures are subject to safety and security requirements and should consider:

- (a) The facility's schedule.
- (b) The designated secure area or space to accommodate visitors.
- (c) Postings printed in English, Spanish, and other languages indicating fire escape routes. The postings should be located throughout the visiting area.
- (d) Whether an emergency or other conditions justify limitation on visiting privileges.
- (e) Space to allow programming and activities to continue for youth who do not have a visitor during a scheduled visiting time.

The visiting area shall accommodate youth and visitors with disabilities. Visitors with disabilities who request special accommodations shall be referred to a supervisor. Reasonable accommodations will be granted to youth and visitors with disabilities to facilitate a visitation period.

Visitor logs and records shall be developed and maintained in accordance with established records retention schedules.

Court orders granting a special youth visitation are subject to County legal review and interpretation if deemed necessary.

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1005.3.1 VISITOR REGISTRATION AND IDENTIFICATION

All visitors must register and produce a valid state, military, tribal, or other government identification. Identification will be considered valid for 90 days after expiration, provided the visitor has renewed the identification and has proof of the renewal.

- (a) A valid identification shall include:
 - 1. A photograph of the person.
 - 2. A physical description of the person.
- (b) An official visitor shall present proof of professional capacity (e.g., attorney license/ Supreme Court card, law enforcement identification, business card/letterhead that includes the visitor's name).

Failure or refusal to provide a valid identification is reason to deny a visit.

1005.3.2 VISITATION REQUIREMENTS

A youth shall be allowed to receive visits by parents, guardians, or persons standing in loco parentis, and children of the youth. Other family members, such as grandparents and siblings, and supportive adults, may be allowed to visit with the approval of the Deputy Chief or the authorized designee, and in conjunction with the youth's case plan or in the best interest of the youth (15 CCR 1374).

Even though 15 CCR 1374 states "Other family members, such as grandparents and siblings, and supportive adult may be allowed to visit" (emphasis added), the Youth Bill of Rights makes those provisions mandatory, and provides greater visitation opportunities for youth under WIC 224.70, "Extended Family Members". Staff members shall follow the mandate of WIC 224.70 and its definition "Extended Family Members". The procedure is set forth in the Youth Visitation Procedure under approved visitors and in this policy under General Visitation Rules.

Opportunity for visitation shall be a minimum of two hours per week. Visits may be supervised, but conversations shall not be monitored unless there is a security or safety need (15 CCR 1374).

Access to technology (video visiting) may be provided as an alternative to, but not as a replacement for, in-person visiting (15 CCR 1374).

1005.4 AUTHORIZATION TO SEARCH VISITORS

Individuals who enter the secure perimeter of the facility are subject to a screening, which may include searches if there is reasonable cause to believe the visitor has violated the law, is wanted by a law enforcement agency, or is attempting to bring contraband onto the facility property or into the facility. The specific visitor(s) may be denied entry based on the circumstances. All searches shall be made in accordance with current legal statutes and case law.

1005.5 VISITING SCHEDULE

The Deputy Chief shall designate a staff member to develop a schedule for youth visitation that includes daytime, evening, and weekend hours. Each youth shall receive a copy of the visitation schedule in the youth pamphlet at orientation. The visiting hours will also be posted in the

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public area of the facility. All visits shall occur at reasonable times, subject only to the limitations necessary to maintain order and security (15 CCR 1374).

1005.6 DENIAL OR TERMINATION OF VISITING PRIVILEGES

The Deputy Chief or the authorized designee is responsible for defining, in writing, the conditions under which visits may be denied.

Visitation may be denied or terminated by a supervisor if the visitor poses a danger to the security of the facility or there is other good cause, including but not limited to:

- (a) The visitor appears to be under the influence of drugs and/or alcohol beverages.
- (b) The visitor refuses to submit to being searched.
- (c) The visitor or youth violates facility rules or posted visiting rules.
- (d) The visitor fails to supervise and maintain control of any child/children accompanying the visitor into the facility.
- (e) The visitor attempts to enter this facility with contraband.
 1. In addition to being denied a visit, the visitor may face criminal charges.
- (f) The staff member determines that the visitor's criminal history poses a safety risk.
 1. A visitor shall not be denied visitation based solely on their criminal history. The staff member shall determine on a case-by-case basis whether the visitor's criminal history represents a risk to the safety of the youth or staff members in the Juvenile Justice Campus (15 CCR 1374).

Any visitation that is denied or limited, on the reasonable grounds that the visit may endanger the security of the facility, shall have the actions and reasons documented. If visitation is denied or limited, the visitor, the youth, and the Deputy Chief shall be informed (15 CCR 1374). A copy of the documentation will be placed in the youth's file, and another copy will be forwarded to the Deputy Chief.

1005.7 GENERAL VISITATION RULES

All visitors and youth will be required to observe the following general rules during visitation:

- (a) Parents, guardians, grandparents or persons standing in place of a parent (a maximum of four visitors if space permits) will be permitted to visit.
- (b) Children of youth will be permitted to visit. If a dispute over children visiting occurs with the youth's parent/guardian, the youth will be advised to use the court for resolution.
- (c) Extended family members – any adult related to the youth by blood adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends (Welfare and Institutions Code 224.70), shall be allowed to visit upon clearance verification.
- (d) Visitors must control children while they are waiting to visit and during the visit.
- (e) A youth may refuse to visit with a particular individual.

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- (f) Youth who are named as restrained persons in any restraining or other valid court order shall not be allowed visits from persons who are protected by the order.
- (g) Visitors must be appropriately attired before entering the visiting area of the facility.
- (h) Inappropriate clothing, such as transparent clothing, halter tops, excessively tight or revealing clothing, hats and bandanas, or any other clothing associated with a criminal gang or otherwise deemed by staff members to be unacceptable, will not be permitted.
- (i) All visitors must wear footwear.
- (j) Visitors will leave all personal items outside the secure area. Visitors who enter the facility with handbags, packages, or other personal items will be instructed to lock the items in a vehicle or locker or return at another time without the items. The facility is not responsible for lost or stolen items.
- (k) Outside food and drink are not permitted in the visiting area.

1005.8 SPECIAL VISITS

The Watch Commander has the authority to authorize special visitation privileges, in addition to the two-hour minimum and/or outside the regular visitation hours. They shall be accommodated as necessary and within the discretion of the Deputy Chief or the authorized designee and described below (15 CCR 1374):

- (a) The purpose of the visit
- (b) The relationship of the visitor to the youth
- (c) The circumstances of the visit
- (d) Distance traveled by the visitor

Whenever a special visit is denied, an entry will be made in the duty log. The entry will include the requesting visitor's name and the reason the visit was denied.

Family therapy and professional visits shall be accommodated outside the provisions of this regulation (15 CCR 1374).

1005.9 ATTORNEY AND PROFESSIONAL VISITS

Youth shall have the right to confidential visits from attorneys and their authorized representatives (e.g., paralegals, investigators, legal assistants), ombudspersons, including the Division of the Ombudsman of the Officer of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations (Welfare and Institutions Code 224.71). Other professionals associated with the youth shall not be restricted unless the youth is exhibiting disruptive behavior and it is determined by the Deputy Chief or the authorized designee that allowing the visit could threaten the safety or security of staff members, other youth, visitors, or the facility (see the Youth Access to Courts and Counsel Policy/Procedure).

1005.10 REFERENCES

See Youth Visitation Procedures for additional guidance.

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1005.11 ISSUED DATE

- 10/26/2020

1005.11.1 REVISED DATE(S)

- 04/17/2023
- 08/04/2023

Youth Mail (Title 15, § 1375)

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the receipt, rejection, inspection, and sending of youth mail (15 CCR 1375).

1006.2 POLICY

This Department will provide ample opportunity for youth to send and receive mail, subject to restriction only when there is a legitimate government interest.

Youth shall have the right to maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through mail (Welfare and Institutions Code 224.71).

Extended family member" means any adult related to the youth by blood, adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends (Welfare and Institutions Code 224.70).

1006.3 MAIL GENERALLY

The Deputy Chief or the authorized designee shall develop and implement written procedures for correspondence (15 CCR 1375).

Youth may send and receive mail without restrictions on quantity, provided it does not jeopardize the safety of staff members, visitors, or other youth, or pose an unreasonable disruption to the orderly operation of the facility (15 CCR 1375).

However, youth may store only a limited amount of mail in their housing unit as determined by the Deputy Chief or the authorized designee. Excess mail shall be stored with the youth's personal property and returned when the youth is released.

1006.4 CONFIDENTIAL CORRESPONDENCE

Youth may correspond confidentially with state and federal courts, the youth's attorney or the attorney's authorized designee, any member of the State Bar or holder of public office, and the Board, officials of this Department, elected officials, Juvenile Justice Campus inspectors, government officials, and officers of the court (15 CCR 1375).

Youth shall have a right to send and receive confidential mail with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations (Welfare and Institutions Code 224.71).

This Juvenile Justice Campus will also accept and deliver a fax or interoffice mail from these entities.

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Juvenile Justice Campus staff members may inspect incoming confidential correspondence for contraband. Juvenile Justice Campus staff members may inspect outgoing confidential correspondence for contraband before it is sealed. If confidential correspondence is inspected, the staff member shall limit the inspection to a search for physical items that may be included besides the correspondence and shall not read or copy the content of the correspondence itself.

All inspections shall be completed in the presence of the youth (15 CCR 1375).

1006.5 SUSPENSION/RESTRICTION OF MAIL PRIVILEGES

Mail privileges may be suspended or restricted upon approval of the Deputy Chief or the authorized designee whenever members learn that mail sent by a youth involves:

- (a) Threats of violence against any member of the government, judiciary, legal representatives, victims, co-participants or witnesses. In this instance, a youth may be restricted from communicating through mail with a particular individual(s).
- (b) A threat to the security of the Juvenile Justice Campus, staff members, or the public.

The District Attorney or County Counsel shall be consulted where criminal charges are considered against a youth or there is an apparent liability risk to the Department that relates to suspension or restriction of mail privileges.

1006.6 PROCESSING AND INSPECTION OF MAIL BY STAFF MEMBERS

Staff members should process incoming and outgoing mail as expeditiously as reasonably possible. Incoming and outgoing mail should be processed within 24 hours and packages within 48 hours. Mail processing may be suspended on weekends, holidays, or during an emergency.

Incoming and outgoing correspondence, other than confidential correspondence, may be read by staff members only when there is reasonable cause to believe facility safety and security, public safety, or youth safety is jeopardized (15 CCR 1375). Mail for youth no longer in custody should not be opened.

Outgoing general mail may not be sealed by the youth, and may be read by members only when:

- (a) There is reason to believe the mail would:
 - 1. Interfere with the safety and security of the Juvenile Justice Campus.
 - 2. Threaten public safety, including, but not limited to the recipient.
 - 3. Facilitate criminal activity.
 - 4. Jeopardize youth safety.
- (b) The youth is on a restricted mail list, and there is reasonable cause to believe facility safety and security, public safety, or youth safety is jeopardized.
- (c) The mail is between youth in custody, and there is reasonable cause to believe facility safety and security, public safety, or youth safety is jeopardized.

When mail is considered inappropriate under the provisions of this policy or when a youth is sent material that is not prohibited by law but is considered contraband by the Juvenile Justice Campus,

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Youth Mail (Title 15, § 1375)

the material may be returned to the sender or held in the youth's property to be given to the youth upon release.

Youth shall be notified as soon as practicable in writing whenever their mail is withheld or rejected. Justification of censoring or rejection of mail shall be maintained in the youth's electronic file.

Incoming and outgoing mail other than that is considered legal mail (15 CCR 1375(c)) may be read by staff only when there is reasonable cause to believe facility safety and security, public safety or youth safety is jeopardized (15 CCR 1375 (d)). Prior to reading any mail, the staff member shall consult with a Watch Commander for specific direction. Any mail that is read shall be documented by the staff member in the youth's electronic case file.

1006.6.1 DESIGNATION OF STAFF MEMBERS AUTHORIZED TO READ MAIL

Incoming and outgoing mail other than that is considered legal mail (15 CCR 1375(c)) may be read by staff only when there is reasonable cause to believe facility safety and security, public safety or youth safety is jeopardized (15 CCR 1375 (d)). Prior to reading any mail, the staff member shall consult with a Watch Commander for specific direction. Any mail that is read shall be documented by the staff member in the youth's electronic case file.

1006.6.2 CENSORSHIP OF INCOMING AND OUTGOING NON-CONFIDENTIAL CORRESPONDENCE

In determining whether to censor incoming non-confidential correspondence, consideration shall be given to whether rejecting the material is rationally related to a legitimate government interest, and whether alternate means of communicating with others is available.

The impact the correspondence may have on other youth and Juvenile Justice Campus staff members is also a factor. Reasonable alternatives shall be considered, and an exaggerated response (e.g., discontinuing delivery of a magazine because of one article) shall be avoided.

Incoming and outgoing non-confidential correspondence shall only be censored to further a substantial government interest, and only when it is necessary or essential to address the particular government interest. Government interests that would justify confiscation of incoming and outgoing mail include:

- (a) Maintaining facility safety and security.
- (b) Preventing dangerous conduct, such as an escape plan.
- (c) Preventing ongoing criminal activity, such as threats of blackmail or extortion, or other similar conduct.
- (d) Preventing harassment of those who have requested that no mail be sent to them by the youth.

Correspondence and material identified for censorship shall be delivered to the Watch Commander, who shall decide if such mail will be censored.

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1006.6.3 DOCUMENTING REJECTED OR CENSORED CORRESPONDENCE

In each case where it is necessary to remove any item from correspondence, or correspondence has been rejected or censored, a written record must be made of such action, to include:

- (a) The youth's name and identification number.
- (b) A description of the item or correspondence.
- (c) A description of the action taken and the reason for such action.
- (d) The disposition of the item.
- (e) Signature of the Supervising Juvenile Correctional Officer.
- (f) Notification to the youth and sender (unless such notification jeopardizes any investigation or the safety and security of the facility). The written record shall document the date and method by which the youth was notified (e.g., in person, by letter).

1006.7 REJECTION OF MAGAZINES AND PERIODICALS

The Department may reject magazines, periodicals, and other materials that may inhibit the reasonable safety, security, and discipline in the daily operation of this facility. Materials that may be rejected include but are not limited to:

- (a) Materials that advocate violence or a security breach.
- (b) Sexually explicit material, including pornographic magazines, nude pictures, and pictures or descriptions of sexually explicit activities.
- (c) Obscene publications or writings and mail containing information about where or how such matter may be obtained; any material that would have a tendency to incite murder, arson, riot, acts of racism, or any other form of violence; any material that would have a tendency to incite crimes against children; any material about unlawful gambling or an unlawful lottery; any material containing information on the manufacture or use of weapons, narcotics, or explosives, or any other unlawful activity.
- (d) Material that could lead to sexual aggression or an offensive environment for youth.
- (e) Material that could create a hostile or offensive work environment.
- (f) Any material with content in which the Department that could reasonably demonstrate a legitimate government interest in rejecting the material.

Staff members shall notify the Watch Commander whenever a decision is made to reject books, magazines, or periodicals. The Deputy Chief or the authorized designee will make the final decision on the specific magazines, periodicals, and other materials prohibited within this facility.

Religious texts not supplied by the Juvenile Justice Campus-authorized entities may be accepted by the chaplain or other religious volunteer who has received training on facility rules involving contraband, and who has been approved by a supervisor to review such documents for distribution.

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1006.8 FORWARDING MAIL

Any non-legal mail received for a youth formerly incarcerated be returned to the sender. Obvious legal mail should be forwarded to the former incarcerated youth's new address if it is reasonably known.

1006.9 YOUTH REQUESTS FOR WRITING MATERIALS

Youth may receive the opportunity to write letters and be provided with writing materials weekly, as provided by an approved schedule established by the Deputy Chief or the authorized designee. Writing materials shall include (15 CCR 1375):

- (a) Two letters per week postage free (JJC will not limit the amount of postage free mail for all youth).
- (b) Writing paper.
- (c) One pencil.

Youth shall receive pre-stamped envelopes and writing paper sufficient to maintain communication with courts, legal counsel, officials of this Department, elected officials, inspectors with the Board of State and Community Corrections, government officials, and officers of the court.

Youth shall not be permitted to maintain an unreasonable excess supply of writing materials without the approval of a supervisor.

1006.10 REFERENCES

See Youth Mail Procedures for additional guidance.

1006.12 ISSUED DATE

- 12/07/2020

1006.12.1 REVISED DATE(S)

- 03/25/2021
- 04/17/2023
- 08/04/2023

Youth Telephone Access (Title 15, § 1376)

1007.1 PURPOSE AND SCOPE

This policy establishes guidelines for permitting youth to access and use telephones (15 CCR 1376).

1007.2 POLICY

To encourage and maintain positive relationships within the family and community, the Juvenile Justice Campus will provide access to telephones for use by youth consistent with federal and state law.

Youth shall have the right to maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through telephone calls (Welfare and Institutions Code 224.71).

"Extended family member" means any adult related to the youth by blood, adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends (Welfare and Institutions Code 224.70).

1007.3 TELEPHONE ACCESS PROCEDURE

The Deputy Chief or the authorized designee shall develop written procedures establishing the guidelines for youth telephone access and usage. All youth will be provided a copy of the telephone usage rules as part of their youth orientation during the admission process (15 CCR 1376). All telephone calls made by youth shall be free of charge to the youth initiating the call and to the person receiving the call (Welfare and Institutions Code § 208.1).

Youth housed in general population will be permitted reasonable access to public telephones, if available, at scheduled times in the dayrooms for placing calls unless such access may cause an unsafe situation for the facility, staff members, or other youth.

The Deputy Chief shall ensure a notice is conspicuously posted near the phones, informing the youth that non-attorney calls may be monitored and recorded. All attorney/youth phone calls shall not be monitored as they are deemed confidential by attorney client privilege.

Youth are not permitted to receive incoming telephone calls. Messages will only be delivered in the event of a verified emergency.

In the event of a facility emergency, or as directed by the supervisor or the Deputy Chief, all telephones will be turned off.

Teletypewriter/telecommunications device for the deaf (TTY/TDD) or equally effective telecommunications devices will be provided to youth who are deaf, hard of hearing, or have speech impairments to allow them equivalent telephone access.

The minimum time allowed per call should be 10 minutes, unless there are substantial reasons to justify further limitations. Reasons for denial of telephone access shall be documented and a

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copy placed into the youth's file. The rules governing telephone use will be conspicuously posted near the telephones.

Staff members should monitor the use of public telephones to ensure youth have reasonable and equitable access and that the rules are observed. Any youth refusing to cooperate with the telephone rules may have their call terminated, telephone privileges suspended, and/or incur disciplinary action.

Requirements relating to youth telephone access and use during admission are contained in the Youth Admittance Process Policy.

1007.4 USE OF TELEPHONE IN HIGH-SECURITY DETENTION

Youth who are housed in high-security detention units may use the public telephones in the dayroom during the time allocated for that classification of youth to use that space. If portable telephones are available in the facility, youth who are housed in high-security detention units may have reasonable access to the portable telephones with staff member supervision, as appropriate.

1007.5 COURT-ORDERED TELEPHONE CALLS

If a court order specifying a telephone call is received by the facility, or a supervisor determines there is a legitimate need for a telephone call for a specific youth, the supervisor may direct that a youth use a facility telephone. Calls placed from a facility telephone shall be dialed by a staff member. The staff member shall be responsible for ensuring that the youth is not calling a number that has been restricted by a court order or by request of the recipient. Such a call shall be recorded to the same extent authorized for calls that are not court-ordered unless it is to their attorney.

1007.6 ATTORNEY-CLIENT TELEPHONE CONSULTATION

At all times throughout the period of custody, youth will have non-recorded telephone access to an attorney at no charge to either the attorney or to the youth, in accordance with the Youth Access to Courts and Counsel Policy.

Youth shall have the right to make and receive confidential telephone calls with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations (Welfare and Institutions Code 224.71).

1007.7 TELEPHONE CONTRACTS AND CHARGES

The Deputy Chief or the authorized designee is responsible for ensuring that all telephone calls placed by the youth are free and the receiving party is not charged.

1007.8 REFERENCES

See Youth Telephone Access Procedures for additional guidance.

1007.9 ISSUED DATE

- 04/17/2023

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Youth Telephone Access (Title 15, § 1376)

1007.10 REVISED DATE(S)

- 08/04/2023

Youth Access to Courts and Counsel (Title 15, § 1377)

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the constitutional rights of youth to access the courts and legal counsel, while holding youth accountable to the rules and regulations that govern conduct in this facility in accordance with the Juvenile Detention Manual Policy (15 CCR 1377).

1008.2 POLICY

It is the policy of this Department that all youth will have access to the courts and the ability to consult with legal counsel.

1008.3 YOUTH ACCESS TO LEGAL SERVICES

The Deputy Chief shall develop written procedures to ensure the rights of youth to have access to the courts and legal services. Such access shall include (15 CCR 1377):

- (a) Access, upon request by the youth, to licensed attorneys and their authorized representatives.
- (b) Provision for confidential consultation with the youth's attorney.
- (c) Unlimited postage-free legal correspondence and cost-free telephone access as appropriate.
- (d) Youth shall have the right to counsel and a prompt probable cause hearing when detained on probation violations. Youth shall have the right to attend all court hearings pertaining to them (Welfare and Institutions Code 224.71).

Staff members shall not unreasonably interfere with youths' attempts to seek counsel, and where appropriate should assist youth with making confidential contact with attorneys and their authorized representatives (e.g., paralegals, investigators, legal assistants).

Access to courts and legal counsel or their authorized representatives may occur through court-appointed counsel, attorney, or legal assistant visits, telephone conversations, or electronic or written communication. To facilitate access, this facility will minimally provide:

- (a) Confidential attorney visiting areas that allow the attorney or the attorney's authorized representatives and the youth to share legal documents.
- (b) Telephones that enable confidential unrecorded calls between youth and their attorneys or the attorney's authorized representatives.
- (c) Reasonable access to legal materials (see the Library Services Policy).

The Deputy Chief shall be responsible for ensuring that information regarding access to courts and legal counsel and requesting legal materials or legal assistance is included and provided during youth orientation (15 CCR 1377).

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Youth shall have the right to make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations (Welfare and Institutions Code 224.71).

Youth shall have the right to contact attorneys, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints. (Welfare and Institutions Code 224.71).

1008.4 CONFIDENTIALITY

All communication between a youth and the youth's attorney or the attorney's authorized representatives is confidential, including telephone conversations, or electronic or written communication, and video conferencing. The content of written attorney-client communication will not be reviewed or censored, but the documents may be inspected for contraband (see the Youth Mail Policy) (15 CCR 1377).

1008.5 YOUTH REQUEST FOR ASSISTANCE

Written materials addressing how a youth can access local attorneys and key legal documents shall be available in each housing area. Staff members shall provide these materials to any youth upon request. However, staff members shall not provide legal advice or assist any youth in completing any legal document.

1008.6 VISITATION RELATED TO LEGAL DEFENSE

Visits with youth that are related to legal defense, including visits with attorneys or their authorized representatives, will be permitted only in the areas designated for legal visitation to ensure confidentiality (15 CCR 1377). Contact visits may be approved by the Deputy Chief for special circumstances.

- (a) Visits shall be of a reasonable length of time to discourage any allegation that the youth's defense was hindered due to the length of time allowed for the legally authorized visit. These visits shall be of such a length of time that they do not interfere with the security, order, and discipline of this facility. The permissible time for visitation shall be flexible but shall not substantially interfere with other facility schedules, such as medical examinations, meal service, or other required activities.
- (b) Only materials brought to this facility by an attorney or their authorized representatives shall be allowed.
- (c) All materials shall be subject to security inspections for contraband by staff members and shall be routed through the Watch Commander for logging and distribution.

1008.7 LEGAL MAIL

- A. Legal mail shall be handled in accordance with the Youth Mail Policy and Procedure

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1008.8 LEGAL MAIL AND COMMUNICATION

Youth shall be provided with free unlimited postage for legal mail, and no-cost telephone access as appropriate (15 CCR 1377).

1008.9 REFERENCES

See Youth Access to Legal Services Procedure for additional guidance.

1008.10 ISSUED DATE

- 10/13/2020

1008.11 REVISED DATE(S)

- 04/17/2023
- 08/04/2023

Library Services

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the funding of library services and for providing youth access to leisure and legal reading materials.

1009.2 POLICY

It is the policy of this facility to operate a library service that provides leisure and legal reading materials to youth.

1009.3 RESPONSIBILITIES

The Deputy Chief or the authorized designee, in conjunction with the Fresno County Superintendent of Schools (FCSS), is responsible for the administration of library services and should appoint a librarian or capable staff member to serve as librarian to run the daily operations. If the person selected is not a librarian, the person should receive training on library services. The library services shall include access to legal reference materials, current information on community services and resources, and religious, educational, and recreational reading material that is age-appropriate for the population.

The Deputy Chief or the authorized designee shall ensure that reading materials are provided to the general housing units and that any staff member assigned to assist with the delivery of library services has received the appropriate training in facility safety and security practices.

Access to the youth library or to library materials shall be based on youth, housing location, and other factors that legitimately relate to the safety and security of the facility.

1009.4 LIBRARY FUNDING AND MAINTENANCE

FCSS, in conjunction with the Deputy Chief or the authorized designee should ensure that funding from the general operating budget includes monies to operate the library. The librarian may enlist the assistance of the local public library system and other community organizations to maintain and update the library. Donated books and materials should be screened by the librarian for permissible content and safety before being distributed to youth. The librarian should also attempt to become affiliated with a local public or school library.

The Department may reject library materials that may compromise the safety, security, and orderly operation of this facility (see the Youth Mail Policy for examples of materials that may be rejected) or are determined not to be age-appropriate for the population.

The library shall be operated within the physical, budgetary, and security limits of the existing facility.

Books and other reading material should be provided in languages that reflect the population of the facility. The Youth Program and Services staff members is responsible for distributing reading material.

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1009.5 LEISURE LIBRARY MATERIALS

Each youth is allowed to have no more than two books at any given time. Existing selections must be returned before new books may be selected by a youth. Youth who destroy or misuse books and library materials may be subject to disciplinary action.

1009.6 ACCESS TO LEGAL PUBLICATIONS/LAW LIBRARY

All youth shall have reasonable access to the legal system, which may include access to legal reference materials.

Legal information that may be provided through the library includes but is not limited to:

- (a) Criminal and Juvenile delinquency code sections.
- (b) Copies of criminal and/or civil cases.
- (c) Copies of relevant judicial forms for criminal cases, civil cases, and general litigation.

Youth in a higher classification housing unit shall have the same access to reading material and legal materials as the general population, unless a restriction is directed by the Court.

1009.7 ALTERNATE MEANS OF ACCESS TO LEGAL RESOURCES

Nothing in this policy shall confer a right to access a law library. Unless it is specified by court order, the Chief Probation Officer or the authorized designee may provide access to legal system by a variety of means that may include public or private legal research services (e.g., web-based legal resources).

1009.8 ISSUED DATE

- 12/21/2020

Chapter 11 - Facility Design

Facility Capacity (Title 15, § 1343)

1101.1 PURPOSE AND SCOPE

One of the determining factors in maintaining a safe and secure Juvenile Justice Campus is to limit the youth population to the number of beds constructed in each youth classification level. Occasionally, emergencies occur that will require the Juvenile Justice Campus to exceed its Board Rated Capacity (BRC). This policy establishes the facility's approved bed capacity, addresses temporary population excess, and provides a plan for gathering statistics and projecting long-term space needs via a facility needs assessment.

1101.2 POLICY

It is the policy of the Fresno County Probation Department to manage the youth population to the extent reasonably possible to avoid exceeding the facility's BRC.

1101.3 JUVENILE FACILITY CAPACITY

The Chief Probation Officer is responsible for ensuring that the facility has enough housing units in an appropriate configuration so that youth can be separated according to the facility's classification plan.

If an emergency causes the facility to be populated beyond the approved bed capacity, every reasonable effort shall be made to reduce the youth population to the BRC as soon as reasonably practicable. The Department will take affirmative action to address excess population. If the youth population remains over capacity or continues to increase, a crowding committee shall be formed to examine methods to ensure that the facility population is reduced and remains within the approved bed capacity.

When the number of youth detained in a living unit of a juvenile facility exceeds its rated capacity for more than 15 calendar days in a month, the Deputy Chief shall provide a crowding report to the Board of State and Community Corrections (BSCC) in the format provided by the BSCC (15 CCR 1343). The BSCC executive director shall review the facility's report and initiate a process to make a preliminary determination if the facility is suitable for the continued confinement of youth. If the executive director determines that the facility is unsuitable for confining youth, the Board shall review the recommendation at its next scheduled meeting (15 CCR 1343).

Notice of the Board's findings and/or actions shall be public record and, at a minimum, shall be provided to the Deputy Chief, presiding juvenile court judge, Board of Supervisors Chairperson, Probation Commission, and Juvenile Justice Commission within 10 working days of the Board meeting (15 CCR 1343).

1101.4 CROWDING COMMITTEE

The Chief Probation Officer or the authorized designee is responsible for forming the crowding committee and for facilitating its meetings. When the youth population nears the facility's BRC, the Chief Probation Officer or the authorized designee shall schedule a meeting with the committee to identify potential solutions to reduce the population to, or below, the approved bed capacity.

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Facility Capacity (Title 15, § 1343)

A complete report describing facility population, conditions, and mitigation recommendations shall be provided to all members of the committee and released to the public.

The committee membership shall include but is not limited to:

- (a) The Chief Probation Officer or the authorized designee.
- (b) The Deputy Chief or the authorized designee.
- (c) A member of the local judiciary.
- (d) A representative of the District Attorney's Office.
- (e) A representative of the Public Defender's Office.
- (f) A representative from the County Administrative Officer's Office.
- (g) A representative from the Board of Supervisors.
- (h) One or more members of the public (e.g., a juvenile advocacy group).

1101.5 FACILITY NEEDS ASSESSMENT

If the Juvenile Justice Campus maintains an average 80% occupancy rate consistently for one year, the Department shall initiate a facility needs assessment. The assessment initiates a systematic process that is designed to identify a variety of operational issues and program needs and may indicate when expansion or replacement of the facility is warranted.

1101.6 DAILY YOUTH POPULATION REPORT

The Deputy Chief or the authorized designee is responsible for ensuring that staff members complete and maintain detailed daily logs of the facility's youth population. A daily youth population report summarizing this information shall be distributed to the Chief Probation Officer or the authorized designee (see the Youth Population Management Policy).

1101.6.1 REQUIRED REPORTING

The Deputy Chief shall submit the required population and profile survey reports to the BSCC within 10 working days after the end of each reporting period, in a format to be provided by the BSCC (see the Youth Population Management Policy).

1101.7 ISSUED DATE

- 04/17/2023

Chapter 12 - Personnel

Recruitment and Selection

1200.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Fresno County Probation Department and that are promulgated and maintained by the Department of Human Resources.

1200.2 POLICY

In accordance with applicable federal, state, and local law, the Fresno County Probation Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards. Staff members may also refer to Fresno County Personnel Rule 4, Selection Process, under Personnel Rules.

1200.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department will employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and past addresses, education, military record)
 1. The personnel records of any applicant with peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed before extending an offer of employment (Penal Code § 832.12).
 2. This includes a review of prior law enforcement employment information maintained by candidates' former employing agencies.
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

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- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.) and the California Investigative Consumer Reporting Agencies Act (Civil Code § 1786, et seq.).
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector/polygraph test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1200.4 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Fresno County Probation Department (Government Code § 1031; 15 CCR 131).

1200.4.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the Fair Credit Reporting Act (FCRA) and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16, et seq.).

1200.4.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1200.4.3 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1200.4.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1200.5 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators, candidate information, and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following, but not limited to:

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- (a) Age at the time the behavior occurred
- (b) Passage of time
- (c) Patterns of past behavior
- (d) Severity of behavior
- (e) Probable consequences if past behavior is repeated or made public
- (f) Likelihood of recurrence
- (g) Relevance of past behavior to public safety employment
- (h) Aggravating and mitigating factors
- (i) Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1200.5.1 MANDATORY DISQUALIFICATION

No person shall be hired who has (28 CFR 115.317):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 USC § 1997).
- (b) Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Department shall ask all candidates to disclose any conduct described above in written applications or interviews. Material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination.

1200.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community (Government Code § 1029; Government Code § 1031; 15 CCR 131).

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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1200.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by California law, including those provided in Penal Code § 830, Government Code § 1029, Government Code § 1031, and 15 CCR 131:

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States, under federal law.
- (c) At least 18 years old
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation
- (f) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university, or approved institution
- (g) Complete sixty (60) semester units of coursework that is acceptable within the United States' accredited college or university system
- (h) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation that might adversely affect the exercise of peace officer powers
- (i) 1. A candidate for a peace officer position shall include an inquiry into whether the candidate has engaged or is engaging in membership in a hate group, participation in any hate group activity or advocacy of public expressions of hate as outlined in Penal Code § 13680. 2. A candidate for a peace officer position shall include an inquiry into whether the candidate has engaged or is engaging in membership in a hate group, participation in any hate group activity or advocacy of public expressions of hate as outlined in Penal Code § 13680. 3. A candidate for a peace officer shall not be ineligible to be hired if the candidate has ceased all activities as described in section 1, and at least 7 years has passed since the last activity. (Penal Code § 13681)

Candidates must also satisfy the Board of State and Community Corrections selection requirements.

1200.7 ISSUED DATE

- 05/27/2022

1200.8 REVISED DATE(S)

- 04/17/2023

Smoking and Tobacco Use (Title 15, § 1511)

1201.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by staff members and others while on-duty or while in Fresno County Probation Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1201.2 POLICY

The Fresno County Probation Department recognizes that tobacco use is a health risk and that smoking and tobacco use can be offensive to others. Therefore, all forms of tobacco use are prohibited by staff members and visitors in all Department facilities, within 20 feet of a main entrance, exit, or operable window of any public building, buildings, and vehicles, and as further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1201.3 SMOKING AND TOBACCO USE

It shall be the responsibility of each staff member to ensure that no person smokes or uses any tobacco product inside County facilities or vehicles, or within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility) or buildings on the campuses of the University of California, California State University, and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7597).

1201.3.1 SMOKE-FREE ENVIRONMENT

The Deputy Chief shall ensure that laws prohibiting smoking are enforced in the Juvenile Justice Campus facilities, and during work details, and during program attendance, and that youth are not exposed to the use of tobacco products or electronic nicotine delivery system while in custody at the Fresno County Probation Department or in the custody of staff (15 CCR 1511).

1201.4 ISSUED DATE

- 05/27/2022

Performance Evaluations

1202.1 PURPOSE AND SCOPE

This policy provides guidelines for the Fresno County Probation Department performance evaluation system.

1202.2 POLICY

The Fresno County Probation Department shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide to recognize good work and the development of a process for improvement. Staff members may also refer to Fresno County Personnel Rule 13 – Employee Performance Evaluations. This policy shall be interpreted and enforced in a manner consistent with Fresno County Personnel Rule 13. Management evaluations will be completed in narrative form.

The Department evaluates staff members in a nondiscriminatory manner based upon job-related factors specific to the staff member's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1202.3 EVALUATIONS

An evaluation is completed at regular intervals by the staff member's immediate supervisor. Staff members who have been promoted should be evaluated as established by the Department of Human Resources or, minimally, on or before the anniversary of the last promotion.

When a staff member transfers to a different assignment in the middle of an evaluation period, the evaluation should be completed by the supervisor who has supervised the staff member for the majority of the rating period, with input from the other supervisor(s).

An evaluation that may also be completed at any time that the supervisor and the Deputy Chief or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

1202.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the staff member's performance. The definition of each rating category is as follows:

Exceeds Expectations - Performance is well beyond that required for the position and is better than demonstrated by a competent staff member.

Meets Expectations - Performance of a competent staff member. It is satisfactory performance that meets the standards required of the position.

Needs improvement - Performance is less than the standards required of the position. A needs improvement rating shall be thoroughly discussed with the staff member.

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Unacceptable - Performance is unsatisfactory and below the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the staff member's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unacceptable or exceeds expectations shall be substantiated with supervisor comments.

Management evaluations will be completed in narrative form.

1202.3.2 PERFORMANCE IMPROVEMENT PLAN (PIP)

Staff members may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the staff member to review the staff member's performance and the status of the PIP at least monthly.

1202.4 EVALUATION PROCESS

Supervisors should meet with the staff members they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each staff member.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the staff member during that period. Evaluations should be completed by each staff member's immediate supervisor. Other supervisors directly familiar with the staff member's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of a staff member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and staff member with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the staff member during the course of the evaluation period are encouraged.

Staff members demonstrating substandard performance shall be notified as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity prior to the end of the evaluation period.

1202.5 EVALUATION FREQUENCY

Supervisors shall ensure that all staff members they supervise are evaluated at least once every year on or before the anniversary of the staff member's date of appointment or hire.

1202.6 EVALUATION DISCUSSION

When the supervisor has completed the staff member's evaluation, a private discussion of the evaluation should be scheduled with the staff member. The supervisor should discuss the evaluation ratings and respond to any questions the staff member may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected

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level of performance should be identified and discussed. If the staff member has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Staff members may write comments in an identified section of the evaluation within 30 days of receiving the evaluation, or in accordance with staff member's memorandum of understanding. The supervisor and staff member will sign and date the evaluation.

It is the responsibility of the supervisor, when preparing annual performance evaluations for a staff member who drives during the course of County employment, to re-verify the possession of a driver's license and valid insurance by re-examining the documents. The Driver's License/ Insurance Verification form is located in the Probation Department's case management system. Members may refer to County Management Directive 543.

1202.7 CHAIN OF REVIEW

The performance evaluation should be forwarded to the evaluating supervisor's Deputy Chief or the authorized designee. The reviewer, Deputy Chief or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency.

The reviewer, Deputy Chief or the authorized designee should evaluate the supervisor on the quality of ratings given.

1202.8 RETENTION AND DISTRIBUTION

The original performance evaluation and any written response shall be maintained by the Department in accordance with the Personnel Records Policy.

1202.9 ISSUED DATE

- 09/16/2021

Grievances

1203.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the Fresno County Juvenile Justice Campus (JJC) grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address staff member grievances in the workplace.

1203.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- (a) The collective bargaining agreement or memorandum of understanding
- (b) This Policy Manual
- (c) Rules and regulations governing personnel practices or working conditions
- (d) Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may threaten the health, safety, or well-being of staff members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department member that, if true, would constitute a violation of Department policy or federal, state, or local law, as set forth in the Personnel Complaints Policy.

1203.2 POLICY

It is the policy of the Fresno County JJC to provide a just and equitable system for promptly handling employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

When a staff member becomes aware that a problem exists, the staff member shall discuss the matter informally with the lowest ranking immediate supervisor whose job classification is not included in the same certified representation unit.

The Probation Department is responsive to staff member grievances. In accordance with existing County policies and procedures, the Chief Probation Officer has authorized specific individuals to serve as the department head's designated representatives and has adopted the following process for implementing the Fresno County Grievance Procedure. Staff members may also refer to Fresno County Management Directive 220 and, if they are represented, any applicable provisions in bargaining unit's memorandum of understanding with the County.

1203.3 PROCESS

Grievances may be brought by an individual staff member or by a staff member group representative. Staff members may have representation during the grievance process.

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In keeping with the County procedure, the supervisor shall make every effort to resolve the problem informally within the confines of his/her authority. If the informal resolution does not appear to be forthcoming, the supervisor shall seek advice and counsel from his/her immediate supervisor who, in turn, shall involve Department management staff.

In the event a resolution is not practical, the staff member must follow the grievance guidelines set forth in their respective labor association/union Memorandum of Understanding or Fresno County grievance policy and procedure.

1203.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administration Services Division for inclusion into a secure file for all written grievances.

1203.5 ISSUED DATE

- 05/12/2021

Anti-Retaliation

1204.1 PURPOSE AND SCOPE

This policy prohibits retaliation against staff members who identify workplace issues such as fraud, waste, abuse of authority, gross mismanagement, discrimination/harassment (See Discrimination/Harassment policy) or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of staff members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines should supplement and not limit staff members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a staff member pursuant to any federal law, provision of the U.S. Constitution, state and local law, ordinance, or memorandum of understanding or contract.

1204.2 POLICY

The Fresno County Probation Department has zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation staff members who, in good faith, engage in permitted behavior or who report or participate in reporting or investigating workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1204.3 RETALIATION PROHIBITED

No staff member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- (a) Refusing to hire or denying a promotion.
- (b) Extending the probationary period.
- (c) Unjustified reassignment of duties or change of work schedule.
- (d) Real or implied threats or other forms of intimidation to dissuade reporting wrong doing or filing a complaint, or as a consequence of having reported or participated in protected activity.
- (e) Taking unwarranted disciplinary action.
- (f) Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- (g) Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

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1204.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation by another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1204.4 COMPLAINTS OF RETALIATION

Any staff member who has been retaliated against in violation of this policy should promptly report the matter to any supervisor, manager, Division Deputy Chief, the Chief Probation Officer, or the County Department of Human Resources.

Staff members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint to avoid baseless allegations. Staff members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting staff member is known, thereby allowing investigators to obtain additional information from the reporting staff member. All reasonable efforts shall be made to protect the reporting staff member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint and if applicable, to impose discipline for misconduct. In some situations, the investigative process may not be complete unless the source of the information and a statement by the staff member are part of the investigative process.

1204.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Receiving all complaints in a fair and impartial manner.
- (b) Documenting the complaint.
- (c) Acknowledging receipt of the complaint, notifying the Chief Probation Officer via the chain of command.,
- (d) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (e) Monitoring the work environment to ensure that any staff member making a complaint is not subjected to further retaliation.
- (f) Following up with the complainant periodically to ensure that retaliation is not continuing.
- (g) Not interfering with or denying the right of a staff member to make any complaint.

1204.6 EXECUTIVE COUNCIL RESPONSIBILITIES

The Chief Probation Officer and Deputy Chiefs shall treat all complaints as serious matters and should ensure that prompt actions take place, including but not limited to:

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- (a) The timely review of complaint investigations.
- (b) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (c) The timely communication of the outcome to the complainant.
- (d) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1204.7 WHISTLEBLOWING

California law protects staff members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the staff member's supervisor or any other staff member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the staff member has reasonable cause to believe a violation of law has occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Staff members shall exhaust all available administrative remedies before filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Staff members are encouraged to report any violations through the chain of command (Labor Code § 1102.5).

Staff members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to their Division Deputy Chief or the Chief Probation Officer for investigation pursuant to the Personnel Complaints Policy.

1204.7.1 DISPLAY OF WHISTLEBLOWER LAWS

The Fresno County Juvenile Justice Campus shall display a notice to staff members regarding their rights and responsibilities under the whistleblower laws, including the whistleblower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1204.8 RECORDS RETENTION AND RELEASE

The Department shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

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1204.9 ISSUED DATE

- 05/12/2021

1204.10 REVISED DATE(S)

- 05/27/2022

Drug- and Alcohol-Free Workplace

1205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1205.2 POLICY

It is the policy of the Fresno County Probation Department to provide a drug- and alcohol-free workplace for all staff members.

1205.3 GUIDELINES

Alcohol and drug use in the workplace or on Department time can endanger the health and safety of Department staff members and the public. Such use shall not be tolerated in compliance with federal grant guidelines (41 USC § 8103).

Staff members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected staff members shall notify the Assistant Deputy Chief or appropriate supervisor as soon as the staff member is aware that the staff member will not be able to report to work. If the staff member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

If the staff member is adversely affected while on-duty, the staff member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

Staff members must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during the member's working hours, including breaks, or at any time while on County property during work hours. Members shall not be under the influence or in possession of alcohol or drugs while on County property, at identified work locations, or while on duty; shall not utilize, sell, or provide drugs or alcohol to any other member or to any person while the member is on duty nor have the member's ability to work impaired as a result of the use of alcohol or drugs.

This policy applies to alcohol and to drugs or medications, legal or illegal, which could impair a member's ability to perform assigned job duties effectively, efficiently, and safely. Members may also refer to Fresno County Board of Supervisors Administrative Policy No. 43, Drug Free Workplace.

1205.3.1 USE OF MEDICATIONS

Staff members should not use any medications that will impair their ability to safely and completely perform their duties. Any staff member who is medically required or has a need to take any such medication shall report that need to the staff member's immediate supervisor before beginning any on-duty status.

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1205.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1205.4 STAFF MEMBER RESPONSIBILITIES

Staff members shall report for work in an appropriate mental and physical condition. Staff members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on Department premises or on Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Staff members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow on-duty staff member is impaired due to drug or alcohol use.

Staff members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction (41 USC § 8103).

1205.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers, or the employee assistance program for more information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1205.6 WORK RESTRICTIONS

If a staff member informs a supervisor that the staff member has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the staff member may be required to obtain clearance from the staff member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a staff member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the staff member from continuing work and shall ensure that the staff member is transported from the Department.

1205.7 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a staff member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the staff member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

Staff members found to be in violation of this policy may be subject to disciplinary action under Personnel Rule 10, up to and including termination. The County may, in lieu of disciplinary action,

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require the staff member to participate in a governmental approved substance abuse assistance or rehabilitation program.

1205.8 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due its staff members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the staff member involved or pursuant to lawful process.

1205.9 ISSUED DATE

- 05/12/2021

1205.10 REVISED DATE

- 05/27/2022

Vacation, Personal Time, and Sick Leave

1206.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible staff members are detailed in the county personnel manual or applicable collective bargaining agreement or memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, staff members may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1206.2 POLICY

It is the policy of the Fresno County Juvenile Justice Campus to provide eligible staff members with a vacation/sick-leave benefit (Annual Leave). Members may also refer to Salary Resolution Section 700 – Vacation/Sick Leave Plan.

All other divisional staff members who work at the Juvenile Justice Campus (JJC) but are not required to participate in an annual shift selection process, such as but not limited to the following: Deputy Chief, Assistant Deputy Chief, Deputy Probation Officers, IT personnel, Social Workers, Confidential Assistant(s), shall follow the Probation Services policy 809- Vacation and Sick Leave.

1206.3 VACATION

For the purpose of this policy, two terms are operationally defined as follows:

- (a) **Vacation** is defined as Annual Leave used in increments of four or more consecutive days. (see Vacation, Personal Time and Sick Leave procedures to allow single day off requests during the annual vacation sign-ups).
- (b) **Seniority** - for purpose of vacation selection, is defined as the total time that a staff member has been employed within the Fresno County Probation Department in a permanent position. This time shall be computed from the date the member is appointed to a permanent position in the Probation Department regardless of subsequent leaves of absence, military service, layoffs, etc. Interruptions in length of service will not abrogate seniority rights except interruptions caused by resignation or dismissal. In the event two or more people are promoted on the same day, the tiebreaker will be the total time an employee has been employed within the Fresno County Probation Department in a permanent position.

1206.3.1 ANNUAL VACATION SCHEDULING

Annual vacation selection will be scheduled and completed in the month of January each calendar year.

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1206.3.2 AUTHORITY

The JJC Deputy Chief or the authorized designee may delegate the authority to approve requests for vacation time to Supervising Juvenile Correctional Officers (SJCO) for subordinate members.

1206.3.3 PROMOTIONS

In the event a member is promoted after vacation schedules are established, they will, for the balance of that calendar year, be viewed as a new staff member within the classification for the purpose of granting vacation time off. If a staff member is promoted prior to the vacation schedule being established, full seniority rights as previously defined will be recognized for purpose of vacation scheduling, according to the operational needs of the individual units, divisions, and department.

1206.3.4 GENERAL CONSIDERATIONS

JJC administration and management will consider the need for safe facility operations when determining the maximum number of staff members who can be permitted to be on vacation at one time.

JJC administration and management shall retain the right to cancel previously scheduled vacation if the vacation time off is deemed to be contrary to the best interest of the Department.

Staff members shall not request vacation, personal time off, or unscheduled leave unless they have sufficient annual leave time accrued prior to departure date. Staff members will not be allowed to use dock time for vacation or personal time off. It is the staff member's responsibility to cancel vacation dates accordingly if they do not have sufficient annual leave time accrued prior to departure date.

1206.4 USE OF SCHEDULED PERSONAL TIME OFF

Personal time off is the use of annual leave for time off beyond the vacation selection process. Staff members may request time off to the limits of operational needs of the facility and to the degree coverage will allow due to unpredictable needs. Requests for personal time off should be no more than fifty (50) days in advance and not less than ten (10) days in advance of the date requested. Personal time off will not be approved until the completion of the annual vacation selection process.

1206.5 USE OF UNSCHEDULED PERSONAL TIME OFF

Unscheduled personal time off causes a hardship to the facility and should be kept to a minimum. Unscheduled personal time off or unscheduled leave are requests made less than ten days in advance of the date requested. In all cases of unscheduled personal time off, the staff member must explain the reason for the absence. Documentation validating the absence may be requested (e.g. doctor's note for staff member, child, spouse; death certificate; police report or citation, etc.).

1206.6 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation.

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Abuse of sick leave may result in discipline, denial of sick-leave benefits, or both. Staff members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment and Outside Overtime Policy).

1206.7 NOTIFICATION

All staff members shall notify the on-duty Watch Commander (WC) or appropriate supervisor as soon as they are aware that they will not be able to report for their scheduled shift. In all cases, requests to use sick leave shall not be made less than two (2) hours prior to their scheduled work start time. If, due to an emergency, a member is unable to contact the WC or supervisor, every effort should be made to have a representative for the staff member contact the WC or supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the staff member shall, whenever practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, staff members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1206.8 EXTENDED ABSENCE

Staff members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Staff members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1206.9 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those staff members under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of three or more days may qualify as family medical leave and then referring to the Probation Personnel Unit as appropriate.
- (c) Addressing absences and sick leave use in the staff member's performance evaluation when excessive.
- (d) When appropriate, counseling staff members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible staff members to an available employee assistance program when appropriate.

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1206.10 REQUIRED NOTICES

The County Director of Human Resources shall ensure that written notice of the amount of paid sick/vacation leave available is provided to staff members. JJC Administration shall ensure that a poster is displayed in a conspicuous place for staff members to review that contains information on paid sick leave.

1206.11 REFERENCES

See Vacation, Personal Time, and Sick Leave Procedure for additional guidance.

1206.12 ISSUED DATE

- 07/11/2022

Seat Belts

1207.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all staff members operating or riding in Department vehicles.

1207.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and Vehicle Code § 27360.

1207.2 POLICY

It is the policy of the Fresno County Probation Department that staff members use seat belts to reduce the possibility of death or injury in a motor vehicle collision. Refer to Management Directive 900.

1207.3 WEARING SAFETY RESTRAINTS

All staff members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this Department while on- or off-duty, or in any privately owned vehicle while on-duty. The staff member driving such a vehicle shall confirm that all other occupants, including those who are not staff members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the Department staff member or the public. Staff members must be prepared to justify any deviation from this requirement.

1207.4 TRANSPORTING CHILDREN

Child passengers younger than 8 years old shall be transported using an approved child restraint system, in compliance with Vehicle Code § 27360.

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles, provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat shall be pushed back as far as possible, and the passenger-side airbag shall be deactivated. If this is not possible, staff members shall arrange alternate transportation when feasible.

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1207.5 TRANSPORTING PERSONS IN CUSTODY

Persons in custody should be in a seated position and secured in the rear seat of any Department vehicle with a transport restraint system or, when a transport restraint system is not available, by seat belts provided by the vehicle manufacturer. The transport restraint system is not intended to be a substitute for handcuffs or other appendage restraints. See the Transportation of Youth Outside the Secure Facility Policy.

Persons in custody in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1207.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated, or altered in any way except by the vehicle maintenance and repair staff members, who shall do so only with the express authorization of the Chief Probation Officer.

Staff members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1207.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1207.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag systems, the system will not be tampered with or deactivated. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

1207.9 ISSUED DATE

- 05/27/2022

Personnel Records

1209.1 PURPOSE AND SCOPE

This policy governs maintenance of and access to personnel records. Personnel records include any file maintained under an individual staff member's name.

1209.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the constitution and laws of California (Labor Code § 1198.5, Penal Code § 832.7). Members may also refer to Fresno County Personnel Rule 9, Personnel Records, under Personnel Rules. This policy shall be interpreted and enforced in a manner consistent with Fresno County Personnel Rule 9.

1209.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a staff member's employment/appointment with this Department pursuant to the established records retention schedule. The Department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the staff member should be retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (d) Original performance evaluations.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from a sustained complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 2. A complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the Department file after the staff member has had the opportunity to read and sign/initial the comment (Government Code § 3305).
 - 1. Once a staff member has had an opportunity to read and sign/initial any adverse comment, the staff member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any staff member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a staff member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment, and the staff member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the staff member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1209.4 SUPERVISOR'S FILE

Supervisor's files may be separately maintained internally by a staff member's supervisor for the purpose of completing timely performance evaluations. The Supervisor's file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the staff member before being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1209.5 TRAINING FILE

An individual training file shall be maintained by the Training Assistant Deputy Chief for each staff member. Training files will contain records of all training; original or copies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin records).

- (a) The involved staff member is responsible for providing the Training Assistant Deputy Chief or the staff member's immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Assistant Deputy Chief or supervisor shall ensure that copies of such training records are placed in the staff member's training file.

1209.6 PERSONNEL UNIT FILES

Investigative files (i.e., internal affairs files, citizen complaint files, etc.) shall be maintained under the exclusive control of the Personnel Unit in conjunction the Chief Probation Officer or the authorized designee. Access to these files may be approved only by the Chief Probation Officer or the authorized designee.

These files shall contain the complete investigation of all formal complaints of staff member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the staff member's Department file but will be maintained in the internal file:

- (a) Not sustained
- (b) Unfounded

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(c) Exonerated

Investigation files arising out of sustained civilian complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect a staff member's career (Penal Code § 832.5).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1209.6.1 BRADY INFORMATION

In the *Brady v. Maryland* decision (373 U.S. 83 (1963)), the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant. This includes releasing potentially exculpatory information (so-called "*Brady* information") contained within confidential peace officer personnel files to a prosecuting agency. California law also establishes a criminal defendant's right to access potentially exculpatory evidence (Penal Code § 1054.1).

The Chief Probation Officer shall select a member of the Department to coordinate requests for *Brady* information. The Department will work with the appropriate prosecutors' offices and the County Counsel's office to determine what constitutes *Brady* information and the method for notification and disclosure related to officers.

1209.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the staff member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Medical release forms, doctor's slips, and attendance records that reveal a staff member's medical condition.
- (d) Any other documents or materials that reveal the staff member's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1209.8 SECURITY

Personnel records shall be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

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Nothing in this policy is intended to preclude review of personnel records by the County Administrative Officer, County Counsel, or other attorneys or representatives of the county in connection with official business.

1209.9 REQUESTS FOR DISCLOSURE

Any staff member receiving a request for a personnel record shall promptly notify the Assistant Deputy Chief Probation Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected staff member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a staff member's personnel records shall be logged in the corresponding file.

1209.9.1 REQUESTS FOR DISCLOSURE OF FORMER EMPLOYEE FILES

Staff members receiving requests for information from another agency regarding allegations of sexual abuse or sexual harassment involving a former staff member should work with legal counsel to ensure compliance with Prison Rape Elimination Act (PREA) requirements (28 CFR 115.317).

1209.9.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (see the Records Maintenance and Release Policy) (Penal Code § 832.7; Evidence Code § 1043).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any staff member of this Department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the staff member who is the subject of the investigation (or the staff member's representative) publicly makes a statement that is published in the media and that the staff member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1209.9.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Termination of an officer from this Department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a preemployment background investigation except where specifically prohibited by law (Penal Code § 13670).

1209.9.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

- (a) Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocated public expressions

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of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

- (b) Records disclosed may be redacted (Penal Code § 13683):
- To remove personal data or information, such as a home address, telephone number, email address, or identities of family members.
 - To preserve the anonymity of complainants and witnesses.
 - To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or where disclosure would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers or custodial officer.
 - Where there is a specific, articulable, and particularized reason to believe that disclosing the record would pose a significant danger to the physical safety of the officer or another person.

1209.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Assistant Deputy Chief should work as appropriate with the Chief Probation Officer or the Personnel Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3)):

- (a) All investigation reports.
- (b) Photographic, audio, and video evidence.
- (c) Transcripts or recordings of interviews.
- (d) Autopsy reports.
- (e) All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and Department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- (f) Documents setting forth findings or recommending findings.
- (g) Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

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Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter referred to as "qualifying records") shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 - 1. The discharge of a firearm at another person by an officer.
 - 2. The use of force against a person resulting in death or in great bodily injury by an officer.
 - 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 - 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
 - 1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
 - 2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another officer, including but not limited to any false statements, filing false reports, destruction, falsifying or concealing evidence, or perjury.
 - 3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
 - 4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of a qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

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1209.11 STAFF MEMBERS' ACCESS TO OWN PERSONNEL RECORDS

Any staff member may request access to the staff member's own personnel records during the normal business hours of those responsible for maintaining such files. Any staff member seeking the removal of any item from the staff member's personnel records shall file a written request to the Chief Probation Officer through the chain of command (i.e., supervisor, manager, Assistant Deputy Chief, Deputy Chief). The Department shall remove any such item if appropriate, or within 30 days provide the staff member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the staff member's request and the written response from the Department shall be retained with the contested item in the staff member's corresponding personnel record (Government Code § 3306.5).

Staff members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the staff member of the intent to discipline
- (b) Confidential portions of internal affairs files that have not been sustained against the staff member
- (c) Criminal investigations involving the staff member
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the staff member
- (e) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for Department planning purposes
- (f) Information of a personal nature about a person other than the staff member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy
- (g) Records relevant to any other pending claim between the Department and the staff member that may be discovered in a judicial proceeding
- (h) A staff member may petition the Chief Probation Officer to remove an Oral or Written Reprimand from the staff member's personnel file provided that the following requirements have been met:
 - At least three years have passed since the reprimand was issued (the Department will go back four years once the policy has been implemented)
 - During the past four years, the staff member has received only satisfactory performance evaluations
 - During the past four years, the staff member has not been disciplined.

The Chief Probation Officer's decision to grant or deny the petition is final and the staff member cannot grieve or otherwise appeal this decision.

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If the Chief Probation Officer denies the petition, a staff member becomes eligible to submit a subsequent petition to the Chief Probation Officer to remove the Oral or Written Reprimand from the staff member's personnel file at least one year after the denial. During the period between the denial and subsequent petition, the staff member shall not have any discipline or less than satisfactory performance evaluations. The Chief Probation Officer's decision on any subsequent petition is final and the staff member cannot grieve or otherwise appeal the decision. The decision will be rendered 60 days from receipt of the petition.

If the Chief Probation Officer grants a staff member's petition or subsequent petition to remove a written reprimand from the staff member's personnel file, the Department shall not directly reference that written reprimand in any subsequent disciplinary proceedings, provided that the Department shall not remove reference to that written reprimand from any other document contained in the personnel file, such as a performance evaluation, and such other document(s) may be directly referenced and/or offered in evidence in subsequent disciplinary proceedings.

1209.12 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

1209.13 ISSUED DATE

- 12/15/2021

1209.14 REVISED DATE(S)

- 05/27/2022
- 04/17/2023

Request for Change of Assignment

1210.1 PURPOSE AND SCOPE

This policy establishes guidelines for Fresno County Juvenile Justice Campus (JJC) staff members to request a change of assignment.

1210.2 POLICY

It is the policy of the JJC that all requests for change of assignment be considered in an equitable and nondiscriminatory manner.

1210.2.1 PERSONNEL RULE 11022.3

The Chief Probation Officer may at any time, reassign an employee from one position to another in the same classification and also in accordance with the Memorandum of Understanding (MOU). Employees being reassigned will be given reasonable notice in advance of such reassignment whenever possible.

1210.3 REQUEST FOR CHANGE OF ASSIGNMENT

A staff member may make a request in writing, through their chain of command, for a one-time permanent shift exchange with another staff member within the same job classification until the next shift selection process. Staff members shall complete a "One Time Shift Swap" form that is available in the Department's Case Management system and the final approval will be made by the Deputy Chief or the authorized designee.

- (a) If the request is approved, the staff member's previously approved vacation will not be modified to meet the regular days off and would remain as requested. The staff member would need to make the necessary single days off request in accordance with the vacation policy and procedure.

1210.3.1 SPECIALTY ASSIGNMENTS

During the month of November prior to the annual shift selection process, specialty assignment positions (in accordance with Memoranda of Understanding) will be posted for all eligible staff members to submit their name (based on the instructions provided) for consideration. An interview will take place and all candidates who interviewed for a specialty assignment(s) will be informed of the selection(s) prior to the annual shift selection date.

1210.4 CHIEF PROBATION OFFICER

The Chief Probation Officer or the authorized designee will make the final decision for all change-of-assignment requests that are outlined in this policy.

1210.5 ISSUED DATE

- 04/17/2023

Commendations and Awards

1211.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of staff members of the Fresno County Probation Department and individuals from the community.

1211.2 POLICY

It is the policy of the Fresno County Probation Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism, and service of its staff members and individuals from the community through commendations and awards.

1211.3 COMMENDATIONS

Commendations for staff members of the Department or for individuals from the community may be initiated by any Department staff member or by any person from the community.

1211.4 CRITERIA

A meritorious or commendable act may include but is not limited to:

- (a) Superior handling of a difficult situation.
- (b) Conspicuous bravery or outstanding performance.
- (c) Any action or performance that is above and beyond typical duties.

1211.5 DEPARTMENT STAFF MEMBER DOCUMENTATION

Staff members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
 - 1. For staff members of the Department - name, division, and assignment at the date and time of the meritorious or commendable act
 - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with any associated report or case numbers, as appropriate.
- (c) The signature of the staff member submitting the documentation.

1211.6 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department staff members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 - 1. For staff members of the Department - name, division, and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with any associated report or case numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

1211.7 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a staff member of the Department should be forwarded to the appropriate Division Deputy Chief for review. The Division Deputy Chief should sign and forward the documentation to the Chief Probation Officer for review.

The Chief Probation Officer or the authorized designee will present the commendation to the Department staff member for signature. The documentation will then be returned to the Administrative Services secretary for entry into the staff member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the member's Division Deputy Chief. The documentation will be signed by the Division Deputy Chief and forwarded to the Chief Probation Officer for review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation should be maintained in a file designated for such records.

1211.8 AWARDS

Awards may be bestowed upon staff members of the Department and individuals from the community. These awards include:

- (a) Award of Valor.
- (b) Award of Merit.
- (c) Lifesaving Award.
- (d) Meritorious Conduct.

Criteria for each award and the selection, presentation, and display of any award are determined by the Chief Probation Officer.

1211.9 ISSUED DATE

- 04/28/2021

Lactation Periods

1212.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to staff members desiring to express breast milk for the staff member's infant child (Labor Code § 1034).

1212.2 POLICY

It is the policy of the Fresno County Probation Department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any staff member desiring to express breast milk for the nursing infant child (29 USC § 207; Labor Code § 1030). Staff members may also refer to Fresno County Board of Supervisors Administrative Policy No. 59, Lactation Accommodation.

1212.3 LACTATION BREAK TIME

A rest period should be permitted each time the staff member has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the staff member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Staff members desiring to take a lactation break shall notify a supervisor before taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1212.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate staff members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the staff member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207; Labor Code § 1031).

Staff members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other staff members should avoid interrupting a staff member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for staff members assigned to the field may be taken at the nearest appropriate private area.

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1212.5 STORAGE OF EXPRESSED MILK

Any staff member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the staff member's shift ends.

1212.6 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the staff member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code §1033).

1212.7 ISSUED DATE

- 04/28/2021

Payroll Records

1213.1 PURPOSE AND SCOPE

It is the policy of this Department to accurately report attendance, time, and hours worked so as to ensure employees receive appropriate compensation.

1213.2 RESPONSIBILITIES

Staff members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their direction.

1213.3 TIME REQUIREMENTS

Staff members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions such as holidays. Payroll records shall be completed and submitted to the Timekeepers as established by Main Payroll.

1213.4 RECORDS

The Department shall ensure that payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

1213.5 REFERENCES

See Payroll Sign-In and Time Sheet Procedure for additional guidance

1213.6 ISSUED DATE

- 06/10/2021

Work-Related Illness Injury Reporting

1215.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational diseases, mental health issues, and work-related injuries.

1215.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - Any injury, disease, or mental health issue arising out of the staff member's employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1215.2 POLICY

The Fresno County Probation Department will address work-related injuries appropriately and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1215.3 RESPONSIBILITIES

1215.3.1 STAFF MEMBER RESPONSIBILITIES

Any staff member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1215.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational disease should ensure the staff member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related county-wide injury- or disease-reporting protocol shall also be followed. Staff members may also refer to Management Directive 1030 and the Fresno County Human Resources, Risk Management – Workers' Compensation webpage.

Supervisors shall determine whether the Illness and Injury Prevention Policy applies and take additional action as required.

1215.3.3 JUVENILE JUSTICE CAMPUS DIVISION DEPUTY CHIEF RESPONSIBILITIES

The Juvenile Justice Campus Division Deputy Chief who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Personnel Unit to ensure any required Fresno County Risk Management and Division of Occupational Safety and Health (Cal/OSHA) reporting is made as required in the disease and injury prevention plan identified in the Illness and Injury Prevention Policy. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

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1215.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the Supervisor Investigation Report (SIR), which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Deputy Chief through the chain of command.

1215.5 ISSUED DATE

- 09/16/2021

Personal Appearance Standards

1216.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of Fresno County Probation Department staff members.

Requirements for Department uniforms and civilian attire are addressed in the Uniform and Non-Uniform Attire Policy and Non-sworn Attire Policy.

1216.2 POLICY

Fresno County Probation Department members, regardless of their function or assignment, shall maintain their personal hygiene and appearance to project a neat well-groomed and professional image that is required for this Department, Courts and public we service.

1216.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all staff members, except those whose current assignments would render them not applicable, and where the Chief Probation Officer has granted an exception.

1216.3.1 PERSONAL HYGIENE

All staff members must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Any staff member who has a condition due to a protected category (e.g., physical disability, cultural) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief Probation Officer or the authorized designee.

1216.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily used for securing the hair and must present a professional image.

Hairstyles shall not interfere with the proper wearing or donning of any departmental headgear or emergency equipment nor restrict or interfere with the staff member's hearing or field of vision. Hairstyles may be in keeping with contemporary styles, but shall not have an extreme, unkempt, ragged or shocking appearance.

When working in a posted assignment at the Juvenile Justice Campus (JJC), hairstyles for department staff members must not extend below the bottom edge of a uniform or dress shirt collar while assuming a normal stance. Longer hair shall be worn up and secured to the head or in a tightly wrapped braid or ponytail that is secured to the head.

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1216.3.3 FACIAL HAIR

Facial hair, (e.g., mustaches, side burns and beards) must be trimmed, neatly groomed and maintain a professional appearance that will not present a safety concern.

1216.3.4 FINGERNAILS

Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image with the staff member's current job duties.

1216.4 APPEARANCE

1216.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the Department staff member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

While wearing the JJC uniform:

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small, worn only on the ear, and should not present a safety concern (e.g., large hoops).
- (c) No rings should be of the type that would cut or pose an unreasonable safety risk to the staff member or others during a physical altercation.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image. Electronic wearables such as, but not limited to, watches that are computerized, Wi-Fi based, and allow access to the internet are prohibited in the secure areas of the Juvenile Justice Campus.

1216.4.2 TATTOOS

Staff members shall not display any visible intentional scarring, mutilation, brandings, dermal punching, body implants, or dental ornamentation while on duty or representing the department. Tattoos, brands, body piercings, and other body art shall not be visible while on duty or while representing the department. All items in this section shall be completely covered by wearing a plain natural patch, sleeve, or bandage while wearing an approved uniform or appropriate non-uniform clothing in order to maintain a professional appearance.

1216.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Fresno County Probation Department in any official capacity, that is a deviation from normal anatomical features, and that is not medically required is prohibited.

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1216.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Fresno County Probation Department in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.
- (c) Orthodontic appliances colored for decorative purposes (Colored rubber bands are acceptable).

1216.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Fresno County Probation Department in any official capacity.

1216.4.6 COSMETICS AND FRAGRANCES

Cosmetics shall be conservative and present a professional image.

1216.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of Department staff members should be reasonably accommodated. Requests for religious accommodation shall generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief Probation Officer shall be advised through the chain of command any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles, or facial hair for religious reasons shall generally be accommodated absent unusual circumstances.

1216.6 EXEMPTIONS

Staff members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy protected by law shall generally be accommodated (Government Code § 12926). "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles." Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

1216.7 ISSUED DATE

- 05/27/2022

Conflict of Interest

1217.1 PURPOSE AND SCOPE

The purpose of this policy is to assist staff members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices by the Fresno County Probation Department.

1217.1.1 DEFINITIONS

Definitions related to this policy include:

Business Relationship - A state of affairs existing between those having a relation, dealings or transactions, may include a self-interest, for profit or nonprofit.

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that a staff member's action, inaction, or decisions are or may be influenced by a personal or business relationship.

1217.2 POLICY

Staff members of the Fresno County Probation Department are expected to conduct themselves with the utmost professional integrity and objectivity both on and off duty. Staff members will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of Department staff members and the public, and thereby maintain the trust of the public and other Department staff members. It is the responsibility of each member to recognize that their conduct will reflect favorably or unfavorably on the department as a whole. Relationships between members, persons under department supervision, and the family members of persons under department supervision, are to be maintained in a professional manner at all times.

1217.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among staff members (Government Code § 12940):

- (a) Staff members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other staff member who is a relative or with whom they are involved in a personal or business relationship. Staff members may also refer to Fresno County Administrative Policy Number 65 Nepotism.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved staff member to an uninvolved supervisor.
 - 2. The Department will avoid placing staff members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any staff member to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Staff members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel

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decisions affecting a staff member who is a relative within the third degree by blood or marriage or with whom they are involved in a personal or business relationship.

1217.4 STAFF MEMBER RESPONSIBILITIES - CONFLICT OF INTEREST

Staff members shall avoid situations that create a conflict of interest. Staff members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved staff member). Failure to adhere to the following directives shall constitute cause for discipline.

Whenever any staff member is placed in circumstances that would require the staff member to take enforcement action or provide official information or services to any relative or individual with whom the staff member is involved in a personal or business relationship, that staff member shall promptly notify an uninvolved, immediate supervisor.

If no uninvolved supervisor is immediately available, the staff member shall promptly notify the Chief Probation Officer or the authorized designee to have another uninvolved staff member either relieve the involved staff member or, minimally, remain present to witness the action.

- (a) Staff members of the department shall treat all official business, reports, and records of the department as confidential. Staff members shall not share confidential information, directly or indirectly, with persons not authorized to receive it. Department information/ records will not be released, or discussed, except pursuant to the law, or as directed by their immediate supervisor or higher authority. Staff members may also refer to the department's Protected Information policy.
- (b) Staff members shall not accept, either directly or indirectly, any gift, gratuity, fee or reward from any person for the performance of their duties.
- (c) No staff member will make direct referrals to any program by which they are employed or have a direct or indirect financial or fiduciary interest.
- (d) Staff members shall not use the department's mailing or email address for personal business.
- (e) Staff members shall conduct their personal business activities outside of regular working hours.
- (f) Staff members shall not use their position with the department to seek free admission to places of entertainment or amusement, or to obtain free meals or services for themselves or others.
- (g) To maintain the integrity of the Department, members are not to handle or access any case management system information regarding the cases of persons under department supervision clients who are relatives, friends, business associates, or are people they know on a personal basis (e.g., roommate, cohabitant, dating relationship, neighbor, etc.). When staff members become aware of any of their own or another staff member's relatives or personal friends or associates being referred to the Department, whether as defendants, victims, or witnesses, this information shall be communicated immediately to a supervisor. It will be the responsibility of the supervisor to communicate this information to Executive Council and, in turn,

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Executive Council will review the situation for a potential conflict of interest and determine the manner in which the case is to be handled.

- (h) To ensure the integrity of recommendations submitted to the Courts, the Probation Department shall present only one unified recommendation on all matters before the Court. Staff members shall not submit separate recommendations, reports, or letters to the Court that are outside of the official report being submitted. Staff members shall consistently support the recommendation contained in the official report during all written and verbal communications with the Court and with related Court personnel. The Chief Probation Officer retains the authority and responsibility to direct specific court recommendations deemed to be in the best interests of the Department, persons under department supervision, and/or the community.

1217.5 STAFF MEMBER RESPONSIBILITIES - RELATIONSHIPS WITH PERSONS UNDER DEPARTMENT SUPERVISION

Staff members are to avoid any conduct that may result in a compromise of professional status, a conflict of interest, civil or criminal liability, or interfere with the work process. Relationships between staff members, persons under department supervision, and family members of persons under department supervision are to be maintained in a professional manner at all times.

- (a) Staff members shall not fraternize with current or former persons under department supervision, known felons, or parolees. Fraternization includes, but is not limited to, the following:
 - 1. Engaging in relationships or associations of an interpersonal nature.
 - 2. Engaging or accepting financial or business services.
 - 3. Doing favors for or accepting favors.
 - 4. Corresponding (such as but not limited to: e-mail, phone, text message, in person, in writing, social media, third party) with, or for, a person under department supervision or a family member of a person under department supervision
 - 5. Engaging in non-work-related personal contact (e.g., social media, telephone, texting, e-mail).
- (b) Staff members shall not knowingly fraternize with former persons under department supervision when their relationship originates as the result of the staff member's employment with the Department.
- (c) Staff members aware of fraternization between other staff members of the Department and a person under department supervision or former person under department supervision, known felon, or parolee, shall report the matter to their supervisor immediately.
- (d) Nothing in this section is intended to interfere with any interview or investigation conducted in the course and scope of business of any Department staff member.
- (e) Nothing in this section is intended to apply to the member's family. The member shall disclose the relationship and circumstances to their supervisor, which will be evaluated by the Chief Probation Officer or the authorized designee.

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- (f) When in doubt, members shall contact their immediate supervisor for clarification or direction regarding this policy.

1217.6 SUPERVISOR RESPONSIBILITIES

Upon being notified of or otherwise learning of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief Probation Officer or the authorized designee of such actual or potential violations through the chain of command.

1217.7 ISSUED DATE

- 09/16/2022

Badges, Patches, and Identification

1218.1 PURPOSE AND SCOPE

The Fresno County Probation Department (FCP) and/or Juvenile Justice Campus (JJC) badge, logo, patch, and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1218.2 POLICY

The JJC issues each staff member, collaborative partner, outside vendor, or volunteer, appropriate identification, which may include a badge, logo, patch, and/or identification card, depending on the staff member's position within the Department.

It is the policy of the Department that all peace officers who have completed Penal Code § 832 training shall wear and visibly display their peace officer badges while on duty.

Only badges issued by this Department may be used, displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1218.3 STAFF MEMBER RESPONSIBILITIES

Staff members of the JJC will use the JJC badge, logo, patch, and identification card, as well as the likeness of these items, appropriately and professionally. The JJC badge, logo, patch, and identification card shall only be displayed or used by a staff member when acting in an official or authorized capacity.

Department staff members shall not:

- (a) Display or use the JJC badge, patch, or identification card for personal gain or benefit.
- (b) Loan the JJC badge, patch, or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the JJC badge, patch, or identification card, or the likeness thereof, or the Department and JJC name, for personal or private reasons, including but not limited to letters, memoranda, and electronic communications, such as email, blogs, social networking, or websites.

All badges, patches and identification cards shall be turned in to the staff member's immediate supervisor when new ones are issued, and upon the staff member's resignation, termination and/or retirement from service. The respective staff member's supervisor is responsible for forwarding recovered items to the Personnel Unit.

1218.4 LOST OR STOLEN BADGE, PATCH, OR IDENTIFICATION CARD

Each staff member, collaborative partner, outside vendor, or volunteer shall immediately notify their supervisor, no later than the next business day, whenever their JJC badges, patches, or identification cards are stolen, lost, damaged, or are otherwise removed from their control.

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1218.4.1 REPORTING LOST/STOLEN BADGES

It is the staff member's responsibility to immediately notify, no later than the next business day, their supervisor and submit an incident report in the event that their badge(s) is/are missing and/or stolen.

The staff member is to submit a written report to the Chief Probation Officer through the chain of command. The staff member shall also file a report with law enforcement notifying them of the badge number that is missing and/or stolen. A copy of the report shall be given to the staff member's supervisor, who will submit the report to the Division Deputy Chief. Upon review of the report, the Training Assistant Deputy Chief or designee will retire the badge number and issue a new set of badges to the member.

If only one of the set of badges is missing and/or stolen, the remaining badge is to be turned in to the Training Assistant Deputy Chief for disposal.

1218.4.2 REPORTING LOST/STOLEN IDENTIFICATION CARDS AND/OR PATCHES

It is the responsibility of each staff member, collaborative partner, outside vendor, or volunteer to immediately notify their supervisor, no later than the next business day, and submit written notification in the event that the identification card(s) or patches become lost or stolen.

- (a) A staff member will submit a written incident report to the Chief Probation Officer through the chain of command in the event that their identification card (Departmental or County of Fresno) is/are missing and/or lost or stolen. The report shall be given to their supervisor, who will submit to the Division Deputy Chief, before the replacement of the identification card(s).

1218.5 BADGES

The Chief Probation Officer shall determine the number and form of badges authorized for use by Department officers.

Upon notification that an officer has completed PC 832 training and is eligible, the Training Assistant Deputy Chief shall issue to that peace officer, a wallet badge and a display type badge. They will also be issued a belt clip for use to display the badge from their belts. Both badges will have the same badge number.

1218.5.1 METHODS OF DISPLAY

Peace Officers are expected to display their badges while on duty. The badge shall only be used, displayed, carried, or worn while on duty, or otherwise acting in an official or authorized capacity. The use or display of the badge for any purpose other than official business, including for personal reasons, may result in disciplinary actions.

Acceptable methods of peace officer badge display are:

- (a) On the peace officer's belt using the issued belt clip.
- (b) As approved in writing by the Chief Probation Officer or Division Deputy Chief.

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1218.5.2 RETIREE BADGES/ISSUANCE OF ID CARDS FOR RETIRED PEACE OFFICERS

Refer to Retiree Concealed Firearms Policy in the Services manual (applies only to JJC transport staff).

1218.5.3 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the badge shall not be used for any purpose without the express authorization of the Chief Probation Officer and shall be subject to the following:

- (a) An authorized employee group may use the likeness of the JJC badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Department and/or JJC. The following modification shall be included:
 1. Any text identifying the Fresno County Probation Department and/or JJC is replaced with the name of the employee group.
 2. A badge number is not included. That portion of the badge may display the acronym of the employee group.

1218.6 PATCHES

The Chief Probation Officer shall determine the form of patches authorized for use by the Department. Any request to modify the authorized patches for specialty divisions (e.g., JJC Transport), facility training officer (FTO)) should be submitted to the Chief Probation Officer in writing.

Only patches issued by this Department are authorized to be displayed or worn by staff members while on-duty or otherwise acting in an official or authorized capacity.

Staff members, with the written approval of the Chief Probation Officer, may request additional patches, at their own expense.

1218.7 IDENTIFICATION CARDS

All staff members will be issued an official Fresno County Probation Department identification card. Sworn members will have the staff member's name, full-face photograph, member identification number, title, date of issuance, the official seal of the Department and County of Fresno. On the back of the card it will state your Peace Officer powers. Non sworn members will have the County of Fresno Seal, staff member's name, full-face photograph, title, and date of issuance. Vendors/volunteers will have the County of Fresno Seal, staff member's name, full-face photograph, title, and date of issuance and expiration date. All staff members shall be in possession of their Department-issued identification cards at all times while on-duty or in Department facilities.

- (a) Whenever on-duty or acting in an official capacity representing the Department, staff members shall display their Department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Staff members working specialized assignments may be excused from the possession and display requirements when directed by their Deputy Chief.

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The Department's Personnel Unit will be responsible for preparing all photo identification cards issued by the Department.

1218.7.1 RETURN OF DEPARTMENTAL IDENTIFICATION

Staff members separating from the Department will turn in all Departmental identification to their immediate supervisor. The supervisor is responsible for collecting and forwarding members' identification cards to the Department Personnel Unit. The responsibility of recovering non-staff identification will rest with the person supervising the program in which the volunteer or other party functions.

1218.7.2 COUNTY IDENTIFICATION CARDS

Internal Service Department-Security Division is responsible for issuing County Identification (ID) cards and maintaining the County ID card system. County ID cards are issued to County members, as well as vendors and contractors. (See Management Directive 3015).

1218.8 BUSINESS CARDS

The Department will supply business cards to those staff members whose assignments involve frequent interaction with the public or who may require the use of a business card. The only authorized business cards are those issued or approved by the Department and should contain identifying information, including but not limited to the staff member's name, division, badge or other identification number, and contact information (e.g., telephone number, email address).

Staff members should provide a business card to any member of the public who requests one.

1218.9 REFERENCES

See Badges, Patches, and Identification Procedure for additional guidance

1218.10 ISSUED DATE

- 05/27/2022

Discrimination Harassment

1222.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department staff members from being subjected to discrimination and/or harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

1222.2 POLICY

The Fresno County Juvenile Justice Campus (JJC) is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discrimination and/or harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023).

The Department prohibits all forms of discrimination and/or harassment, including any employment-related action by a member that adversely affects an applicant or member, and is based on the actual or perceived race, religious creed, color, ethnicity, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, age, pregnancy, military or veteran status, and any other classification or status protected by law (Government Code § 12940).

The Department will endeavor to take preventive and corrective action to address any conduct of which it becomes aware that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a staff member to discipline. Staff members may also refer to Fresno County Board of Supervisors Administrative policy No. 32, Discrimination/Harassment.

1222.3 DEFINITIONS

Definitions related to this policy include:

1222.3.1 DISCRIMINATION

As used in this policy, discrimination is defined as the differential treatment of an employee or applicant in employment based on the employee's, or applicant's, protected category. Protected categories include: race, color, religion, religious creed, national origin, ancestry, citizenship, physical or mental disability, medical condition, genetic information, marital status, sex, age (40 years and over), gender, gender identity, gender expression, sexual orientation, veteran and/or military status, protected medical leaves, domestic violence victim status, political affiliation, and any other status protected by state or federal law.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing the applicant's or employee's protected category to be a factor in hiring, promotion, compensation or other employment-related decisions unless otherwise permitted by applicable law, and providing

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unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

1222.3.2 HARASSMENT

As used in this policy, harassment is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories listed above. Harassment can be verbal, visual, or physical conduct.

1222.3.3 SEXUAL HARASSMENT

As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex, gender, gender identity, or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal. Sexual harassment is generally categorized into two types: (a) Quid Pro Quo Sexual Harassment ("this for that") - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment. Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee. (b) Hostile Work Environment Sexual Harassment- Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or offensive working environment.

1222.3.4 RETALIATION

As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

1222.3.5 ADDITIONAL CONSIDERATIONS

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

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and California Civil Rights Council (CRD) guidelines.

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- (b) Bona fide requests or demands by a supervisor that the staff member improve the staff member's work quality or output, that the staff member report to the job site on time, that the staff member comply with county or Department rules or regulations, or any other appropriate work-related communication between supervisor and staff member.

1222.4 RESPONSIBILITIES

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

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

1222.4.1 QUESTIONS OR CLARIFICATION

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

1222.4.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that staff members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (d) Notifying the Chief Probation Officer or the authorized designee, or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation.

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

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

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1222.5 INVESTIGATION OF COMPLAINTS

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

1222.5.1 INVESTIGATION

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

Investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that appropriate corrective action will result if retaliation occurs.

Staff members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief Probation Officer, the Director of Human Resources, or the County Administrative Officer. Members may also refer to Management Directive 210-Discrimination Complaint Procedure.

1222.5.2 ALTERNATIVE COMPLAINT PROCESS

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

1222.6 DOCUMENTATION OF COMPLAINTS

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

- (a) Approved by the Chief Probation Officer, the County Administrative Officer, or the Director of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

1222.6.1 NOTIFICATION OF DISPOSITION

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

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1222.7 WORKING CONDITIONS

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

1222.8 TRAINING

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

1222.8.1 STATE-REQUIRED TRAINING

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

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

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

1222.8.2 TRAINING RECORDS

The Training Assistant Deputy Chief shall be responsible for maintaining records of all discriminatory harassment training provided to staff members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

1222.8.3 REQUIRED POSTERS

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

1222.9 ISSUED DATE

- 05/12/2021

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1222.9.1 REVISED DATE(S)

- 09/16/2021
- 09/23/2022

Subpoenas and Court Appearances

1224.1 PURPOSE AND SCOPE

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

1224.2 POLICY

Fresno County Probation Department staff members will respond appropriately to all subpoenas and any other court-ordered appearances.

1224.3 SUBPOENAS

Only Department staff members authorized to receive a subpoena on behalf of this Department or any of its staff members may do so. This may be accomplished by personal service to the staff member of the department or by delivery of two copies of the subpoena to the staff member's supervisor or other authorized Department agent (Government Code § 68097.1; Penal Code § 1328(c)).

Any party that issues a civil subpoena to a staff member to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service of the subpoena may be accepted (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) The supervisor or authorized individual will be unable to deliver a copy of the subpoena to the named staff member within sufficient time for the named staff member to comply with the subpoena.
- (b) It is less than five working days before the date listed for an appearance and the supervisor or authorized individual is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines it is not possible to deliver a copy of the subpoena to the named staff member within sufficient time for the named staff member to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours before the date listed for the appearance (Penal Code § 1328(f)).

Staff members who receive subpoenas related to their employment with the department are subject to the provision of this policy. Staff members should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. Staff members are expected to cooperate with the prosecution to ensure successful conclusion of the case. When a staff member receives a subpoena and it is determined they are on annual leave or a leave of absence, the staff member or their supervisor shall immediately contact the District Attorney's office for further direction.

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1224.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any staff member who is subpoenaed to testify, agrees to testify, or provides information on behalf or at the request of any party other than the County Counsel or the prosecutor shall notify the staff member's immediate supervisor without delay regarding:

- (a) Any civil case where the county or one of its staff members, as a result of the staff member's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the staff member's official capacity, is a party.
- (c) Any criminal proceeding where the staff member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the staff member's on-duty activity or because of the staff member's association with the Fresno County Probation Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Fresno County Probation Department.

The supervisor will then follow the chain of command and notify the appropriate prosecuting attorney as may be indicated by the case. The Chief Probation Officer or the authorized designee should determine if additional legal support is necessary.

No staff member shall be retaliated against for testifying in any matter.

1224.3.2 CIVIL SUBPOENA

The Department will compensate staff members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement or memorandum of understanding.

The Department should seek reimbursement for the staff member's compensation through the civil attorney of record who subpoenaed the staff member. There may be instances where the staff member may be required to take their own annual leave.

1224.3.3 OFF-DUTY RELATED SUBPOENAS

Staff members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

1224.4 FAILURE TO APPEAR

Any staff member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

1224.5 STANDBY

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

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If a staff member on standby changes location during the day, the staff member shall notify the designated Department staff member of how the staff member can be reached, and the agency that issued the subpoena. Staff members are required to remain on standby until released by the court or the party that issued the subpoena.

1224.6 COURTROOM PROTOCOL

When appearing in court, staff members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the Department uniform or court attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

1224.6.1 TESTIMONY

Before testifying, the subpoenaed staff member shall request a copy of relevant reports and become familiar with the content to be prepared for court. The staff member should also contact the prosecuting attorney regarding testimony and evidence that might be needed in court.

1224.6.2 EVIDENCE

When a staff member is directed by a subpoena to appear in court with evidence or the prosecuting attorney requests evidence that is available to the staff member, that staff member should:

- (a) Notify the Property and Evidence Section Officer promptly after receiving the subpoena that the specified evidence is needed for court, and verify that the evidence is readily available.
- (b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.
- (c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.
- (d) Notify the prosecuting attorney on a timely basis if evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.
- (e) Comply with provisions of the Property Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

1224.7 OFF-DUTY APPEARANCES

When a staff member appears in court on off-duty time, the staff member will be compensated in accordance with the current collective bargaining agreement or memorandum of understanding.

1224.8 REFERENCES

See Subpoenas and Court Appearances Procedure for additional guidance

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1224.9 ISSUED DATE

- 05/27/2022

Workplace Violence Prevention

1225.1 GOAL STATEMENT

To strive for an environment free from threats, intimidation, or actual workplace violence to its staff members or the citizens served by the Fresno County Probation Department.

1225.2 POLICY STATEMENT

- (a) As a part of our commitment, Probation's Executive Council, as well as all staff members of the Probation Department, are determined to strive for an atmosphere free from actual or threatened workplace violence against any staff member(s) or the citizen(s) we serve. The Workplace Violence Prevention Policy (WVPP) is implemented in accordance with Title 8, California Code of Regulations Section 3203.
- (b) Every Probation Department member has an obligation to assure their work environment is free from workplace violence.
- (c) Any act or threat of violence of any kind, whether directed against any staff member or outside party will not be tolerated. This conduct includes but is not limited to:
 - 1. Assault of any kind towards another person.
 - 2. Aggressive behavior towards another person in any way, (e.g., threats, intimidation, or harm, whether verbal, written, electronic or physical).
 - 3. Physical confrontation of any type.
 - 4. Touching another person in an unwanted way (sexually or otherwise).
 - 5. Bringing any firearm, knife (See Probation Services Firearms Policy Section 303.3.) or other weapon into/onto county-owned or leased property or while on Probation business, unless specifically authorized by the Chief Probation Officer or the authorized designee.
- (d) Any Probation Department member(s) found to have engaged in such unacceptable behavior may be subject to discipline up to and including termination. When deemed necessary, the Probation Department will inform and cooperate with law enforcement authorities.
- (e) No staff member shall have to tolerate workplace violence or the threat of workplace violence on the job. Any staff member who is the victim of any violent, threatening or harassing conduct, or who observes such conduct, shall report the conduct to her/his immediate supervisor or the Chief Probation Officer and/or the authorized designee.
- (f) Reasonable action will be taken to prevent any further violent conduct or threat of violent conduct from occurring or being repeated. No adverse action will be taken against anyone who brings forth a good-faith complaint under this policy.

Peace Officers encounter threats and violence routinely. Therefore, the procedures imposed by public safety departments are deemed compliant with this policy.

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1225.3 INCIDENT REPORTING

- (a) Prompt and accurate reporting of all incidents either written or verbal is required whether or not a physical injury has occurred. Victims of workplace violence will not be discriminated against.
- (b) Threats or incidents may be reported in person or anonymously to a supervisor, manager, Executive Council Member, or the Chief Probation Officer. Reports may be done verbally or in written form. However, if done verbally, a written report should follow.

1225.4 COMPLIANCE

- (a) During the Investigation
 - (a) When a complaint of the Workplace Violence Prevention Policy is received, the suspected staff member(s) may be placed on administrative leave at the discretion of the Chief Probation Officer or the authorized designee during the investigation. The Chief's decision will be based upon the following:
 - 1. Type of complaint
 - 2. Threat or actual workplace violence
 - 3. Past behavior of staff member
 - 4. Potential for reoccurrence
 - (b) The availability of the Employee Assistance Program (EAP) shall be communicated to the staff member, victim and accused, if they are employed by the County of Fresno.
 - (c) The victim will be protected to the extent possible. This may include immediate relocation, temporary departmental transfer or paid administrative leave.
- (b) Conclusion of the Investigation
 - (a) At the conclusion of the investigation the Chief Probation Officer, with assistance from the County Counsel, shall make one of the following findings:
 - 1. Unfounded: When the investigation discloses that the alleged acts did not occur or did not involve department staff members.
 - 2. Exonerated: When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.
 - 3. No Finding: The complainant failed to disclose promised information to further the investigation; or the investigation revealed another agency was involved and the complaint or complainant has been referred to that agency; or the complainant wishes to withdraw the complaint; or complainant is no longer available for clarification.
 - 4. Not sustained: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
 - 5. Sustained: A final determination by an investigating agency, commission, board, hearing officer, or arbitrator as applicable, following an investigation

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and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of a member were found to violate law or departmental policy (Penal Code § 832.8).

6. If findings are sustained the Department will take appropriate action based on the outcome of the investigation.
 - (b) The victim and the accused will be notified of the outcome of the investigation by the Chief Probation Officer or the authorized designee.
 - (c) Written documentation of the investigation and its conclusion will be prepared and stored in a confidential file within the Probation Personnel Unit office.
 - (d) The following measures may be implemented:
 1. Debriefing
 2. Evaluation of the incident and possible risk factors
 3. Evaluation of office/building security measures
 4. Implement corrective security measures and procedures

1225.5 PROCEDURES

1225.5.1 RESPONSIBILITIES UNDER THE POLICY

- (a) Chief Probation Officer
 1. The Chief Probation Officer has the ultimate authority and responsibility for the effective implementation of the Probation Department Workplace Violence Prevention Policy.
- (b) Executive Council Members
 1. Ensure that all staff members are provided the Workplace Violence Prevention Policy.
 2. Ensure that all managers and supervisors implement this Workplace Violence Prevention Policy.
 3. Department Safety Coordinator may be notified to cooperate with and assist in conducting any subsequent investigation as needed.
 4. Ensure all appropriate staff members are immediately made aware of the potential threat and provide a complete description (picture if possible) of the threatening staff member(s), or the public.
 5. Notify Fresno County Security.
- (c) Members
 1. Are to be informed of the Workplace Violence Prevention Policy.
 2. Immediately report all threats or incidents of violent behavior to your immediate supervisor.

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3. Immediately disengage and contact a supervisor upon any instance of direct workplace violence or threatening behavior.
- (d) Safety Committee
1. Evaluate each incident, discuss the causes of the incident, and make recommendations on how to revise the program to prevent similar incidents from occurring.

1225.6 INVESTIGATION INVESTIGATION

- (a) Includes actual incidences of workplace violence as well as all threats.
- (b) An investigation shall be initiated immediately upon knowledge of the incident or threat and shall conclude as soon as possible.
- (c) All individuals necessary to conduct a thorough investigation will be interviewed. All staff members shall cooperate with the investigation without fear of retaliation.
- (d) The investigation shall gather information in order to determine appropriate steps that must be taken to eliminate any potential for violence.
- (e) To the extent possible, proceedings under this policy, including the investigation, and all reports and records filed, shall be confidential. Review and release of any documents, including personnel records, shall be subject to any statutory requirements or restrictions.
- (f) To the extent appropriate, the Chief Probation Officer or the authorized designee will give the reporting staff member(s) (if known) a verbal status report of the ongoing investigation.
- (g) When a member of the Executive Council or the Chief Probation Officer determines the circumstances create a danger to the safety of staff members they shall:
 1. Ensure County Security and/or Law Enforcement are immediately made aware of the potential threat and provide a complete, description (picture if possible) of the threatening staff member(s), or citizen(s).
 2. Instruct personnel to immediately notify a designated person at the facility in the event the person who made the threat is seen at the facility.
 3. Contact County security and Law Enforcement to request increased patrol/ security checks are made at the facility. If appropriate, request a police report be taken on the incident.
 4. Make timely notification to the appropriate Executive Council Members.
 5. If other facilities are affected or are the object of the threats, ensure appropriate personnel at the facility are notified.
- (h) Notify the victim and the accused of the outcome of the investigation.

1225.7 ISSUED DATE

- 06/10/2021

Counseling Memo

1226.1 GENERAL STATEMENT

Supervisors should make every effort to resolve problems informally through counseling and guidance. The counseling memo will serve as an informal way to assist the staff member in understanding problems and clarifying the direction necessary for successful improvement.

Counseling memos shall not be placed in the staff member's personnel file. Rather, the counseling memo shall be held in the supervisor's working file until the staff member's next evaluation. The counseling memo should be addressed in the staff member's next performance evaluation. Once the evaluation has been completed, the counseling memo shall be destroyed along with any written response from the staff member.

Every counseling memo should include the following acknowledgement:

I acknowledge receipt of this counseling memo. I understand it is my right to submit a written response to my immediate supervisor within 30 days, which, if received within the specified time frame, will be attached to this memo and a statement would be added to the evaluation. I understand that this counseling memo will be addressed in my next evaluation. Following that it will be destroyed along with any written response from the member.

1226.2 ISSUED DATE

- 05/27/2022

Standards of Conduct

1227.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Fresno County Probation Department and are expected of all Department staff members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, staff members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Department or a staff member's supervisors.

1227.2 POLICY

The continued employment or appointment of every staff member of this Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action. Staff members may refer to Fresno County Personnel Rule 10 – Disciplinary Actions, for types of disciplinary action.

1227.3 ORDERS AND DIRECTIVES

Staff members shall comply with lawful orders and directives from Department supervisors or persons in a position of authority, absent a reasonable and bona fide justification.

1227.3.1 UNLAWFUL OR CONFLICTING ORDERS AND DIRECTIVES

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy.

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

Unless it would jeopardize the safety of any individual, staff members who are presented with a lawful order or directive that conflicts with a previous lawful order, Department policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order or directive.

1227.3.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and oversight.

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- (b) Failure to promptly and fully report any known misconduct of a staff member to the staff member's immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any staff member for malicious or other improper purpose.

1227.4 GENERAL STANDARDS

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

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

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

1227.4.1 PRISON RAPE ELIMINATION ACT DISCLOSURE

Staff members have a continuing affirmative duty to notify the Deputy Chief in writing if they have (28 CFR 115.317; 15 CCR 3411):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution as defined in 42 USC § 1997.
- (b) Been convicted for an offense involving engaging in or attempting to engage in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been the subject of any civil or administrative adjudication finding that the staff member engaged in sexual activity facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.

1227.5 CAUSES FOR DISCIPLINE

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

1227.5.1 LAWS, RULES, AND ORDERS

- (a) Violating, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in Department or county manuals.

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- (b) Disobeying any legal directive or order issued by any Department staff member of a higher rank.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

1227.5.2 ETHICS

- (a) Using or disclosing one's status as a staff member of the Fresno County Probation Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity. This includes the use of a department-issued badge or identification card for any purpose other than official County business.
- (b) The wrongful or unlawful exercise of authority on the part of any staff member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the staff member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts, or money contrary to the rules of this Department and/or laws of the state.
- (e) Offering or accepting a bribe or gratuity.
- (f) Misappropriating or misusing public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.

1227.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful and/or in violation of County or Department policy(ies).

1227.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact with other staff members, volunteers, contractors, or youth.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a youth or with a known victim, witness, suspect, defendant, while a case is being investigated or prosecuted, or as a direct result of any official contact.

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- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the staff member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws, or who are under the supervision of the courts, any probation department, or any correctional authority, after the staff member knows, or reasonably should know, of such criminal activities, except as specifically directed and authorized by this Department. Nothing in this section is intended to apply to the member's family. The member shall disclose the relationship and circumstances to their supervisor, which will be evaluated by the Chief Probation Officer or the authorized designee.
- (f) Participating in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

1227.5.5 ATTENDANCE

- (a) Leaving the job to which the staff member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.
- (e) Absence from duty without leave, failure to report after leave of absence has expired, or after such leave of absence has been disapproved, revoked, or canceled.

1227.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

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

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- (f) Improper or unauthorized use of county vehicles, computers, cell phones, or any county-owned property.

1227.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders or directives, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to promptly notify the Department of any change in residence address or contact telephone numbers (See "Contact Information Form" that is located in the Department's case management system).
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

1227.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any Department record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this Department or its staff members.
- (e) Making disparaging remarks or conduct concerning the management of this department to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency, and discipline of this Department or that would tend to discredit any of its staff members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on-duty.

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2. While off site in uniform, or wearing any department insignia off-duty.
 3. While using any department equipment or system.
- (g) Improper political activity, including:
1. Unauthorized attendance while on-duty at official legislative or political sessions.
 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on Department property, except as expressly authorized by county policy, the collective bargaining agreement or contract, or the Chief Probation Officer.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by county policy, the collective bargaining agreement or contract, or the Chief Probation Officer.
- (i) Any act on- or off-duty that brings discredit to this Department.

1227.5.9 CONDUCT

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

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- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief Probation Officer of such action.
- (m) Allowing contraband articles, including but not limited to weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco, in any detention facility.
- (n) Receiving from a youth any articles to deliver outside the facility.
- (o) Insubordination.
- (p) Fraud.
- (q) Any other on- or off-duty conduct that any staff member knows or reasonably should know is unbecoming a staff member of this Department, is contrary to good order, efficiency, or morale, or reflects unfavorably upon this Department or its staff members.

1227.5.10 SAFETY

- (a) Failure to observe or violating Department safety standards or safe working practices
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid)
- (c) Unsafe firearm or other dangerous weapon handling, including loading or unloading firearms in an unsafe manner, either on- or off-duty
- (d) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the staff member's appointing authority
- (e) Unsafe or improper driving habits or actions in the course of employment or appointment
- (f) Any personal action contributing to a preventable traffic accident
- (g) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours of the event

1227.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the staff member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal
- (b) Use of alcohol at any work site or while on-duty.
- (c) Unauthorized possession of, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site

1227.6 ISSUED DATE

- 12/15/2021

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1227.6.1 REVISED DATE(S)

- 05/27/2022
- 09/16/2022

Reporting of Arrests, Convictions, and Court Orders

1229.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that staff members must follow when they are detained for investigative purposes, arrested or convicted, including any court orders that may restrict their ability to perform the official duties and responsibilities for the Fresno County Juvenile Justice Campus (JJC).

This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1229.2 POLICY

The Fresno County JJC requires disclosure of member detentions, arrests, convictions, protective orders, and certain court orders that restrict the staff member's ability to perform their official duties and responsibilities for the department in order to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the JJC. This does not apply to minor traffic violations amounting to an infraction. Officers shall report all incidents where they identify themselves as a peace officer.

1229.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

California and federal law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, partner, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All staff members and retired Juvenile Correctional Officers (JCO's) with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order and shall report as soon as practicable, but no later than the next business day, any such conviction or court order to a supervisor, as provided in this policy.

1229.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with their duties and the public trust, and shall be reported as provided in this policy.

Convictions of certain violations of the Vehicle Code and other provisions of law (e.g., driver's license suspension or revocation) may also place restrictions on a member's ability to fully perform the duties of the job (e.g., driver's license suspension or revocation).

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Outstanding warrants, felony convictions and certain misdemeanor convictions also place restrictions on the ability of a JCO to possess a firearm or remain a peace officer (Government Code § 1029; Penal Code § 29805). Miscellaneous prohibitions pursuant to WIC § 8103(e).

1229.5 REPORTING

All staff members and all retired JCO's with an identification card issued by the Department shall report as soon as practicable, but no later than the next business day, their immediate supervisors (retired JCOs should immediately notify the Deputy Chief or the authorized designee in writing of any past or current criminal detention, arrest, charge, Department of Social Services investigation or conviction, regardless of whether the matter was dropped or rejected, is pending, or is on appeal, and regardless of the penalty or sentence, if any).

All staff members and all retired JCO's with an identification card issued by the Department shall report as soon as practicable, but no later than the next business day, their supervisors (retired JCOs should immediately notify the Deputy Chief or the Chief Probation Officer) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired JCO from possessing a firearm.

Any staff member whose criminal arrest, conviction, or court order that may restrict or prohibit that staff member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or dismissal. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the staff member, on the staff member's own time and expense.

Any staff member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to including termination.

Retired JCOs may have their identification cards rescinded or modified, as may be appropriate (see Retiree Concealed Firearms Policy).

1229.6 ISSUED DATE

- 05/12/2021

1229.6.1 REVISED DATE(S)

- 12/15/2021

Personnel Complaints

1231.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of staff members of the Fresno County Probation Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a staff member in the normal course of duty, by a supervisor or any other staff member, nor shall this policy apply to a criminal investigation.

1231.2 POLICY

The Fresno County Probation Department takes seriously all complaints regarding the service provided by the Department and the conduct of its staff members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements or memorandums of understanding.

It is also the policy of this Department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1231.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or federal, state, or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state, or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Department.

1231.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Chief Probation Officer or the authorized designee is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused staff member.

Formal - A matter in which the Chief Probation Officer or the authorized designee determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused staff member or referred to the Personnel Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Personnel Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1231.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any Department staff member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall notify the Division Deputy Chief of observed misconduct of any staff member who receives information from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1231.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1231.4.1 CITIZEN COMPLAINT FORMS

Citizen complaint forms will be maintained by the Department and be accessible through the Department website. The Citizen Complaint form will be made available in several languages.

1231.4.2 ACCEPTANCE

All written complaints will be accepted by any Department staff member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1231.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

- (a) Internal complaints or complaints from a member of the public shall be accepted and investigated in accordance with this policy where it is alleged that a peace officer has in the previous seven years, and since age 18, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate as outlined in (Penal Code § 13680).
- (b) The Department shall remove any peace officer against whom a complaint described in (a) is sustained.
- (c) The Department of Justice shall adopt and promulgate guidelines for the investigation and adjudication of complaints described in (a).
- (d) No adverse action shall be taken against a peace officer who engages in the activities as described above as part of any undercover assignment in the course of their employment as a peace officer (Penal Code § 13682).

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1231.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1231.5 DOCUMENTATION

All citizen complaints and internal affairs investigations should be documented in the Department's case management system to record and track complaints. The records shall ensure that the nature of the complaint is taken to address the complaint.

1231.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1231.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the staff member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief Probation Officer or the authorized designee may direct that another supervisor, investigator, or administrator investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original written documentation will be directed via chain of command to the accused staff member's Division Deputy Chief who will take appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the staff member's Deputy Chief or the Chief Probation Officer, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made as soon as practicable.
 2. If the matter is resolved and no further action is required, the supervisor will make any appropriate notifications via the chain of command.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Deputy Chief and the Chief Probation Officer are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Personnel Unit and the Division Deputy Chief for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (g) Ensuring that the procedural rights of the accused staff member are followed (Government Code § 3303 et seq.).
- (h) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1231.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Personnel Unit, the following applies to staff members covered by the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code § 3303):

- (a) Interviews of an accused staff member shall be conducted during reasonable hours and preferably when the staff member is on-duty. If off-duty, the staff member shall be compensated.
- (b) Unless waived by the staff member, interviews of an accused staff member shall be at the Fresno County Probation Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused staff member.
- (d) Prior to any interview, a staff member should be informed of the nature of the investigation, the name, and title of the investigator in charge of the investigation, the interviewing investigator(s), and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the staff member's personal needs should be accommodated.
- (f) No staff member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- (g) Any staff member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A staff member should be given an order to answer questions in an administrative investigation that might incriminate the staff member in a criminal matter only after the staff member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the staff member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the

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- person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a staff member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of staff members and witnesses. The staff member may also record the interview. If the staff member has been previously interviewed, a copy of that recorded interview shall be provided to the staff member prior to any subsequent interview.
 - (i) All staff members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview.
 - (j) All staff members shall provide complete and truthful responses to questions posed during interviews.
 - (k) No staff member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or because the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1231.6.3 ADMINISTRATIVE INVESTIGATION FORMAT (INTERNAL AFFAIRS)

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the staff members, the identity of the assigned investigators, and the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of staff member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1231.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Department staff members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the staff member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or Department policy (Penal Code § 832.8).

No Finding- The complainant failed to disclose promised information to further the investigation; or the investigation revealed another agency was involved and the complaint or complainant has been referred to that agency; or the complainant wishes to withdraw the complaint; or complainant is no longer available.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1231.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d).

1231.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The staff member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as the member conducting the investigation deems appropriate, provided that confidential personnel information shall not be disclosed to the complainant.

1231.7 ADMINISTRATIVE SEARCHES

Department assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

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Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the staff member's presence, with the staff member's consent, with a valid search warrant, or where the staff member has been given reasonable notice that the search will take place (Government Code § 3309).

1231.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

If the employee chooses not to disclose their financial information, the employee has the ability to withdraw their name from consideration.

1231.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief Probation Officer or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any Department badge, identification, assigned weapons, and any other Department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The staff member may be required to remain available for contact at all times during such shift and will report as ordered.

1231.9 CRIMINAL INVESTIGATION

The Chief Probation Officer shall be notified as soon as practicable when a staff member is accused of criminal conduct. The Chief Probation Officer may request a criminal investigation by an outside law enforcement agency. Any separate administrative investigation may parallel a criminal investigation.

A staff member accused of criminal conduct shall be advised of the staff member's constitutional rights (Government Code § 3303(h)). The staff member should not be administratively ordered to provide any information in the criminal investigation.

1231.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief Probation Officer. The Division Deputy Chief of the involved staff member shall review the

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report. The Chief Probation Officer may accept or modify any classification or recommendation for disciplinary action.

1231.10.1 DEPUTY CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Deputy Chief of the involved staff member shall review the entire investigative file, the staff member's personnel file, and any other relevant materials.

The Division Deputy Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

1231.10.2 CHIEF PROBATION OFFICER RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief Probation Officer shall review the recommendation and all accompanying materials. The Chief Probation Officer may modify any recommendation and/or may return the file to the Deputy Chief for further investigation or action.

Once the Chief Probation Officer is satisfied that no further investigation or action is required by staff members, the Chief Probation Officer shall determine the amount of discipline, if any, that should be imposed. If disciplinary action is proposed, the Chief Probation Officer shall provide the staff member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)).

The Chief Probation Officer shall also provide the staff member with:

- (a) Access to all the materials considered by the Chief Probation Officer in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief Probation Officer within five days of receiving the notice.
 1. Upon a showing of good cause by the staff member, the Chief Probation Officer may grant a reasonable extension of time for the staff member to respond.
 2. Once the staff member has completed a response, or if the staff member has elected to waive any such response, the Chief Probation Officer shall consider all information received regarding the recommended discipline. The Chief Probation Officer shall render a timely written decision to the staff member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief Probation Officer has issued a written decision, the discipline shall become effective.

1231.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief Probation Officer or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

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1231.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1231.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused staff member with an opportunity to present a written or oral response to the Chief Probation Officer after having had an opportunity to review the supporting materials and before any recommended discipline is imposed. The staff member shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the staff member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The staff member may suggest that further investigation could be conducted, or the staff member may offer any additional information or mitigating factors for the Chief Probation Officer to consider.
- (d) In the event that the Chief Probation Officer elects to conduct further investigation, the staff member shall be provided with the results prior to the imposition of any discipline.
- (e) The staff member may thereafter have the opportunity to further respond orally or in writing to the Chief Probation Officer on the limited issues of information raised in any subsequent materials.

1231.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a staff member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1231.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary staff members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The staff member has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding, and/or personnel rules.

In the event of punitive action against a staff member covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

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1231.14 PROBATIONARY MEMBERS AND OTHER MEMBERS

Extra-help and probationary staff members and those staff members other than non-probationary staff members may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304). Members may also refer to Fresno County Personnel Rule 5.

Extra-help probationary staff members and those other than non-probationary staff members subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief Probation Officer or the authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing, and the decision of the Chief Probation Officer shall be final.

1231.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1231.16 ISSUED DATE

- 12/15/2021

1231.17 REVISED DATE(S)

- 04/17/2023

Fitness for Duty

1232.1 PURPOSE AND SCOPE

Monitoring staff members' fitness for duty is essential for the safety and welfare of the staff member's Department and the community. The Fresno County Probation Department strives to provide a safe and productive work environment and ensure that all staff members of this department can safely and effectively perform the essential functions of their jobs. The purpose of this policy is to ensure that all staff members of this Department remain fit for duty and able to perform their job functions (Government Code § 1031).

1232.2 STAFF MEMBER RESPONSIBILITIES

- (a) It is the responsibility of each staff member of this Department to maintain good physical condition, sufficient to safely and effectively perform the essential duties of the staff member's position.
- (b) Each staff member shall perform their respective duties without physical, emotional, and/or mental constraints that might adversely affect the exercise of the powers of a peace officer (Government Code § 1031).
- (c) During working hours, all staff members are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any staff member who feels unable to perform the staff member's duties shall promptly notify a supervisor. In the event that a staff member believes another staff member cannot perform that staff member's duties, such observations and/or belief shall be promptly reported to a supervisor.

1232.3 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a staff member may be unable to safely perform any duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the staff member's normal behavior.
- (b) A pattern of irrational conduct, hostility, or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment or, impulsive behavior, or the inability to manage emotions.
- (f) In the event the member appears to need immediate medical or mental health treatment, all reasonable efforts should be made to contact emergency services.
- (g) The staff member's Assistant Deputy Chief or the Deputy Chief should determine whether the member should be temporarily relieved of duty.
- (h) Any other factor or combination of factors causing a supervisor to believe the staff member may be suffering from an impairment or a condition requiring intervention.

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Supervisors shall maintain the confidentiality of any information consistent with this policy.

1232.3.1 REPORTING

A supervisor observing a staff member or receiving a report about a staff member perceived to be unable to safely or effectively perform duties shall promptly document all objective information and/or observations to the Chief Probation Officer or the authorized designee.

If appropriate, the supervisor should attempt to meet with the staff member to inquire about the conduct or behavior giving rise to the concerns.

1232.3.2 NON WORK-RELATED CONDITIONS

Any staff member suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off to obtain medical treatment or other reasonable relief from symptoms. If the condition is a serious health condition of the staff member or a qualified family member, the staff member's supervisor should facilitate the staff member's contact with the Probation Personnel to initiate the leave process under the Family and Medical Leave Act.

1232.3.3 DUTY STATUS

The Chief Probation Officer or the authorized designee should make a preliminary determination regarding the staff member's duty status.

If a determination is made that the staff member can safely and effectively perform the essential functions of the job, arrangements will be made for appropriate follow-up.

If a preliminary determination is made that the staff member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the job, the Chief Probation Officer or the authorized designee should immediately place the staff member on paid administrative leave and relieve the staff member of duty pending further evaluation.

1232.4 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

If the Chief Probation Officer believes that an employee has difficulty performing effectively in the assigned duties and functions of the job due to physical or mental reasons, he or she may submit a written request for a special compulsory medical examination to the Director of Human Resources, as provided by Personnel Rule 8.

In order to facilitate the examination of any member, 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 may be part of the staff member's confidential County personnel file maintained by the Department of Human Resources.

Any staff member ordered to receive a special compulsory examination shall comply with the County Personnel Rules, terms of the order, and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Absent a successful appeal, any failure to comply with such an order and any failure to cooperate

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with the examining physician or therapist may be deemed insubordination, and shall be subject to discipline up to and including termination.

If a staff member has been deemed fit for duty by the examining physician or therapist, the staff member will be notified by the Department's Personnel Unit to resume their duties.

Staff members may also refer to Fresno County Personnel Rule 8.

1232.4.1 PROCESS

The Deputy Chief or Chief Probation Officer, in cooperation with the Department of Human Resources, may order the staff member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the staff member is fit for duty. If the staff member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report. If the staff member places their condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information relevant to such proceedings (Civil Code § 56.10(c)(8)).

To facilitate the examination of any staff member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the staff member's confidential medical file.

Any staff member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner.

Determinations regarding duty status of staff members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

1232.5 LIMITATION ON HOURS WORKED

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

- (a) 16.5 hours in a one-day (24 hours) period

Except in unusual circumstances, staff members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any staff member who has exceeded the above guidelines to off-duty status.

1232.6 ISSUED DATE

- 05/27/2022

Outside Employment

1234.1 PURPOSE AND SCOPE

This policy provides guidelines for Department staff members who seek to engage in authorized outside employment.

1234.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by staff members of this Department for another employer, organization, or individual not affiliated directly with this Department when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those staff members who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

1234.2 POLICY

Staff members of the Fresno County Juvenile Justice Campus shall obtain written approval from the Chief Probation Officer or the authorized designee before engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief Probation Officer in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action. Staff members may also refer to Fresno County Ordinance, No. 3.08.130, Noncounty Employment Prohibited, located under County Ordinances.

1234.3 OUTSIDE EMPLOYMENT

1234.3.1 REQUEST AND APPROVAL

Staff members must submit the designated outside employment request form to their immediate supervisors. The request form will then be forwarded through the chain of command to the Chief Probation Officer or the authorized designee for consideration.

If approved, the staff member will be provided with a copy of the approved request form. Unless otherwise indicated in writing on the request form, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Staff members seeking to continue outside employment must submit a new request form at the start of each calendar year. The request form is located in the Probation Department's case management system.

1234.3.2 DENIAL

Any staff member whose request for outside employment has been denied shall be provided with a written notification of the reason at the time of the denial (Penal Code § 70(e)(3)).

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1234.3.3 REVOCATION OR SUSPENSION

Any staff member whose approval for outside employment is revoked or suspended shall be provided with a written notification of the reason for revocation or suspension (Penal Code § 70(e) (3)).

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the staff member's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be reestablished with the the staff member's performance has reached a satisfactory level and with the authorization of the staff member's supervisor.
- (b) When a staff member's conduct or outside employment conflicts with Department policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the Department or county.
- (d) When the outside employment conflicts with the member's regular workday.

1234.3.4 APPEAL

If a staff member's request for outside employment is denied or if previous approval is revoked or suspended, the staff member may file a written notice of appeal with the Chief Probation Officer or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the staff member has completed the appeal process.

If the staff member's appeal is denied, the staff member may file a grievance as provided in the Grievances Policy.

1234.4 REQUIREMENTS

1234.4.1 PROHIBITED OUTSIDE EMPLOYMENT

Any activities performed during working hours for the purpose of promoting a second income are prohibited. The Department reserves the right to deny any request for outside employment that involves (Government Code § 1126):

- (a) The use of Department time, facilities, equipment, or supplies.
- (b) Telephone or electronic communications regarding outside business interests.
- (c) Solicitation of business.
- (d) Financial transactions related to outside business interests.
- (e) Displaying or delivering products
- (f) The use of the Fresno County Probation Department badge, uniform, or influence for private gain or advantage.

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- (g) The staff member's receipt or acceptance of any money or other consideration for performing duties or services that the staff member would be required or expected to render in the course or hours of employment or appointment, or as a part of the staff member's regular duties.
- (h) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other staff member of this Department.
- (i) Demands upon the staff member's time that would render the performance of the staff member's duties for this Department deficient or substandard.
- (j) Activities that may conflict with any other policy or rule of the Department.

1234.4.2 SECURITY AND PEACE OFFICER OUTSIDE EMPLOYMENT

Provided that they receive approval in accordance with section 1234.3.1 of this Policy, officers of this department may engage in outside employment as a private security guard, private investigator, or other similar private security position; however, they shall not use their position with the department, any department-issued equipment, or any clothing with the department logo, nor shall they exercise their peace officer powers.

1234.4.3 DEPARTMENT RESOURCES

Staff members are prohibited from using any Department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any staff member using a position with this Department to gain access to official records or databases of this Department or other agencies.

1234.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a staff member terminates outside employment, the staff member shall submit written notification, within ten calendar days, of such termination to the Chief Probation Officer or the authorized designee through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Staff members shall also submit in writing, within ten calendar days, to the Chief Probation Officer through the chain of command any material changes in outside employment, including any change in the number of hours, type of duties, or the demands of any approved outside employment. Staff members who are uncertain whether a change in outside employment is material are advised to report the change.

1234.4.5 LEAVE OR RESTRICTED DUTY STATUS

Staff members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five calendar days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical),

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and make a recommendation to the Chief Probation Officer or the authorized designee regarding whether such employment should continue.

In the event that the Chief Probation Officer or the authorized designee determines that the outside employment should be discontinued, or if the staff member fails to promptly notify the immediate supervisor of the staff member's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the staff member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the disabled staff member, as indicated by the county's medical professional advisers.
- (b) The outside employment requires performance of the same or similar physical ability as required of an on-duty staff member.
- (c) The staff member's failure to make timely notice of the staff member's intention to the supervisor.

When the staff member returns to full duty with the Fresno County Probation Department, a written request may be submitted to the Chief Probation Officer or the authorized designee to approve the outside employment request.

1234.5 ISSUED DATE

- 06/10/2021

Uniforms and Non Uniform Attire

1235.1 PURPOSE AND SCOPE

This policy provides guidelines for Fresno County Juvenile Justice Campus authorized uniforms and attire. The purpose of this policy is to ensure that uniformed staff members are readily identifiable to the public through the proper use and wearing of Department uniforms, and that the appearance of those staff members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintaining Department uniforms, accessories, insignia, patches, and badges; the requirements for staff members who wear non-uniform attire; and the authorized use of optional equipment and accessories by staff members of the Department.

Other related topics are addressed in the Badges, Patches, and Identification Policy and Personal Appearance Standards Policy.

1235.2 POLICY

The Fresno County Juvenile Justice Campus will provide uniforms to all staff members who are required to wear them in the quantity and frequency agreed upon in the respective employee group's collective bargaining agreement or memorandum of understanding. The Department may provide other Department staff members with uniforms at the direction of the Chief Probation Officer or the authorized designee.

All uniforms and equipment issued to Department staff members shall be returned to the Department upon termination resignation or retirement.

1235.3 UNIFORMS

The Chief Probation Officer or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by all staff members as needed. Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear Department-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and ready for immediate use. Uniforms shall be neat, clean, and appear pressed.
- (b) Supervising Juvenile Correctional Officers (SJCO) and Juvenile Correctional Officers (JCO) in a non-uniformed assignment shall possess and maintain a serviceable uniform and the necessary equipment to perform uniformed duty when on duty.
- (c) Uniforms shall be worn in compliance with any applicable Department specifications.
- (d) Staff members shall wear only the uniforms specified for their job duties and assignments.
- (e) Non-uniformed attire shall not be worn with any distinguishable part of a uniform (e.g., BDU type pants while on light duty).

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- (f) Uniforms are only to be worn while on-duty, for court, at official Department functions or events, while in transit to or from work, or when authorized by the Chief Probation Officer or the authorized designee.
 - 1. When the uniform is worn while in transit, a non-uniform outer garment shall be worn over the uniform shirt to avoid bringing attention to the staff member while off-duty.
- (g) Staff members are not to purchase or drink alcoholic beverages while wearing any part of Department-issued uniforms, to include any visible insignias.
- (h) All supervisors will periodically inspect staff members under their command to ensure conformance to this policy.

1235.3.1 ACCESSORIES

Staff members shall adhere to the following when wearing Department uniforms:

- (a) Mirrored sunglasses will not be worn.
- (b) Jewelry shall be in accordance with the specifications in the JJC Personal Appearance Standards Policy.
 - 1. Electronic wearables, such as, but not limited to, watches that are computerized, Wi-Fi based, and allow access to the internet are prohibited in the secure areas of the Juvenile Justice Campus.

1235.3.2 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to Department uniforms unless an exception is authorized by the Chief Probation Officer:

- (a) Badge - The Department-issued badge, or an authorized machine-stitched cloth replica, must be worn and visible at all times while in uniform.
- (b) Nameplate - The regulation nameplate, or an authorized machine-stitched cloth nameplate, shall be worn at all times while in uniform.
 - 1. When a jacket is worn, the nameplate, or an authorized machine-stitched cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- (c) Assignment insignias - Assignment insignias (e.g., Supervising Juvenile Correctional Officer, Food Service, Training Officer) may be worn as designated by the Chief Probation Officer.

1235.3.3 MOURNING BAND

Peace Officers shall wear a black mourning band across the Department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief Probation Officer or the authorized designee. These mourning periods will be observed:

- (a) Fresno County Probation Department officer - From the time of death until midnight on the 14th day after the death.
- (b) A Juvenile Correctional Officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

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- (c) Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief Probation Officer.

When a Peace Officer wears a mourning band, the mourning band is not to be more than half an inch in width, fit tightly around the badge, shall not have a thin blue line, and shall be worn from 11 to 5, as if looking at the face of a clock.

1235.4 UNIFORM CLASSES

The Chief Probation Officer or the authorized designee shall determine the uniform to be worn by each Department staff member or any deviations that may be authorized.

1235.4.1 UNIFORM

- (a) The basic shirt to be worn by the institutional SJCO's and JCO's shall be a polo-type shirt of a solid color. The shirts will bear the Department's insignia and the employee's first initial and last name. The SJCO's shirts will also bear their job titles.
 - 1. A T-shirt may be worn under the polo shirt, as long as it is of the same basic color as the polo shirt.
 - 2. A lightweight turtleneck shirt of the same basic color may be worn under the polo shirt during cold weather.
 - 3. All shirts are to be bloused (tucked) into the pants.
- (b) The basic pants to be worn will be Department-issued and solid in color. The pant legs may be bloused (tucked) depending upon the type of shoe being worn.
 - 1. Only black under belts shall be worn with the pants at all times. Belt keepers shall be used at all times to secure duty belts to the under belt.
- (c) Shoes will be rubber-soled and black in color with black laces or black Velcro fasteners. No striped, decorated, or colored canvas shoes will be allowed.
 - 1. All shoes shall be kept clean. Socks that are visible must be black.
 - 2. Black, rubber-soled military-style boots will be allowed.
- (d) Only black baseball-type, camper style hats, or beanies bearing the Department's or Juvenile Justice Campus division logo shall be worn when staff members chooses to wear a hat on duty. There could be times while on duty the SJCO or JCO may be required to remove their hat, e.g., court.
- (e) A plain black nylon windbreaker-type jacket may be used. No logos of any kind, except the Department's or Juvenile Justice Campus division logo may be on the jacket. The jacket shall never be bloused (tucked) into the pants. Sweatshirts are not acceptable attire.
- (f) Management will provide rain gear for JCO's. The number supplied shall be sufficient to provide protection for employees on any shift.

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1235.4.2 ARMED TRANSPORTATION OFFICERS

- (a) Due to the high visibility of the armed transportation officers to the public and the courts, standardized attire and safety equipment will be provided which will be different from the items provided to institutional officers and managers. Transportation officers may wear solid color t-shirts issued by the Department and bearing the Department logo in the institution only, in lieu of the traditional uniform shirt.
- (b) The attire for the armed transportation officers will consist of solid color, department-issued pants, and a sleeved solid color, department-issued shirt of traditional uniform design. Shoes will be of a military boot style in black along with a black belt, windbreaker, winter jacket, raincoat, and a baseball-type cap. Pant legs will always be bloused (tucked) into the boots and shirts will also be tucked into the pants at all times.
- (c) The Department shall provide boots for those employees in the classification of Juvenile Correctional Officer I/II and Senior who are required by the Chief Probation Officer to wear boots as part of their uniform.
- (d) The attire for back-up armed transportation officers will be the same as the assigned transportation officers. One pair of solid color, department-issued pants; one-sleeved solid color, Department-issued shirt; one black belt; one pair of black boots; and a baseball-type cap will be issued to each designated back-up officer. Windbreakers, winter jackets, and raincoats may be issued at the discretion of the Division Deputy Chief. The transportation uniform may only be worn when assigned to transport minors.
- (e) Specialized equipment such as expandable metal batons, armor vests, and flashlights will be provided.

1235.4.3 SPECIAL ASSIGNMENT UNIFORM

Special assignment - Specific uniforms to be worn by staff members in special assignments or divisions. The Chief Probation Officer or the authorized designee may authorize certain uniforms to be worn by staff members in specialized assignments.

1235.5 NON-UNIFORM ATTIRE

There are job duties and assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions.

- (a) Non-uniform attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Staff members assigned to administrative, investigative, and support positions (e.g. staff members on light duty) shall wear business-appropriate clothing that is conservative in style (see the JJC Personal Appearance Standards Policy for additional guidance).
- (c) If a staff member is assigned to an offsite location, that staff member will adhere to that location's dress standard (e.g., Probation Services locations adhere to the Dress Attire Policy in the Lexipol Probation Manual). A staff member from the specific division will go over the expectations of the dress policy with the member from JJC who is assigned to the offsite location.

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- (d) Variations from this policy are allowed at the discretion of the Chief Probation Officer or the authorized designee when the staff member's assignment or task is not conducive to wearing such clothing.
- (e) No item of non-uniform attire that would adversely affect the reputation of the Fresno County Probation Department or the morale of the staff members may be worn while on-duty.
- (f) Training attire off-site: Black/blue denim jeans that are not torn, frayed, faded, or in obvious need of repair; athletic/tennis shoes (any color); and an all-black baseball-type hat with or without the Department's logo are allowable; however, they, and all pants, shall be neat and in clean condition. Department training attire policy may be superseded by an individual trainer and/or training facility.
- (g) Court, Business Casual attire, or the staff member's uniform (if on duty) shall be worn when representing the Department at events such as: Memorial Services, Peace Officers Memorial, Swearing in Ceremony. This section does not apply if the staff member is on their own time.
- (h) These items shall not be worn while on-duty or when representing the Department in any official capacity:
 - 1. Capri pants or pedal pushers (pants above mid-calf)
 - 2. Clothing that includes advertisements and athletic team logos
 - 3. Denim pants (all colors)
 - 4. Ill-fitting, i.e. excessively tight or baggy clothing
 - 5. Jogging/athletic suits/sweatpants
 - 6. Midriff tops
 - 7. Rompers/Jumpsuits/Overalls
 - 8. Shorts/bike shorts
 - 9. Suggestive attire, i.e. revealing or see through garments
 - 10. Tank tops
 - 11. T-Shirts
 - 12. Sweatshirts, shirts (short or long) with hoods
 - 13. Yoga pants
 - 14. Undergarments must be covered at all times
 - 15. Zorries/flip-flops/Ugg type boots
 - 16. Apparel endorsing or opposing a political viewpoint, social issue or cause
- (i) SJCOs may wear casual business attire as long as they are not scheduled to be the on-duty Watch Commander. However, the SJCO who is scheduled as a backup Watch Commander shall have their uniform readily available.

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1235.6 COURT ATTIRE

The Chief Probation Officer or the authorized designee shall determine what should be worn by each Department staff member, or any deviations that may be authorized.

Court attire is described as:

- (a) Suits, sport coats, blazers, or dress jackets
- (b) Dress slacks, trousers (e.g., khakis, Dockers)
- (c) Dress shirts, blouses, sweater
- (d) Neckties or bow ties
- (e) Dress shoes
- (f) Dresses, skirts

Tattoo sleeve covers are not appropriate for court attire.

If a staff member, while on duty, is summoned to Court, the Department-issued uniform is approved.

1235.7 UNAUTHORIZED UNIFORMS, ATTIRE, EQUIPMENT, AND ACCESSORIES

Department staff members may not wear any uniform, attire, item, accessory, or attachment unless specifically authorized by the Chief Probation Officer or the authorized designee.

Department staff members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief Probation Officer or the authorized designee.

1235.8 OPTIONAL EQUIPMENT

Items allowed by the Fresno County Probation Department, but that have been identified as optional, shall be purchased entirely at the expense of the staff member. No part of the purchase cost shall be offset by the Department.

Maintenance of optional items shall be the financial responsibility of the purchasing staff member (e.g., repairs due to normal wear and tear).

Replacement of items listed in this policy as optional shall be managed as follows:

- (a) When the item is no longer functional because of normal wear and tear, the staff member bears the cost of replacement.
- (b) When the item is no longer functional because of damage in the course of the staff member's duties, it shall be replaced at the cost of the staff member.

1235.9 SANCTIONS

Staff members not in compliance with the department's dress policy will be directed to change into appropriate attire. Any time away from the job will be on their own time (annual leave and/or dock time). The first violation will be on annual leave and any subsequent violation will be on dock time. Subsequent violations of this policy are subject to discipline.

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1235.10 AUTHORIZED EXEMPTIONS

The Chief Probation Officer or the authorized designee may, for specific or necessary reasons, permit a member to deviate from the established dress standard. All requests for deviation from the dress standard must be approved in advance by the Chief or the authorized designee.

Relaxed dress standard exceptions:

- Black/Blue denim jeans that are not torn, frayed, faded or in obvious need of repair.
- Athletic/tennis shoes of any color.
- Spirit wear on prescribed designated days.

For those staff members representing the Department in court, institutional staff, and those attending any meetings on behalf of the department are not permitted to deviate from the dress standard unless specific permission has been provided by the Chief Probation Officer or the authorized designee. Each supervisor is responsible for ensuring proper dress of each employee during the relaxed dress standard exemptions.

Union or Association buttons, lapel pins (no larger than 2 inches by 2 inches), or lanyard may be worn in the office if not in view of the public. The button, lapel pin, or lanyard shall not be worn if it poses a safety issue.

1235.11 ISSUED DATE

- 06/28/2021

Temporary Modified-Duty Assignments

1236.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, county rules, or current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good-faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1236.2 POLICY

Subject to operational considerations, the Fresno County Juvenile Justice Campus may identify temporary modified-duty assignments for staff members who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the staff member to work while providing the Department with a productive employee during the temporary period.

1236.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Staff members who have disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act shall be treated equally, without regard to any preference for a work-related injury (Government Code § 12940 et seq.).

No position in the Fresno County Juvenile Justice Campus shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not a staff member right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the staff members ability to perform in a modified-duty assignment.

The Chief Probation Officer or the authorized designee may restrict staff members working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

1236.4 PROCEDURE

Staff members may request a temporary modified-duty assignment for injuries or illnesses.

Staff members seeking a temporary modified-duty assignment should submit a written request to the Deputy Chief or the authorized designee (e.g. immediate supervisor, Department's Personnel Unit). The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Deputy Chief will make a recommendation through the chain of command to the Chief Probation Officer regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the staff member. The Chief Probation Officer or the authorized designee may confer with the Department of Human Resources or the County Counsel as appropriate.

1236.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to staff members assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations.

1236.5.1 STAFF MEMBER RESPONSIBILITIES

The responsibilities of staff members assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

1236.5.2 SUPERVISOR RESPONSIBILITIES

The staff member's immediate supervisor, in conjunction with the temporarily assigned supervisor, shall monitor and manage the work schedule of those assigned to temporary modified duty.

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

- (a) Periodically apprising the Division Deputy Chief of the status and performance of staff members assigned to temporary modified duty.
- (b) Notifying the Division Deputy Chief and ensuring that the required documentation facilitating a return to full duty is received from the staff member.
- (c) Ensuring that staff members returning to full duty have completed any required training and certification.

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1236.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, staff members shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1236.7 PREGNANCY

If a staff member is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the staff member will be treated the same as any other staff member with a temporary disability. A pregnant staff member shall not be involuntarily transferred to a temporary modified-duty assignment (42 USC § 2000e(k)).

1236.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the county's personnel rules and regulations regarding family and medical care leave.

1236.8 MAINTENANCE OF CERTIFICATION AND TRAINING

Staff members assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Staff members who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications in accordance with any documentation from their treating provider(s).

1236.9 ISSUED DATE

- 06/10/2021

Speech, Expression, and Social Networking

1238.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provides guidelines for regulating and balancing staff member speech and expression with the legitimate needs of the Department and the confidentiality of youth in the care and custody of the Department.

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

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

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

1238.2 POLICY

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

1238.3 SAFETY

Staff members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Fresno County Probation Department staff members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a staff member's home address or family ties. Staff members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any staff member, a staff member's family or associates. This is not intended to limit a member's ability to post their own information if they choose to do so. Examples of the type of information that could reasonably be expected to compromise safety include:

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- (a) Disclosing a photograph and name or address of an officer who is working in a specialized assignment or interagency task force.
- (b) Disclosing the address or contact information of a fellow department staff member.
- (c) Disclosing where another Juvenile Correctional Officer can be located off-duty.

1238.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Fresno County Probation Department, the following are prohibited unless the speech is otherwise protected (for example, a staff member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group on a matter of public concern):

- (a) Speech, expression, or communication that would in any way compromise the confidentiality of the identity of persons under supervision, including youth housed in facilities; victims served; or their families..
- (b) Speech or expression made while operating in an official duty that compromises or damages the mission, function, reputation, or professionalism of the Department or its staff members.
- (c) Speech or expression that, while not operating in an official duty, is significantly linked to the Department and could compromise or damage the mission, function, reputation, or professionalism of the Department or its staff members. Examples may include:
 - 1. Statements that indicate disregard for the law or the state or U.S. constitutions.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (d) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the staff member as a witness. For example, posting statements or expressions to a website that glorifies or endorses dishonesty, unlawful discrimination, or illegal behavior.
- (e) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of Juvenile Justice Campus staff members. (e.g., a statement on a blog that provides specific details as on how and when custody transportations are made could reasonably be foreseen as potentially jeopardizing employees and youth by informing criminals of details that could facilitate an escape or attempted escape.
- (f) Speech or expression that is contrary to the principles of the Probation Code of Ethics (15 CCR 1324) adopted by the Fresno County Probation Department.
- (g) Use or disclosure, through whatever means, of any information, photograph, or video or other recording obtained or accessible because of employment with the Juvenile Justice Campus for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief Probation Officer or the authorized designee.

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- (h) 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 Fresno County Probation Department on any personal or social networking or other website or web page, without the express authorization of the Chief Probation Officer or the authorized designee. This is not intended to prevent a member from sharing any posts that are displayed on the Department's approved social media accounts.
- (i) 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 these circumstances:
 - 1. When brief personal communication may be warranted by the circumstances presented to the staff member.

Staff members must take reasonable and prompt action to remove any content, including content posted by others, that violates this policy from any web page or website maintained by the staff member (e.g., social or personal website).

1238.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While staff members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, staff members may not, unless specifically authorized by the Chief Probation Officer or the authorized designee, represent the Fresno County Probation Department or identify themselves in any way that could be reasonably perceived as representing the Fresno County Probation Department in order to do any of the following, unless specifically authorized by the Chief Probation Officer (Government Code § 3206):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication, or motion picture, film, video, or public broadcast, or on any website

Additionally, when it can reasonably be construed that a staff member, acting in the individual's own capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this Department, the staff member shall give a specific disclaiming statement that any such speech or expression is not representative of the Department.

Staff members retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, staff members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Staff members are also prohibited from

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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).

1238.5 PRIVACY EXPECTATION

Staff members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, Snapchat, Instagram, etc.) 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 a staff member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct.

1238.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct prohibited under this policy, the factors that the Chief Probation Officer or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would reflect negatively upon the Department.
- (c) Whether the speech or conduct would negatively affect the staff member's appearance of impartiality in performance of duties.
- (d) Whether similar speech or conduct has been previously authorized.
- (e) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1238.7 ISSUED DATE

- 05/27/2022

Line-of-Duty Deaths or Serious Bodily Injury

1239.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to staff members of the Fresno County Probation Department in the event of the death of a staff member occurring in the line of duty and to direct the Department in providing proper support for the staff member's survivors.

The Chief Probation Officer may also apply some or all of this policy in situations where staff members are injured in the line of duty and the injuries are life-threatening.

1239.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn staff member during the course of performing probation-related functions while on-duty, or a non-sworn staff member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased staff member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the staff member and whether the individual was designated by the deceased staff member.

1239.2 POLICY

It is the policy of the Fresno County Probation Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a staff member who dies in the line of duty.

It is also the policy of this Department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1239.3 INITIAL ACTIONS BY EXECUTIVE COUNCIL

- (a) Upon learning of a line-of-duty death, the deceased staff member's supervisor should provide all reasonably available information to the Department.
 1. Communication of information about the staff member and the incident should be communicated in person or using secure means and should not be transmitted over the radio to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Division Deputy Chief should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the staff member has been transported to the hospital, the Division Deputy Chief or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief Probation Officer or the authorized designee should assign staff members to handle survivor notifications and assign staff members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1239.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible to avoid the survivors hearing about the incident in other ways.

The Chief Probation Officer or the authorized designee should review the deceased staff member's emergency contact information and make accommodations to respect the staff member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the staff member's wishes.

The Chief Probation Officer, Division Deputy Chief, or the authorized designee should select at least two staff members, or one staff member and a member of the clergy, to conduct notification of survivors in person, if applicable.

Notifying staff members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the deceased staff member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and considering factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Department vehicles when possible. Notifying staff members shall inform the Hospital Liaison using secure means that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information to accomplish notification in as timely a fashion as possible. Notifying staff members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Staff members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

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- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Department Liaison(s) as soon as possible.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief Probation Officer or the authorized designee once survivor notifications have been made so that other Fresno County Probation Department staff members may be apprised that survivor notifications are complete.

1239.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using secure means and provide the assisting agency with the name and telephone number of the Department staff member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the staff member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief Probation Officer.

1239.5 NOTIFYING DEPARTMENT STAFF MEMBERS

Supervisors or staff members designated by the Chief Probation Officer are responsible for notifying Department staff members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure means and should not be transmitted over the radio or when feasible.

Notifications should be made in person and as promptly as possible to all staff members on-duty at the time of the incident. Staff members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Staff members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those staff members who are working later shifts or are on days off should be notified as soon as practicable.

Staff members having a close bond with the deceased staff member should be notified of the incident in person. Supervisors should consider assistance (e.g., chaplain, counselor, peer support group, employee assistance program, modifying work schedules, approving sick leave) for staff members who are especially affected by the incident.

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Staff members should not disclose any information outside the Department regarding the deceased staff member or the incident.

1239.6 LIAISONS AND COORDINATORS

The Chief Probation Officer or the authorized designee should select staff members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death or serious bodily injury that may include:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Benefits Liaison.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Staff members may be assigned responsibilities of more than one liaison or coordinator. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department is committed to supporting members who are assigned the duties of liaisons and coordinators.

1239.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Deputy Chief or of sufficient rank to effectively coordinate Department resources and should serve as a facilitator between the deceased staff member's survivors and the Department. The Department Liaison reports directly to the Chief Probation Officer. The Department Liaison's responsibilities may include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will be sufficient to accommodate visitation and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Following federal and state guidelines regarding the display of flags at half-staff.
- (g) Ensuring that Department staff members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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- (h) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1239.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased staff member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the staff member's survivors or Fresno County Probation Department staff members (except for staff members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the staff member before information is released to others.
- (d) Arrange for survivors to have private time with the staff member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the staff member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

Other responsibilities of the Hospital Liaison may include but are not limited to:

- 1. Arranging transportation for the survivors back to their residence.
- 2. Working with investigators to gather and preserve the deceased staff member's equipment and other items that may be of evidentiary value.
- 3. Documenting actions at the conclusion of liaison duties.

1239.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any staff member who has died in the line of duty, and serve as the long-term Department contact for survivors.

The Survivor Support Liaison should be selected by the deceased staff member's Deputy Chief. The following should be considered when selecting the Survivor Support Liaison:

- (a) The liaison should be an individual the survivors know and with whom they are comfortable working. If the deceased staff member completed an emergency notification form, it should be used for this purpose.
- (b) If the survivors have no preference, the selection may be made from names recommended by the deceased staff member's supervisor and/or coworkers. The deceased staff member's partner or close friends may not be the best selections for

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this assignment because the emotional connection to the staff member or survivors may impair their ability to conduct adequate liaison duties.

- (c) The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison may include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations as appropriate.
- (b) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (c) Returning the deceased staff member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (d) Assisting with the return of Department-issued equipment that may be at the deceased staff member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (e) Ensuring that survivors have access to available services, such as counseling, grief support, and county human resources.
- (f) Coordinating with the Department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (g) Connecting survivors to the investigating law enforcement agency, prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (h) Inviting survivors to Department activities, memorial services, or other functions as appropriate. Strive to maintain supportive relationships with survivors.

1239.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief Probation Officer or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to staff members who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator may include but are not limited to:

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- (a) Identifying staff members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Staff members involved in the incident.
 - 2. Staff members who witnessed the incident.
 - 3. Staff members who worked closely with the deceased staff member but were not involved in the incident.
- (b) Ensuring that staff members who were involved in or witnessed the incident are afforded appropriate CISM support as appropriate and soon as possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to staff members as soon as reasonably practicable following the line-of-duty death.

1239.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities may include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements.
- (b) Completing funeral notification to other probation and law enforcement agencies.
- (c) Coordinating the funeral activities of the Department or outside assisting agencies, which may include but are not limited to the following:
 - 1. Honor Guard/Color Guard
 - 2. Casket watch
 - 3. Pallbearers
 - 4. Traffic control during the deceased member's funeral
 - 5. Coverage so that as many Fresno County Probation Department members as possible can attend funeral services
 - 6. Flag presentation
- (d) Briefing the Chief Probation Officer and Executive Council concerning funeral arrangements.
- (e) The Funeral Liaison should perform duties in accordance with the Outside Agency Assistance Policy.

1239.6.7 BENEFITS LIAISON

The Department's Personnel Unit shall function as the Benefits Liaison and provide survivors with information concerning available benefits. which may include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for local, state, and federal government survivor benefits, such as those offered through the:

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1. Public Safety Officers' Benefits Program.
 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 3. Social Security Administration.
 4. Department of Veterans Affairs.
 5. Education benefits (Education Code § 68120).
 6. Health benefits (Labor Code § 4856).
 7. Other possible benefits as entitled.
- (c) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1239.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the Department's PIO or the Chief Probation Officer or the authorized designee should be the Department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Department staff members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased staff member's survivors.
- (d) Arrange for community and media briefings by the Chief Probation Officer or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the staff member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to Department staff members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for recording memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the staff member's survivors have been notified. If the media has obtained identifying information for the deceased staff member prior to survivor notification, the PIO should request that the media withhold the information from

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release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1239.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Duties may include but are not limited to:

- (a) Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters as appropriate.
- (b) Assisting liaisons and coordinators with their assignments as appropriate.
- (c) Assisting Department staff members with counseling or emotional support, as requested and appropriate.

1239.9 INVESTIGATION OF THE INCIDENT

The Chief Probation Officer shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths policy..

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased staff member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved Department staff members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1239.10 LINE-OF-DUTY DEATH OF A PROBATION DEPARTMENT ANIMAL

The Chief Probation Officer may authorize appropriate memorial and funeral services for Department animals killed in the line of duty.

1239.11 NON-LINE-OF-DUTY DEATH

The Chief Probation Officer may authorize certain support services for the death of a staff member not occurring in the line of duty.

1239.12 ISSUED DATE

- 03/25/2022

Vehicle Use, Safety, and Maintenance

1240.1 PURPOSE AND SCOPE

The Department utilizes vehicles for a variety of applications. To maintain a system of accountability and ensure that Department-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "Department-owned" as used in this section also refers to any vehicle leased or rented by the Department.

1240.2 POLICY

The Fresno County Probation Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments, and other considerations. The Department will provide service for Department-owned vehicles to ensure they remain operational and maintain their appearance, as resources allow.

1240.3 USE OF DEPARTMENT AGENCY VEHICLES

Only authorized staff members should operate Department-owned vehicles. Staff members who operate Department-owned vehicles must comply with all applicable state laws and must possess a valid driver's license endorsed for the type of vehicle operated. Fresno County Administrative Office's Management Directive (MD), Section 923, requires that any individual driving a motor vehicle in the course of County employment have a valid California Driver's License. Additionally, members are responsible for helping maintain Department vehicles, so they are properly equipped, maintained, refueled, and cleaned.

1240.3.1 USE OF SAFETY BELTS

Members shall wear provided safety restraints as stated in the Seat Belts Policy. All persons in a County vehicle or in a private vehicle being used on County business must use seat belts any time the vehicle is in motion. The driver of the vehicle is responsible for ensuring that all occupants of the vehicle are wearing seat belts before the vehicle is put into motion (MD 922.2). Youth shall be secured and transported in accordance with the Use of Physical Restraints Policy and Transportation of Youth Outside the Secure Facility Policy.

1240.3.2 VEHICLE LOCATION SYSTEM

Vehicles, at the discretion of the Chief Probation Officer, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, staff members are not relieved of their responsibility to use required communication practices to report their location and status.

Staff members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors. However, access to historical data by individuals other than supervisors requires supervisor approval (MD 921.5).

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All data captured by the system shall be retained in accordance with established records retention schedule.

1240.3.3 KEYS

Staff members authorized to operate marked and unmarked vehicles shall have access to keys.

Staff members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the staff member's chain of command.

Under no circumstances will persons under supervision or youth be allowed to operate a vehicle or have in possession any vehicle keys. Keys shall not be left in unattended vehicles, even when parked in secured enclosures (MD 925.1).

1240.3.4 AUTHORIZED PASSENGERS

Staff members operating Department-owned vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle except as stated in the Ride-Along Policy (MD921)

1240.3.5 ALCOHOL/DRUG USE

Staff members who have consumed alcohol or drugs are prohibited from operating any Department-owned vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated or under the influence. For further information, see Fresno County Board of Supervisors policy 43, Drug Free Workplace and Lexipol policy, Drug- and Alcohol-Free Workplace.

1240.3.6 PARKING

Except when responding to an emergency or when urgent Department-related business requires otherwise, staff members driving Department-owned vehicles shall obey all parking regulations at all times.

Department-owned vehicles shall be parked in designated areas. Staff members shall not park privately owned vehicles in stalls assigned to Department-owned vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

1240.3.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

1240.3.8 CIVILIAN NON-SWORN STAFF MEMBER USE

Non-sworn staff members using Department-owned vehicles shall ensure that all weapons have been removed from a vehicle before going into service.

1240.4 VEHICLE SECURITY

Department-owned vehicles shall be locked, and the keys will be secured when not in use. Staff members will make every effort to ensure that Department vehicles are parked in a secure location.

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Under no circumstances will youth be allowed to operate a vehicle or have any vehicle keys. Youth workers assigned to clean vehicles must be closely supervised by staff.

Losing any vehicle key shall be promptly reported, in writing, to the on-duty supervisor.

Staff members shall ensure all weapons and control devices are secured while a vehicle is unattended.

1240.4.1 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the Department armory or designated storage area before releasing the vehicle for maintenance, service, or repair.

1240.5 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Department vehicles must be used by staff members to commute to and from a work assignment. Staff members may take home Department vehicles only with prior approval of the Division Deputy Chief or the authorized designee and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance of the County limits.
- (d) The vehicle will be locked when not attended.
- (e) All firearms, weapons, and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

1240.6 USE OF PERSONAL VEHICLES

The use of personal vehicles for official business must be approved by the Chief Probation Officer. The Chief Probation Officer or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements and County of Fresno insurance requirements. A copy of the insurance card shall be retained in a department file. All policies and procedures applicable to Department vehicles shall apply to the personal vehicle while it is being used for official business.

1240.7 OFF SITE PARKING OF COUNTY VEHICLES

The Chief Probation Officer has the authority to allow staff members to park county vehicles at off-site locations within Fresno County. If the Chief Probation Officer grants the staff member permission, the staff member will be responsible to obtain permission from an approved site location supervisor, who will allow the staff member to park their personal vehicle at the location during the day and the county vehicle during non-working hours. Some specific sites may require a code or key to gain entry into their parking area. Examples of areas that have been approved are as follows: Police, Fire, and Sheriff substations, County and City building structures/parking lots, etc. Once permission has been granted from the identified location supervisor, the member will advise their Division Deputy Chief, to obtain their final approval.

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Vehicle Use, Safety, and Maintenance

If the staff member is on leave/vacation for five consecutive days or longer, they will be required to park their county vehicle at their designated work location for safe storage. Personal appointments should be scheduled during times when private vehicles are utilized as the primary mode of transportation. For further information, see Management Directive 900 - County Automotive Transportation.

1240.8 MAINTENANCE

Staff members are responsible for the cleanliness (exterior and interior) and overall maintenance of vehicles. Maintenance will be provided by the Department. Failure to adhere to these requirements may result in discipline. The following should be performed as outlined below:

- (a) Staff members shall inspect their assigned vehicles daily for service/maintenance requirements and damage.
- (b) It is the staff member's responsibility to ensure the assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the Department staff member in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

1240.8.1 VEHICLE INSPECTIONS

Staff members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a staff member of this Department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person/youth, the transporting staff member shall search all areas of the vehicle that are accessible by the person/youth before and after that person is transported.

All Department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No staff member assigned to or operating such vehicle may have any expectation of privacy regarding the vehicle or any of its contents, regardless of who owns the contents.

1240.8.2 VEHICLE SAFETY REPAIRS

Any staff member authorized to drive Department vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

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Vehicles that are deemed unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The supervisor or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

All vehicles owned, leased, or used by this Department shall be inspected annually by a qualified individual.

1240.9 TOLL ROAD USE

Law enforcement vehicles are not routinely exempt from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads while on-duty are exempt from paying the toll.

Commuting or returning to the Department after an emergency does not qualify for this exemption; staff members using Department-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road charges, staff members shall adhere to the following:

- (a) Staff members operating Department vehicles on a toll road for any reason other than in response to an emergency shall stop and pay the toll charge or use the appropriate tollway transponder.
- (b) Staff members may seek reimbursement from the Department for any toll fees.
- (c) Staff members passing through a toll plaza or booth while responding to an emergency shall notify the appropriate supervisor as soon as practicable explaining the circumstances.

1240.10 ACCIDENT DAMAGE, ABUSE, AND MISUSE

When any Department-owned vehicle is involved in a traffic accident, the involved staff member shall promptly notify a supervisor. The appropriate local law enforcement agency shall be summoned to conduct an investigation. A traffic accident report shall be filed with the agency having jurisdiction. The staff member shall complete the County's Motor Vehicle Accident/Property Damage Report (MD 1011 and 1012).

If an occupant of a vehicle or a pedestrian is seriously injured or killed in an accident involving a vehicle operated by a staff member, the involved staff member shall make an immediate telephone report to Risk Management (MD 1013).

If the staff member is incapable of completing the vehicle accident form, a supervisor shall complete the form. The written report shall be completed within two working days.

An administrative investigation should be conducted to determine if the member acted within policy.

Emergency repairs or vehicle damage, including emergency towing, must be immediately reported to Fleet Services or after-hours to the Sheriff's Office.

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A staff member who is involved in a vehicle accident should not admit liability for the accident. If the other parties to the accident believe the staff member was at fault and inquire about reimbursement for damages, the member shall refer them to Risk Management (MD 1016).

1240.11 ATTIRE AND APPEARANCE

When operating any Department-owned vehicle while off-duty, staff members may dress in a manner appropriate for their intended activity. Whenever a staff member is in public view or has contact with the public, the staff member's attire and appearance, regardless of the activity, should reflect positively upon the Department.

1240.12 ISSUED DATE

- 05/27/2022

1240.12.1 REVISED DATE(S)

- 09/16/2022

Utility Carts

1243.1 POLICY

This policy establishes operational and safety procedures that must be followed by Juvenile Justice Campus (JJC) staff members who operate utility carts, in order to prevent injuries to pedestrians, utility cart operators, and their passengers, and reduce the risk of property damage.

Only staff members with valid a California Driver's License are authorized to operate utility carts on the JJC site.

The facility Watch Commander may approve the use of a utility cart.

All authorized operators shall drive utility carts in compliance with safe operating procedures. Violations of safe operating procedures and safety rules will be treated under the existing disciplinary procedures. The privilege of operating a utility cart may be revoked at any time.

1243.2 EMPLOYEE RESPONSIBILITY

- A. Operators are responsibilities to:
1. Inspect the utility cart prior to operation and document and report any deficiencies to a supervisor.
 2. Operate the utility cart in an appropriate and safe manner.
 3. Report accidents and/or unusual problems to the Watch Commander and/or their immediate supervisor by completing a Fresno County motor vehicle incident report and Juvenile Justice Campus incident report.
- B. Supervisor approving use of utility carts is responsible to:
1. Ensure that the staff member is authorized to operate the utility cart.
 2. Take appropriate action to correct operator misuse in the operation of a utility cart.
 3. Ensure the utility cart is taken out of service and inspected when deficiencies or problems are reported that could contribute to an unsafe condition or an accident has occurred.

1243.3 REFERENCES

See Utility Carts Procedure for additional guidance.

1243.4 ISSUED DATE

- 08/21/2023

Seniority

1244.1 INTRODUCTION

Length of service with the Probation Department or within each job classification is used to establish seniority for vacation and shift selection as outlined below.

1244.2 VACATION SENIORITY

- A. For the purpose of vacation selection, seniority is defined as the total time that a staff member has been employed within the Fresno County Probation Department in a permanent position. This time shall be computed from the date the member is appointed to a permanent position in the Probation Department regardless of subsequent leaves of absence, military service, layoffs, etc. Interruptions in length of service will not abrogate seniority rights except interruptions caused by resignation or dismissal (See the Vacation, Personal Time, and Sick Leave Policy).
- B. In the event two or more people who are hired with no prior Department service into a permanent position on the same day, a supervisor will work with the collective bargaining unit representative on a process to break the tie such as flipping a coin or picking a number out of a hat.

1244.3 SHIFT SELECTION SENIORITY

- A. For the purpose of Shift Selection, seniority is defined as the total time that a staff member has been employed within the Fresno County Probation Department/Juvenile Justice Campus in a permanent position for that specific classification. This time shall be computed from the date the staff member is appointed to a permanent position in the current classification regardless of subsequent leaves of absence, military service, layoffs, etc. Interruptions in length of service will not abrogate seniority rights except interruptions caused by resignation or dismissal.
- B. In the event two or more people are promoted within the same classification on the same day, the tiebreaker will be the total time a staff member has been employed within the Fresno County Probation Department in a permanent position at the Juvenile Justice Campus.
- C. If a tie still exists, then a supervisor will work with the collective bargaining unit representative on a process to break the tie such as flipping a coin or picking a number out of a hat.

1244.4 DEMOTIONS/LAYOFFS/DISCIPLINE

- A. See Fresno County Personnel Rule 10- Disciplinary Actions, Rule 11- Promotion, Transfer and Demotion, and 12- Separations for definitions and county procedures.
- B. If a staff member voluntarily demotes or receives a disciplinary demotion to a lower classification after the annual shift selection process, then that staff member will only be eligible for those shifts that are currently available (e.g., if a Senior Juvenile Correctional Officer (JCO) voluntarily demotes to a JCO II after the implementation of

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the shift selection process, they are only allowed to select from the open shifts that are currently available. A new shift selection would not be done).

- C. For the next annual shift selection, the staff member would be granted seniority based on the process established in 1244.3, Shift Selection Seniority.

1244.5 TEMPORARY UPGRADES (SPECIAL SALARY UPGRADE)

- A. See Salary Resolution section 413.9 for the definition and county procedure.
- B. Do not count towards seniority in the higher classification.

1244.6 ISSUED DATE

- 06/29/2023

Fresno County Probation Department Juvenile Justice Campus Policy Manual (NEW)

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Attachments

15 CCR § 1301 Other Standards and Requirements.pdf

Title 15, § 1301

§ 1301. Other Standards and Requirements.

Nothing contained in the standards and requirements hereby fixed shall be construed to prohibit a city, county, or city and county agency operating a local juvenile facility from adopting standards and requirements governing its own employees and facilities provided such standards and requirements meet or exceed and do not conflict with these standards and requirements. Nor shall these regulations be construed as authority to violate any state fire safety standard, building standard, or applicable statutes.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#); and Assembly Bill 1397, Chapter 12, Statutes of 1996. Reference: [Section 209, Welfare and Institutions Code](#); 1995-96 Budget Act, Chapter 303, Item Number 5430-001-001, Statutes of 1995; Assembly Bill 904, Chapter 304, Statutes of 1995; and Assembly Bill 1397, Chapter 12, Statutes of 1996.

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1301, 15 CA ADC 1301

15 CCR § 1302 Definitions.pdf

Title 15, § 1302
§ 1302. Definitions.

The following definitions shall apply:

Administering medication - As it relates to pharmaceutical management, the act by which a single dose of medication is given to a patient by licensed health care staff members. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

Alternate means of compliance - A process for meeting or exceeding the intent of the standards in an innovative way as approved by the Board of State and Community Corrections pursuant to an application.

Appeal hearing - An administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised pursuant to the purposes set forth in these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the executive director of the Board or the Board.

Appellant - A county or city that files a request for an appeal hearing.

Authorized representative - An individual authorized by the appellant to act as its representative in any or all aspects of the hearing.

Behavioral health - Mental/emotional well-being and/or actions that affect wellness. Behavioral health problems include substance use disorders, alcohol and drug addiction, and serious psychological distress, suicide, and mental disorders.

Behavioral/mental health director - The individual who is designated by contract, written agreement, or job description to have administrative responsibility for the behavioral/mental health program of the facility or system. The Health Care Administrator shall work in cooperation with the behavioral/mental health director to develop and implement mental health policies and procedures.

Board - The Board of State and Community Corrections, which acts by and through its executive director, deputy directors, and field representatives.

Camp - A juvenile camp, ranch, forestry camp, or boot camp established in accordance with [Section 881 of the Welfare and Institutions Code](#), to which youth who are made wards of the court on the grounds of fitting the description in [Section 602 of the Welfare and Institutions Code](#) may be committed.

Cisgender - A person whose gender identity corresponds to the gender the person was assigned at birth.

Clergy - Persons ordained for religious duties.

Committed - Placed in a jail or juvenile facility pursuant to a court order for a specific period of time, independent of, or in connection with, other sentencing alternatives.

Contraband - Any object, writing, or substance that the possession of which would constitute a crime under the laws of the State of California, pose a danger within a juvenile facility, interfere with the orderly day-to-day operation of a juvenile facility, or violate facility rules.

Title 15, § 1302
§ 1302. Definitions.

Control room - A continuously staffed secure area within the facility that contains staff member responsible for safety, security, emergency response, communication, electronics, and movement.

Court holding facility for youth - A local detention facility constructed within a court building used for the confinement of youths or youths and adults for the purpose of a court appearance, for a period not to exceed 12 hours.

Culturally responsive - Considering the diverse population of a facility with regard to race, language, ethnicity, sexual orientation, gender, gender expression, immigration status, and values.

De-escalation - In regard to use of force, the use and application of efforts and techniques, including conflict resolution, to discourage, decrease, or prevent threatening, disruptive, or violent behavior.

Delivering medication - As it relates to pharmaceutical management, the act of providing one or more doses of a prescribed and dispensed medication to a youth.

Developmental disability - Applies to those persons who have a disability that originates before an individual is 18 years old, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes intellectual disability, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to intellectual disabilities or to require treatment similar to that required for individuals with intellectual disabilities. The definition of developmental disability shall not include other disabilities that are solely physical in nature.

Direct visual observation - Means by which staff members must personally see a youth's movement and/or skin. Audio/video monitoring and mirrors may supplement but not substitute for direct visual observation.

Direct visual supervision - Circumstance when staff are constantly in the presence of the youth. Audio/video monitoring and mirrors may supplement but not substitute for direct visual supervision.

Dispensing - As it relates to pharmaceutical management and pursuant to the [Section 4024 of the Business and Professions Code](#), the placing of one or more doses of a prescribed medication into containers that are correctly labeled to indicate the name of the youth, the contents of the container, and all other vital information.

Disposal - As it relates to pharmaceutical management, the destruction of medication or its return to the manufacturer or supplier on its expiration date or when retention is no longer necessary or suitable (e.g., upon youth discharge from the facility) or the provision of medication to the patient upon discharge.

DNA (deoxyribonucleic acid) - A chromosomal double-stranded molecule that exists in each living cell. DNA determines an individual's hereditary characteristics and can be used to distinguish and identify an individual from another person. This becomes critical when blood, hair, skin, or any other part of the body is used to prove one's involvement or lack of involvement in a crime scene.

Title 15, § 1302
§ 1302. Definitions.

Emergency - A significant disruption of normal facility procedure, policy, or operation caused by civil disorder, a single incident of mass arrest of youths, or natural disasters such as flood, fire, or earthquake; and that requires immediate action to avert death or injury and to maintain security.

Executive director - The executive director of the Board of State and Community Corrections.

Exercise - An activity that requires physical exertion of the large muscle groups.

Exigent - A description for an event or other circumstance that is urgent, unanticipated, and requires immediate action.

Facility administrator - The chief probation officer, sheriff, marshal, chief of police, or other official charged by law with administration of the facility.

Facility manager – The director, superintendent, police or sheriff commander, or other person in charge of the day-to-day operation of a facility holding youth.

Filing date - The date a request for an appeal hearing is received by the executive director of the Board.

Food - Any nourishing substance that is eaten, drunk, or otherwise taken into the body to sustain life, provide energy, and/or promote growth.

504 plan - A written educational plan developed by a group of educators, administrators, parents, and other relevant participants that addresses the needs of a student with a physical or mental impairment that may substantially limit major life activities, including but not limited to caring for oneself, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning as defined under Section 504 of the Rehabilitation Act of 1973.

Furlough - The conditional or temporary release of a youth from the facility.

Gender expression - The manner in which gender is expressed through clothing, appearance, behavior, speech, etc.

Gender identity - A person's sense of being male, female, some combination of male or female, or neither male nor female.

Gender fluidity - A gender identity that can vary over time. A gender fluid person may at any time identify as male, female, neutrois, any other non-binary identity, or some combination of identities. The person's gender can also vary at random or vary in response to different circumstances. Gender fluid people may also identify as multi-gender, non-binary, and/or transgender.

Gender nonconforming - Describes a youth whose appearance or manner does not conform to traditional masculine and feminine gender norms.

Group punishment -The act of sanctioning a group of uninvolved youths based on the actions of one or more youths. Group punishment is prohibited.

Title 15, § 1302
§ 1302. Definitions.

Health Care Administrator - The individual or agency designated with responsibility for health care policy and procedures pursuant to a written agreement, contract, or job description. The Health Care Administrator may be a physician, an individual, or a health agency.

Health care - Behavioral/medical, mental health, and dental services.

Health care clearance - A non-confidential statement that indicates to youth supervision staff members that there are no health contraindications to a youth being admitted to a facility and specifies any limitations to full program participation.

Health care provider - An individual appropriately licensed by the state and designated by contract, written agreement, or job description to have responsibility to provide preventive, curative, promotional, or rehabilitative health care in a systematic way to youths.

Hearing panel - A panel comprising three members of the Board who shall be selected by the chair at the time an appeal is filed. A fourth member may be designated as alternate. Members designated to the hearing panel shall not be employed by, or be citizens of, the county or city submitting an appeal.

Human trafficking - The trade of humans, most commonly for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the benefit of the trafficker or others.

Individual Education Program (IEP) - A written statement for each individual with exceptional needs that is developed, reviewed, and revised in a meeting in accordance with the [Section 56345 of the Education Code](#) and applicable federal laws and regulation.

Intersex - Describes a youth whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female.

Juvenile facility - A juvenile hall, ranch or camp, forestry camp, regional youth education facility, boot camp, or special-purpose juvenile hall.

Juvenile hall - A county facility designed for the reception and care of youths detained in accordance with the provisions of this subchapter and the juvenile court law.

Labeling - As it relates to pharmaceutical management and pursuant to [Sections 4076 and 4076.5 of the Business Professions Code](#), means the act of preparing and affixing an appropriate label to a medication container.

Legend drugs - Any drugs defined as “dangerous drugs” under [Chapter 9, Division 2, Section 4022 of the Business and Professions Code](#). These drugs bear the legend, “Caution Federal Law Prohibits Dispensing Without a Prescription.” The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex (LGBTQI) - A diversity of sexuality and gender identity-based cultures. It may be used to refer to anyone who is non-heterosexual or non-cisgender, instead of exclusively to people who are lesbian, gay, bisexual, or transgender. To recognize this inclusion, the letter “Q” is for those who identify as queer or are questioning their sexual identity. The letter “I” stands for intersex, which is defined above.

Title 15, § 1302
§ 1302. Definitions.

Linguistically appropriate - Delivered in a manner that effectively communicates with persons of limited English proficiency, those who have low literacy or are not literate, and individuals with disabilities.

Living unit - A self-contained unit containing locked sleeping rooms, single- and double-occupancy sleeping rooms, or dormitories, dayroom space, water closets, wash basins, drinking fountains, and showers commensurate to the number of youths housed. A living unit shall not be divided in a way that hinders direct access, supervision, immediate intervention, or other action if needed.

Local health officer - The licensed physician who is appointed by the Board of Supervisors pursuant to [Section 101000 of the Health and Safety Code](#) to carry out duly authorized orders and statutes related to public health within the physician's jurisdiction.

Meal - The food served and eaten, especially at one of the customary or regular occasions for eating during the day, such as breakfast, lunch, or dinner.

Minor - A person younger than 18; includes individuals whose cases are under the jurisdiction of the adult criminal court.

Non-school day - A day when school is not in operation. It also applies when an individual youth is both not enrolled in school and not required to be in attendance.

Notice of decision - A written statement by the executive director of the Board that contains the formal decision of the executive director and the reason for that decision.

On-site health care staff members - Licensed, certified, or registered health care staff members who provide regularly scheduled health care services at the facility pursuant to a contract, written agreement, or job description. It does not extend to emergency medical staff members or other health care staff members who may be on-site to respond to an emergency or an unusual situation.

Over-the-counter (OTC) drugs - As it relates to pharmaceutical management, these are medications that do not require a prescription (non-legend).

Pilot project - An initial short-term method to test or apply an innovation or concept related to the operation, management, or design of a juvenile facility, jail, or lockup pursuant to an application to, and approval by, the Board.

Podular design - A design concept for detention facilities in which housing cells, dormitories, or sleeping rooms are positioned around the perimeter of a common dayroom, forming a housing/living unit. Generally, the majority of services for each housing/living unit (such as dining, medical exam/sick call, programming, school, etc.) occur in specified locations within the unit.

Post-dispositional youth - A youth detained in a facility after a dispositional order by the court.

Procurement - As it relates to pharmaceutical management, means the system for ordering and obtaining medications for facility stock.

Title 15, § 1302
§ 1302. Definitions.

Proposed decision - A written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on an appeal.

Prostheses - Artificial devices to replace missing body parts or to compensate for defective bodily function. Prostheses are distinguished from slings, crutches, or other similar assistive devices.

Psychotropic medication - Those drugs that are used to treat psychiatric symptoms. Drugs used to reduce the toxic side effects of psychotropic medications are not included.

Rated capacity - The number of beds approved by the Board that can be utilized by a juvenile facility based on the design requirements of Title 24, Part 1, Article 2, Section 13-201(c)6 of the California Code of Regulations.

Reasonable and necessary force - The amount and type of force that an objective, similarly trained, experienced, and competent youth supervision staff member, who if faced with similar facts and circumstances, would consider necessary and reasonable to ensure the safety and security of youths, staff members, others, and the facility.

Recreation - The youth's free time to choose from activities that occupy the attention and offer the opportunity for relaxation. Such activities may include ping-pong, TV, reading, board games, and letter writing.

Regional facility - A facility serving two or more counties bound together by a memorandum of understanding or a joint powers agreement identifying the terms, conditions, rights, responsibilities, and financial obligations of all parties.

Remodeling - The act of altering the facility structure by adding, deleting, or moving any of the building's components, thereby affecting any of the spaces specified in Title 24, Section 460A.

Repackaging - As it relates to pharmaceutical management, means transferring medications from the original manufacturers' container to another properly labeled container.

Request for appeal hearing - A clear written expression of dissatisfaction about a procedure or action taken, requesting a hearing on the matter, and filed with the executive director of the Board.

Responsible Physician - The physician who is appropriately licensed by the state and is designated by contract, written agreement, or job description to have responsibility for policy development in medical, dental, and mental health matters involving clinical judgments. The Responsible Physician may also be the Health Care Administrator.

Restraint devices - Includes any devices that immobilize a youth's extremities and/or prevent the youth from being ambulatory.

Room confinement - The placement of a youth in a locked room with minimal or no contact with persons other than correctional facility staff members and attorneys. Room confinement does not include confinement of a youth in a locked single-person room for brief periods as may be necessary for required institutional operations.

Room extraction - The forceful removal of a youth from a room.

Title 15, § 1302
§ 1302. Definitions.

Security glazing - A glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

Separation - Limiting a youth's participation in regular programming for a specific purpose.

Sexual abuse - Sexual activity or voyeurism by one or more persons upon another person who does not consent, is unable to refuse, or is coerced into the act by manipulation, violence, or by overt or implied threats.

Sexual orientation - A person's emotional, romantic, and sexual attraction for members of the same, opposite, or both genders.

Shall - Is used to express something that is mandatory; "may" is permissive.

Snack - A small portion of food, drink, or a light meal, especially one consumed between regular meals.

Sole supervision - The independent supervision of one or more youths by youth supervision staff members who have successfully completed Juvenile Corrections Officer Core Training.

Special-purpose juvenile hall - A county facility used for the temporary confinement of a youth, not to exceed 96 hours, prior to transfer to a full-service juvenile facility or release.

Special visits - Visits by persons other than parents or guardians, those standing in loco parentis, and children of the youth, as outlined in Section 1374 of these regulations.

Status offender - A minor alleged or adjudged to be a person described in [Section 601 of the Welfare and Institutions Code](#).

Storage - As it relates to pharmaceutical management, means the controlled physical environment used for the safekeeping and accounting of medications.

Supervisory staff member - A staff member whose primary duties may include but are not limited to scheduling and evaluating subordinate staff members, providing on-the-job training, making recommendations for promotion, hiring and discharging subordinate staff members, recommending disciplinary actions, and overseeing subordinate staff member work. Supervisory staff members may be included in the youth-to-supervision staff member ratio when performing duties of direct youth supervision.

Transgender youth - Means a youth whose gender identity (i.e., internal sense of feeling male or female) is different from the youth's assigned sex at birth.

Trauma - An experience that causes intense physical and psychological stress reactions. It can refer to a single event, multiple events, or a set of circumstances that is experienced by an individual as physically and emotionally harmful or threatening and that has lasting adverse effects on the individual's physical, social, emotional, cognitive, or spiritual well-being.

Trauma-informed approaches - Policies, practices, and procedures that ensure that all parties involved recognize and respond appropriately to the impact of traumatic stress and ensure the physical and psychological safety of all youths, family members, and staff members.

Title 15, § 1302
§ 1302. Definitions.

Trauma-informed care - An organizational structure and system framework that involves understanding, recognizing, and responding to traumatic stress reactions and the effects of all types of trauma. Trauma-informed care also emphasizes raising awareness and providing resources about trauma and the impact of trauma on youths, family members, and staff members.

Trauma reminder - Something that reminds a person of a traumatic event or loss and can lead to fear, panic, agitation, numbness, physiological arousal, or other traumatic stress reactions.

Traumatic stress - Stress that occurs when youths are exposed to traumatic events and this exposure overwhelms their ability to cope.

Un-enrolled - Term for when an individual youth is not enrolled in school.

Use of force - An immediate means of overcoming resistance and controlling the threat of imminent harm to self or others.

Voyeurism - An invasion of privacy of a youth by another individual during private activities such as using the toilet or undressing, or by staff members for reasons unrelated to official duties, such as peering at a youth who is using a toilet in his or her room to perform bodily functions; requiring the youth to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a youth's naked body or of a youth performing bodily functions. Exceptions would include exigent circumstances or when such viewing is incidental to routine room safety checks.

Youth - Any person who is in the custody of the juvenile facility. This person may be a minor younger than 18 or a person over the age of 18. This includes persons whose cases are under the jurisdiction of the juvenile court and persons whose cases are under the jurisdiction of the adult court.

Youth supervision staff member - A juvenile facility staff member whose duty is to supervise the youth. Administrative, supervisory, food services, janitorial, or other auxiliary staff members are not considered youth supervision staff members.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment filed 1-11-2001; operative 2-10-2001 (Register 2001, No. 2).
3. Amendment filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).
4. Amendment of section filed 6-18-2007 including agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
5. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).

Title 15, § 1302
§ 1302. Definitions.

6. Amendment filed 11-14-2018; operative 1-1-2019 (Register 2018, No. 46).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1302, 15 CA ADC 1302.

**15 CCR § 1311 Emergency Suspension
of Standards or Requirements.pdf**

15 CCR § 1311

§ 1311. Emergency Suspension of Standards or Requirements

Nothing contained herein shall be construed to deny the power of any Facility Manager to temporarily suspend any standard or requirement herein prescribed in the event of any emergency that threatens the safety of a local juvenile facility, youth, staff member, or the public. Only such regulations directly affected by the emergency may be suspended. The Facility Manager shall notify the Board in writing in the event that such a suspension lasts longer than three days. In no event shall a suspension continue more than 15 days without the approval of the chairperson of the Board for a time specified by the chair.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
3. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49). This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1311, 15 CA ADC 1311.

15 CCR § 1303 Pilot Projects.pdf

Title 15, § 1303
§ 1303. Pilot Projects.

- (a) The Board of State and Community Corrections may, upon application of a city, county, or city and county, grant pilot project status to a program, operational innovation, or new concept related to the operation and management of a local juvenile facility. An application for a pilot project shall include, at a minimum, the following information:
- (1) The regulations which the pilot project shall affect.
 - (2) Any lawsuits brought against the applicant local juvenile facility, pertinent to the proposal.
 - (3) A summary of the “totality of conditions” in the facility or facilities, including but not limited to:
 - (A) Program activities, exercise, and recreation.
 - (B) Adequacy of supervision.
 - (C) Types of youth affected .
 - (D) Classification procedures.
 - (4) A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary, and why the particular approach was selected.
 - (5) The projected costs of the pilot project and projected cost savings to the city, county, or city and county, if any.
 - (6) A plan for developing and implementing the pilot project, including a timeline where appropriate.
 - (7) A statement of how the overall goal of providing safety to staff members and youths shall be achieved.
 - (8) Documentation of community outreach, engagement, or public notice regarding application.
- (b) The Board may consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application, and staff member recommendations.
- (c) Within 10 working days of receiving the application, the Board staff shall notify the applicant in writing that the application is complete and accepted for filing, or that the application is being returned as deficient. When the application is returned, the applicant will be notified of the specific additional information that is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the proposed pilot project actually meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time, and location of the meeting at which the application shall be considered.

Title 15, § 1303
§ 1303. Pilot Projects.

- (d) When an application for a pilot project is approved by the Board, Board staff shall notify the applicant in writing, within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the Board. The Board may extend time limits for pilot projects for good and proper purpose.
- (e) If the application is disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, of the reasons for disapproval. This application approval process may take up to 90 days from the date a complete application is received.
- (f) Pilot project status granted by the Board shall not exceed 12 months after its approval date. When deemed to be in the best interest of the applicant, the Board may extend the expiration date. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance. The pilot project shall be granted an automatic extension of time to operate the project pending the Board's consideration of an alternate means of compliance.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
3. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).
4. New subsection (a)(8) filed 11-14-2018; operative 1-1-2019 (Register 2018, No. 46).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1303, 15 CA ADC 1303.

15 CCR § 1304 Alternate Means of Compliance.pdf

15 CCR § 1304
§ 1304. Alternate Means of Compliance.

- (a) An alternate means of compliance is the long-term method used by a local juvenile facility/system, approved by the Board of State and Community Corrections, to encourage responsible innovation and creativity in the operation of California's local juvenile facilities. The Board may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations either after the pilot project process has been successfully evaluated or upon direct application to the Board. The city, county, or city and county shall present the completed application to the Board no later than 30 days prior to the expiration of its pilot project, if needed.
- (b) Applications for alternate means of compliance shall meet the spirit and intent of improving facility management, shall be equal to, or exceed the intent of, existing standard(s), and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:
 - (1) Any lawsuits brought against the applicant local facility, pertinent to the proposal.
 - (2) A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (A) Program activities, exercise, and recreation
 - (B) Adequacy of supervision
 - (C) Types of [youth] affected
 - (D) Classification procedures
 - (3) A statement of the problem the alternate means of compliance is intended to solve, how the alternative shall contribute to a solution of the problem, and why it is considered an effective solution.
 - (4) The projected costs of the alternative and projected cost savings to the city, county, or city and county, if any.
 - (5) A plan for developing and implementing the alternative, including a timeline where appropriate.
 - (6) A statement of how the overall goal of providing safety to [staff members] and [youths] was or would be achieved during the pilot project evaluation phase.
 - (7) Documentation of community outreach, engagement, or public notice regarding application.
- (c) The Board may consider applications for alternate means of compliance based on the relevance and appropriateness of the proposed alternative, the applicant's history of compliance/noncompliance with regulations, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, if applicable, and [staff member] recommendations.
- (d) Within 10 working days of receipt of the application, Board staff shall notify the applicant in writing that the application is complete and accepted for filing, or that the application is being returned as deficient. If the application is returned, the applicant will be notified of what specific additional information is needed. This does not preclude the Board members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application shall be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the Board to the applicant shall also include the date, time, and location of the meeting at which the application shall be considered.

15 CCR § 1304
§ 1304. Alternate Means of Compliance.

- (e) When an application for an alternate means of compliance is approved by the Board, Board staff shall notify the applicant in writing within 10 working days of meeting any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. Regular progress reports and evaluative data as to the success of the alternate means of compliance shall be submitted by the applicant. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.
- (f) The Board may revise the minimum standards during the next biennial review based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, or city and county may continue to operate under this status as long as they meet the terms of this regulation.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
3. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).
4. New subsection (b)(7) filed 11-14-2018; operative 1-1-2019 (Register 2018, No. 46).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1304, 15 CA ADC 1304.

15 CCR § 1310 Applicability of Standards.pdf

15 CCR § 1310

§ 1310. Applicability of Standards.

All standards and requirements contained herein shall apply to any county, city and county, or joint juvenile facility that is used for the confinement of youths.

- (a) Juvenile halls, camps, ranches, forestry camps, and boot camps shall comply with all regulations.
- (b) Special-purpose juvenile halls shall comply with all regulations except the following:
 - 1. 1322(c): Youth Supervision Custody/Staff Member Orientation and Training.
 - 2. 1370: Youth Educational Services.
 - 3. 1415: Youth Health Education.
 - 4. 1464: Food Services and Supervision.
 - 5. 1481: Special Clothing.
 - 6. 1488: Hair Care Services.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

- 1. New article 2 (sections 1310-1314) and section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
- 2. Amendment filed 1-11-2001; operative 2-10-2001 (Register 2001, No. 2).
- 3. Amendment of first paragraph and subsections (a) and (b) and repealer of subsections (c)-(f) filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).
- 4. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49). This database is current through 10-22-21 (Register 2021, No. 43), 15 CCR 1310, 15 CA ADC 1310.

**15 CCR § 1313 County Inspection and
Evaluation of Building and Grounds.pdf**

15 CCR § 1313

§ 1313. County Inspection and Evaluation of Building and Grounds.

On an annual basis, or as otherwise required by law, each juvenile Facility Manager shall obtain a documented inspection and evaluation from the following:

- (a) The county building inspector or person designated by the Board of Supervisors to approve building safety.
- (b) The fire authority having jurisdiction, including a fire clearance as required by [Section 13146.1\(a\) and \(b\) of the Health and Safety Code](#).
- (c) The local health officer, inspection in accordance with [Section 101045 of the Health and Safety Code](#).
- (d) The county superintendent of schools on the adequacy of educational services and facilities as required in [15 CCR 1370](#).
- (e) The juvenile court as required by [Section 209 of the Welfare and Institutions Code](#).
- (f) The Juvenile Justice Commission as required by [Section 229 of the Welfare and Institutions Code](#) or Probation Commission as required by [Section 240 of the Welfare and Institutions Code](#).

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment filed 1-11-2001; operative 2-10-2001 (Register 2001, No. 2).
3. Amendment of subsections (c) and (f) filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).
4. Amendment of first paragraph and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).

This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1313, 15 CA ADC 1313.

**15 CCR § 1312 Juvenile
Criminal History Information.pdf**

15 CCR § 1312

§ 1312. Juvenile Criminal History Information

Such juvenile criminal history information as is necessary for conducting facility inspections as specified in [Section 209 of the Welfare and Institutions Code](#) shall be made available to the Board of State and Community Corrections staff. Such information shall be held confidential except that published reports may contain such information in a form that does not identify an individual.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Sections 204.5](#) and [209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
3. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1312, 15 CA ADC 1312.

15 CCR § 1300 Severability.pdf

15 CCR § 1300
§ 1300. Severability

If any article, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Board of State and Community Corrections, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of these regulations.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New subchapter 5 (articles 1-15), article 1 (sections 1300-1304) and section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
3. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49). This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1300, 15 CA ADC 1300.

15 CCR § 1314 Appeal.pdf

15 CCR § 1314

§ 1314. Appeal.

The appeal hearing procedures are intended to provide a review concerning the Board application and enforcement of standards and regulations governing juvenile facilities. A county, city, city and county, or joint juvenile facility may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion that may occur concerning the proper application of regulations or procedures.

(a) Levels of appeal

(1) There are two levels of appeal:

(A) Appeal to the executive director.

(B) Appeal to the Board.

(2) An appeal shall first be filed with the executive director.

(b) Appeal to the executive director

(1) If a county, city, city and county, or joint juvenile facility is dissatisfied with an action of the Board staff, it may appeal the cause of the dissatisfaction to the executive director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.

(2) The appeal shall be in writing and:

(A) State the basis for the dissatisfaction.

(B) State the action being requested of the executive director.

(C) Attach any correspondence or other documentation related to the cause for dissatisfaction.

(c) Executive director appeal procedures

(1) The executive director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days except in those cases where the appellant withdraws or abandons the appeal.

(2) The procedural time requirement may be waived with the mutual consent of the appellant and the executive director.

(3) The executive director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant sources of information deemed appropriate.

(d) Executive director's decision. The decision of the executive director shall be in writing and shall provide the rationale for the decision.

(e) Request for appeal hearing by Board.

15 CCR § 1314

§ 1314. Appeal.

(1) If a county, city, city and county, or joint juvenile facility is dissatisfied with the decision of the executive director, it may file a request for an appeal hearing with the Board. Such appeal shall be filed within 30 calendar days after receipt of the executive director's decision.

(2) The request shall be in writing and:

(A) State the basis for the dissatisfaction.

(B) State the action being requested of the Board.

(C) Attach any correspondence related to the appeal from the executive director.

(f) Board hearing procedures

(1) The hearing shall be conducted by a hearing panel designated by the chairman of the Board at a reasonable time, date, and place, but not later than 21 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing no fewer than seven days prior to the hearing.

(2) The procedural time requirements may be waived with mutual consent of the parties involved.

(3) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing, or the matter is continued for what is determined by the hearing panel to be good cause.

(4) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information as may be deemed appropriate.

(5) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, shall be accepted. Hearings shall be tape recorded.

(6) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

(g) Board decision

(1) The Board, after receiving the proposed decision, may:

(A) Adopt the proposed decision.

(B) Decide the matter on the record with or without taking additional evidence.

(C) Order a further hearing to be conducted if additional information is needed to decide the issue.

15 CCR § 1314

§ 1314. Appeal.

- (2) The Board decision or notice of a new hearing ordered, notice of decision, or other such actions shall be mailed or otherwise delivered by the Board to the appellant.
- (3) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for a decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
- (4) The Board's decision shall be final.

Note: Authority cited: [Sections 210](#) and [885, Welfare and Institutions Code](#). Reference: [Section 209, Welfare and Institutions Code](#).

HISTORY

1. New section filed 3-6-97; operative 4-5-97 (Register 97, No. 10).
2. Amendment filed 1-11-2001; operative 2-10-2001 (Register 2001, No. 2).
3. Amendment of first paragraph filed 6-23-2003; operative 7-23-2003 (Register 2003, No. 26).
4. Amendment of section filed 6-18-2007 for agency name change pursuant to [Section 6024, Penal Code](#); operative 7-18-2007 (Register 2007, No. 25).
5. Amendment of section and note filed 12-2-2013; operative 4-1-2014 (Register 2013, No. 49).
This database is current through 10-22-21 (Register 2021, No. 43)
15 CCR 1314, 15 CA ADC 1314.

Fresno County Probation Department Juvenile
Justice Campus Policy Manual (NEW)

NEW JJC Policy Manual

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